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L@nyls.edu
The Student Bar Association and New York Law School Present

The **1999 Barristers' Ball**

Saturday, April 17, 1999

**Tavern on the Green**

8:00pm until midnight  
hot & cold appetizers, buffet dinner & desert, 4 hours of premium open bar, d.j.

Price also includes an after hours event at:

**The China Club**

 Midnight until closing  
Includes VIP entrance and free admission (normally $20)

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<td>$50 NYLS students</td>
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<td>$75 non-students</td>
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Please note that only 450 tickets are subsidized by SBA and NYLS. Tickets sold thereafter will be at the full price of $90.00.

Please plan ahead! Buy your tickets as soon as possible for the greatest New York Law School event of the year!

Tickets available at the SBA office (cash/check) and the Office of Student Life (cash/check/charge)

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**Deadline for the March Issue:**

**Friday, February 19**

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**GENERAL STAFF MEETING**

**Thursday February 17 @ 1:00 p.m**

Room L2 (located in the NYLS Student Center Basement)

Refreshments will be provided.

All are welcome to attend, especially those who have contributed to this issue as well as those considering writing for us in the future....
City Law Breakfast Draws Crowd

In Mendik's Absence, Talk of the City's other Y2K problem

Eddie Westfield
Managing Editor

Over one-hundred and twenty people attended the Janu­
ary 22d City Law Breakfast held in the Stiefel Reading Room to
hear Bernard H. Mendik, NYLS
charity. The theme for the breakfast was wonderful. More peo­
pole should come.

Say It Ain’t So, Joe

Joyce Satalamcha
Professor of Law

While watching a Dateline NBC interview of Golden Globe
nominees last January, Saturday, 24, 1999 at around 7:30 p.m., I
noticed a news bulletin in the fa­
miliar “crawl” style at the bot­
tom of the screen announcing that baseball legend Joe DiMaggio
died at his home in Florida. I
was saddened to see this but not
surprised since, for several
months, news reports had been
tracing his precarious health and,
only that morning, there had been
a report that his condition was
stable. While I wasn’t surprised at
the announcement of his death, I
was extremely surprised to see
another baseball legend Joe DiMaggio’s death was incorrect
and that he was in stable condi­
tion.

The following day, newspa­
papers and wire services report­
ed that DiMaggio, who had been breath­ing through a ventilator, had seen
this erroneous report and was “livid” at the mistake. His wife was
with him at the time and he
had only been recently visited by
family members, so there was lit­
tle chance that anyone in the fam­
ily had been misled by the initial
report, although many had appar­
tently seen it.

This incident reminded me
of a similar story that had oc­
curred last year. On June 5, 1998,
while upping a prank, the obituary
of Bob Hope, an Associ­
ad Press reporter made a
technical computer coding error
which sent the obituary to AP’s
web page. The error was noticed
and the obituary was pulled after
20 minutes but not before a staff
employee of House Majority
Leader Dick Armey (R-Texas)
read it and reported it to his boss
who then gave it to another Con­
gress member to report it to the
entire House of Representatives.
Members of Congress then fell
over themselves reading testimo­
nials into the Congressional
Record. Reuters wire service
beamed the story around the
world, and ABC News broke into
its regular broadcast to air its own
ready-to-go obituary. Hearing of
the news, the Hope family called
the wire services to refuse the sto­
ries. Apologies abound and edi­
torialists decried the pernicious
effects of computer technology.

Joe DiMaggio

As a Torts teacher, I am al­
ways on the lookout for weird and
interesting liability situations.
The natural question here was to
wonder what recovery DiMaggio
or Hope or their family members
would have for such an obvious
and distressing error. Mistakes
happen of course, but what are the
legal implications when a false
report of someone’s death is an­
nounced by the broadcast media?
The obvious cause of ac­tion
that springs to mind would be
based on some form of emo­
tional distress claim. Since the
occurrence was based on an er­
or or a mistake, the claim must
be established in negligence. While the more modern forms of
emotional distress we based on
fear for one’s own safety (“the
zone of danger” line of cases) or

There are numerous cases
which have attempted to use “me­
dia publishers” for erroneous
obituary notices. When the plain­
tiff is the person whose death has
wrongly been reported, the courts have uniformly denied recovery
if the false fact said was
the report of the death. Since
these cases must be brought un­
der a theory of libel, privacy or
malicious prosecution (After all,
the plaintiff knows he or she is
still alive, so is unlikely to be mis­
lead about the fact of death itself.)
courts feel that the false death
report by itself does not harm a
person’s reputation. Liability has

continued on page 9
Of Snobs,

The litigation snob loves to poke fun at the corporate lawyer who has never done "real legal work," whereas the corporate snob completely undervalues litigation experience in the corporate context. In actuality, both disciplines have respectively exclusive idiosyncrasies, however, litigation experience is a wonderful tool in the corporate world and vice versa.

An attorney should not litigate at a Closing, and the corporate attorney negotiates differently than a litigator. However, an experienced litigator practices corporate law with the advantage of hindsight. She knows what can go wrong, and attempts to prevent it from happening by doing extensive work during the deal. A sophisticated corporate attorney, on the other hand, understands the intricate inter-workings of the corporation and may bring that know-how to the worst-case scenario litigation.

As the legal profession recognizes this phenomenon, the demand for inter-disciplinary attorneys will increase.

...Cynics, and Idealists

Litigation cynics see their world as a labyrinth-like paper-pushing formulaic contest with basic steps, tricks, and loopholes which change only with the procedural rules of the particular venue. The courtroom and occasional deposition provides a nice break in the monotony, but even these experiences sour after a few years.

Litigation idealists view the entire legal process as an incredible opportunity to participate in the evolution of law and society. The courtroom is the apex of this experience, because it is the public forum where the idealist creates, debates, and communicates.

Corporate cynics, on the other hand, view their work as an endless string of documents and concepts which rarely vary and continually flow in a bureaucratic rhythm. The occasional pushy client or shady adversary feeds these individuals' cynicism, as does the Closing, where all parties act like they have to leave from the moment they walk into the conference room.

Corporate idealists see their job as an opportunity to build with ideas and creatively foster connections between parties and entities. Some consider corporate law a reflection of the essential threads of society and communication. The tediousness of document revision pairs in comparison to the significance of their work and the deal-toy trophies which decorate their offices.

"Who maintains the correct perspective?" is the question I pose to you all.

This is Your Paper

Some people might feel that the school newspaper is a closed group of certain individuals expressing an uneducated unilateral viewpoint ignorant of any implications or consequences of what is printed. Others are of the opinion that a student newspaper is a fertile breeding ground for misspelling, poor grammar, and a lack of professionalism. In fact, some people are surprised to learn that a NYLS student newspaper exists. The L is here to change all that.

Allow me to introduce myself. My name is Eddie, and I get to put this paper together. I have no hidden agenda and no steadfast beliefs that I deem print-worthy. In fact, I have nothing interesting or worthwhile to say. Therefore, you will never read anything written by me that is one-sided or of poor quality (except maybe this editorial).

What belongs in this paper? Well, we like to call the L "the voice of the New York Law School Community," because the L stands for you, the Law Student. (It is the place to turn to for things which concern you and your fellow NYLS Law Students.) This paper serves as a forum where everybody has a chance to voice their concerns, exchange ideas, obtain feedback, and keep informed. The L is your paper and it requires your feedback.

Our email address sits on the front page and appears throughout for a reason. Contact us. Contribute. Become a part of this. We are waiting to hear from you.

Lastly, we would like to thank everyone who has contributed to this issue, and we especially extend thanks to Sally Harding in The Office of Student life and Yvonne Hudson in the Office of Public Affairs for all their support. Enjoy the rest of this issue.

Deadline for the March Issue

Friday, February 19
Course Selection: A Guide for 1L's

As you know, the Faculty has recently made Evidence a required course. Had it not been for the fact that I would have included evidence as one of these "foundation courses," I would have included it as a prerequisite for many other mandatory courses.

Administrative Law
Commercial Transactions
Corporations
Wills, Trusts and Future Interests

Writing

As many writing experiences as you can manage: paper courses, seminars, independent research papers, journals, etc. I will say more about writing below.

4 WRITING/RESEARCH

The last (and two of the most critical) curricular areas I want to address are writing and research. First writing: There is no more important skill for a lawyer to develop than the ability to write clearly, logically, and persuasively. A lawyer is, after all, a professional writer. Unfortunately, most students consider writing of secondary importance in law school. In fact, ironically, those students who need the most help with their writing are often the very students who deliberately avoid taking "writing" courses. I urge you not to make this mistake. Make every effort to practice and improve your writing skills while still in law school.

NYLS provides many opportunities for you to write, including: (1) memberships on student journals; (2) seminars and paper courses; (3) independent studies (research papers, under the supervision and direction of faculty members); (4) one or more of the advanced legal writing courses, which are often the most help with their writing are often the very students who deliberately avoid taking "writing" courses. I urge you not to make this mistake. Make every effort to practice and improve your writing skills while still in law school.

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GET TO KNOW US!
L@nyls.edu
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L@nyls.edu
L@nyls.edu
L@nyls.edu
Think you can do whatever you want with your body? Think again.

Reproductive rights are under attack. The Pro-Choice Public Education Project. It's pro-choice or no choice.

1-888-253-CHOICE or www.protectchoice.org
Love and Violence

Jessica F. Vasquez

Domestic Violence Project

More women in New York City are killed by their husbands or boyfriends in domestic violence attacks than by any other crime. Domestic violence occurs at all levels of society and in all classes and communities, regardless of the victim's social, economic, or cultural background. Domestic violence takes many forms, ranging from emotional, psychological, and economic abuse to rape and homicide; from refusing to let a woman out of her house to taking away all of her money, and from a slap across the face to a death-threat if she refuses to have sex with her abuser.

Historically, the abuse of a wife by her husband was socially accepted and condoned by the government. In 19th Century England, husbands were not punished for murdering their wives, while in the United States a husband was allowed to physically "discipline" his wife without fear of prosecution for assault and/or battery. Moreover, a husband could beat his wife with a "stick no bigger than his thumb." That is the origin of the colloquial expression "rule of thumb."

During the last 20 years, societal attitudes towards domestic violence have changed. After the first domestic violence shelter opened in 1974, the demand for shelters and resources for survivors of domestic violence has increased. Domestic violence is no longer considered a private issue. Many public and private services are available for survivors. If you know someone who is being abused, don't ignore her needs and let her know that services are available. Most of all, emphasize that love does not equal abuse.

For more information, please call 1-800-621-HOPE for the New York City Domestic Violence Hotline for referrals to legal services, shelters, and counseling and 1-800-942-6906 New York State Domestic Violence Hotline; and 1-800-942-6908 New York State Spanish Domestic Violence Hotline.

Editor's Note: I once read that in the United States, we spend three times more money on animal shelters than we do on shelters for battered women. I asked a friend of mine what she thought about Valentine's Day, and she replied, "It's good for a card or something." Then I decided to ask someone from the Legal Association of Womyn to write the above piece. I consider Jessica's forthcoming article the L's Valentines Day Card. —ed.
The post-finals party is still humming. I fucken do. You can ruin your own life, but don’t ruin everyone else’s fucking life.

I arrested a pretty junkie,” she said, “I slipped it into my sock,” she said, “I arrested a pretty junkie.” I said, “Where are you from? You have track marks from the heroin became apparent. She still wanted to be attractive. Maybe it was just a habit, putting on makeup, like the drug habit, once you start you just don’t stop. I told her to put her hands behind her back, and I cuffed her.

In my head I heard strains of music from the Neil Young Harvest Album - “I see the needle and the damage done, a little part of it in everyone, and every junkie’s like a setting sun.” I was overwhelmed by a feeling of disgust and pity, really intense pity. This girl had all the advantages: a nice house, the potential for a beautiful body, parents who loved her, enough money, and now she was probably dying of AIDS.

She started to put on makeup. I had to laugh to myself: because on the one hand she didn’t give a shit about herself and was totally controlled by drugs, yet she still wanted to be attractive. Maybe it was just a habit, putting on makeup, like the drug habit, once you start you just don’t stop. I told her to put her hands behind her back, and I cuffed her.

In my head I heard strains of music from the Neil Young Harvest Album - “I see the needle and the damage done, a little part of it in everyone, and every junkie’s like a setting sun.” I was overwhelmed by a feeling of disgust and pity, really intense pity. This girl had all the advantages: a nice house, the potential for a beautiful body, parents who loved her, enough money, and now she was probably dying of AIDS.

She would never be like her parents, our parents, or have a decent life. I was disgusted by this waste of humanity. Even though she was a hopeless junkie, her physical beauty was still apparent. A few years earlier, before I was married, I could have fallen for her. She could have been a terrific wife, mate, lover, or ‘mommy,’ if she wasn’t owned by drugs.

We took her to the station house to process her before we took her to Court in Brooklyn. I placed her in a holding cell so I could do the required paperwork. A Sergeant friend of mine came over and asked: “how’s it going, what’s up?” “I arrested a pretty junkie,” I said, “she is probably going to die soon, and if she doesn’t have AIDS now, she will soon; if she doesn’t OD first.”

Sarge went over to take a look in the cell. His eyes got really big. “John,” he said, “she’s fucking smoking Crack!” “Get the fuck outa here! You gotta be shitfing me,” I replied as I ran to the cell.

When she saw me, she grabbed the glass crack pipe out of her mouth and shattered it on the cement floor of the cell. Then she ground the remnants of the pipe into sand on floor. This all happened in about two seconds.

“Are you fucking crazy!?” I yelled at her. “Get the fuck out of the cell,” I declared, as I grabbed her arm and hauled her out of the cell.

“I told a female cop what had just happened. She grabbed Joan, took her into the women’s room, and thoroughly searched her. I went back to the cell, swept the remnants of the crack pipe, and I threw them out.

About a half hour later, George and I put her in the police car to transport her to Brooklyn. “Where the fuck did you hide the pipe?,” I yelled at her, “I’m not going to charge you with it, but I’m really pissed off, because you put my job in jeopardy. Maybe you don’t need to work, but I fucking do. You can ruin your own life, but don’t ruin everyone else’s fucking life.”

“I slipped it into my sock,” she said, “I reached into the sock drawer and just slipped it in. I couldn’t help it. I’m sorry.” Pretending to still be angry, I grunted at her. “Where are you from? You have a French last name.” “Yes,” she replied, “my family is from Normandy, I used to go over every Summer.”

“What do your parents do?,” I asked.

“They have a business in Queens,” she answered. “Business is good.” “Do you have a boyfriend?” “No.” “Do you have AIDS?” She looked down and shook her head no. Her body language told me she was lying (lying, or unsure). We bullshitted a little longer, and I told her my name, “John.” She told me that she got on drugs by hanging out and experimenting with friends. She had gone from grass, to smack, to crack.

Then she told me another story of how she got into a car accident. She really wasn’t hurt badly, but she received ninety thousand dollars in settlement. I thought to myself, “here I am scrimping every penny to save for a down payment on my house, and this girl used all that money on drugs.”

She said she got off of heroin by going on crack.

She started to nod, and as she went to sleep, a childlike innocence came over her face. You could see how beautiful she should have been, could have been, and how beautiful she was.

“Oh God,” I thought, “please don’t let this plague hurt my loved ones. And God please help this lost soul.”

I thought about her parents, sending their only child to France every year, trying to do their best, watching their daughters: the love of their lives slowly wasting away and dying. I hoped this shit never happens to my kids or to my family.

She woke up after about ten minutes, and she said: “John, I am really hungry.” I

Continued on next page
Prepare to Qualify

Deana Ardent
Staff Editor

I can clearly remember walking into the law school on that dreaded day. I was about to take my first law school exam, and I was more nervous than I can remember ever being in my life. Other students were on edge from lack of sleep and an overload of caffeine. I intended on studying more before the exam, but as I thought about it, I realized that I was only going to confuse myself at this point. I decided that if I didn’t know the material by now, a few extra library hours weren’t going to clear it up for me. When I walked into school, I ran into a fellow “teammate” who was telling me that he had been at the library since Thursday; it was Tuesday. The first thought that came to mind? “Oh my God.” Then panic set in, and it was all down hill from there...

Had I studied enough? Was I as prepared as he was? I guess only time was going to tell. By the way, I must mention that by the end exams, I was really tired of hearing people say, “I have been up for 3 days straight, studying, and I haven’t slept, ate, etc.” They were all full of shit. It became a contest; “who had slept the least?”

Everything that I had learned that semester was supposedly going to resurface in one three-hour exam (one three hour exam with 2 questions). Are you kidding me? The anxiety attack began. Not only was I going to write for three hours, but I had to make sure the professor could find a coherent, intelligent answer that told him that I understood all that he had said this semester.

Surprisingly, I noted a feeling of camaraderie among my classmates. I thought that there would be more feelings of competition, but I think that we all knew we were going down together. We had all braved the class together this semester, and we all pretty much knew that we knew nothing.

When I entered the exam room, they did everything but a body cavity search. There was a signing when you came in, when you went to the bathroom, when you left... Sure, I understand that they were trying to protect us by making sure we were who we said we were. But honestly, did they truly believe that we could find someone to take this exam for us?

As I sat waiting for the exam to be passed out, I looked all around me. Some students were laughing, and some had looks of sheer terror on their faces. I fell into the latter group. Other students, with looks of sheer terror on their faces, were staring off into space knowing that they were about to face their doom. They were shaking their heads and muttering to themselves.

When I had the exam in my hands, everything just left me. Everything that I thought I knew was gone. I was afraid to read the first question... Yet, once I did, I realized that I knew something. I began writing feverishly. Soon the time was half over, and I was half way through my first law school final. I was going at full speed, and before I knew it, I was all done. I felt accomplished.

On my way back to my apartment, I thought: “It wasn’t all that bad.” But then that wave of panic set in again and posed another probing question. “How well did I do?” It was then that I realized I learned something from this experience: Taking the exam caused less anxiety than waiting for “them” to post the results on the board. But that’s a story for another time...

The Independent Counsel Statute: Is It Necessary?

From the Point of View of Former Attorney Dick Thornburgh

Mark Demetropoulos,
Federalist Society

The Independent Counsel Statute (the “Statute”) is up for renewal in 1999. On November 11, 1998, former Attorney General of the United States (under Presidents Reagan and Bush) and twice elected governor of Pennsylvania, Dick Thornburgh visited NYLS to discuss the merits and disadvantages of the Statute in a presentation sponsored by the Federalist Society (this forum was made possible by the outstanding efforts of third year law student, Michele Peters).

Mr. Thornburgh began by outlining his opposition to the Statute. First Thornburgh explained that he was against the Statute, because he believes that it is contradictory to how a regular prosecutor functions. For example, Mr. Thornburgh explained that a prosecutor’s job is to prosecute, and this function should not be limited by the Statute. In Thornburgh’s own words, this Statute creates an “all dressed up and nowhere to go” scenario, because the Independent Counsel is limited to prosecute on one issue.

Thornburgh also believes that the Statute is over broad, because the Independent Counsel can easily petition to expand any investigation related to its ongoing investigations (into other areas). Furthermore, Thornburgh mentioned that he is against the Statute, because it makes the Independent Counsel account- able to no one. Thornburgh cited the Watergate case specifically, the “Saturday Night Massacre” (in which Nixon attempted to fire the Special Prosecutor Cox), and believes this case sets forth the notion that no attorney general will fire a Special Prosecutor or Independent Counsel because it will result in a “political nightmare.”

Thornburgh then referred to Justice Scalia’s dissent in Mitchell v. Olson, 487 U.S. 654, 711 (1988), in which Scalia stated that Congress should only appoint a special prosecutor when necessary, because such appointments should stem from an impeachment inquiry, which is a political matter. Thornburgh then paraphrased Scalia’s statement by saying “it is a scary thought” for a leader to have someone watching over his/her misdeeds.

At the end of his discussion, Mr. Thornburgh entertained questions from the audience. One audience member questioned the credibility of Starr’s report. Another questioned whether Starr had violated any ethical rules during his investigation of Ms. Lewinsky and the President. In answering the latter, Mr. Thornburgh pointed that any ethical violation on Starr’s part would have been detected by Judge Norma Johnson. In answering the former, Thornburgh asserted that the credibility of the report was determined during Starr’s testimony before the House Judiciary committee. Another question addressed the issue of whether the President lied in a civil deposition, i.e. the “definition of sex” issue. Mr. Thornburgh refused to discuss the substance of the definition, but based on his reading of the Starr Report and the President’s deposition in its entirety, Thornburgh believes that the President committed perjury.

Near the end of the question session, a person asked if Starr’s investigation could have taken place without the Statute. Thornburgh answered affirmatively, and reminded the audience that Starr replaced Robert Fiske prior to the re-instatement of the Statute. Thornburgh further noted that he would have allowed Starr’s report to stand in the face of Starr’s investigation, including illegal contributions from China.

In December 1998, the House Judiciary Committee, called Kenneth Starr to testify. After long hours of testimony, the majority of the Committee found Starr’s report credible. In late December the majority of the Independent Counsel impeached the President on two articles. As we go to press, the Senate is conducting a trial of whether to remove the President from Office. Despite disagreements people may have with Mr. Thornburgh, many of his predictions on the current state of political affairs in Washington have come true.
WELCOME BACK!

BAR/BRI IS PLEASED TO PRESENT IMPORTANT DATES FOR THE SPRING 1999 SEMESTER:

MARCH 1999 MPRE INFORMATION
- TUESDAY, FEBRUARY 2 – TIMELY FILING ($48)
- THURSDAY, FEBRUARY 18 – LATE FILING ($96)
- FRIDAY, MARCH 12 - EXAM DATE

LIVE MPRE COURSES IN NYC
- SATURDAY, FEBRUARY 20
- SUNDAY, FEBRUARY 21
  Stop by the BAR/BRI table for video location information.

LIVE CPLR COURSE IN NYC
- SATURDAY, MARCH 27
  Stop by the BAR/BRI table for video location information.

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Bar review books will be distributed to graduating students on this day!

NEW YORK BAR EXAM FILING DEADLINE: APRIL 28 NO EXTENSIONS!