Kirkpatrick, and his associates, were involved in the progress of NYLS programs and its students. As far as the two divisions are concerned the difference was not night and day as some had expected, but very large voting contingencies turned out many fine young attorneys, and it is likely that the two divisions may prove to be a reality. The professor feels however that "volume count" is an artificial criterium," "quality not quantity is what really counts and our library is already an excellent reference facility filled with all the necessary statistics, regional reporters and reference tools for the law student". The program of the library had been impeded until this year by paucity of shelf space. Now that the tenth floor has been renovated however, expansion for an additional 8,000 volumes has been provided for. Professor Simak is extremely distressed by the increased acts of vandalism. Volumes are being torn, mutilated and stolen at an incredible rate. With the presence of a reserve room and the usage of two Xerox machines at a reasonable cost. The president now admits that there is no reason why an individual cannot be turned into a professional.
New York Law School Alumni Association News

Dean's Alumni Homecoming Held At Pace On April 24

A highly successful Eleventh Annual Dean's Day-Alumni Homecoming program featured two panel sessions on which alumni and faculty members addressed the concerns of the students of New York Law School.

Each of these learned guests spoke with praise of the dedication and devotion of the late Dr. Max Reich, Professor of Law, to which Mr. Padgett said he couldn't argue.

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A Concept Of Justice

FRANKLYN SETARO, PROFESSOR OF LAW, NEW YORK LAW SCHOOL

In England, the Court of Star Chamber was marked by its arbitrary procedure, absence of jury trial, severity of sentence, absence of reasons given for its judgments, and a tribunal, in which no roll of its records were ever kept. The Court of High Commission was one of unlimited authority wherein the accused was compelled to answer a long series of questions on oath and bound to self-incrimination. The trial was so degraded that great charter of liberties, Magna Charta, which had been granted by King John some four centuries earlier. For that document read: "No free man shall be seized, imprisoned or punished except by the legal judgment of his peers and by the law of the land." The experience of these arbitrary, oppressive, and culpable courts led to the declaration of the English Bill of Rights, in the year 1689, which proclaimed: "The Commission for erecting the late Court of High Commission and Court of Star Chamber and courts and flexes of law are illegal and pernicious" and were therein abolished.

The analogies in our history had their beginning with the Mayflower Compact. This covenant by the Pilgrim Fathers, made in Pomeroy Harbor, bound themselves into a "civil body politic" to frame "just and equal laws," and to "abide by such laws as should be passed for the welfare" of what became known as the Massachusetts Bay Colony. A half a century later, the Stamp Act Congress issued the counter-part to the English Bill of Rights—a "Declaration of Rights and Grievances of the Colonists of America"—in which was claimed for themselves all the rights which the English Bill of Rights protected. A similar declaration of rights was made by the Continental Congress of 1774 to meet the

Air Pollution: Trees: Public Enemy Number One

By Arlen S. Yalkut

With all the attention and resources directed toward air pollution and pollution of the earth, the most insidious offender is still being given free rein. I refer, of course, to our nation's trees which daily inject dioxin-galactosed into the atmosphere thereby adding to our already insurmountable environmental problem. This impunity I refer to in oxycene—"the Oregon air, of the sun's rays by the sun itself. The idea is to reflect 50 per cent of the sun's heat and energy back into space to cool the earth. One of the first steps being taken is to build "cool roofs." Cool roofs have reflective paint that is made from a combination of calcium silicate, a mineral that reflects 80 per cent of the sun's rays, and a paint binder that adheres to the roof. Another approach is to use "cooling materials" such as white concrete and coated metal. These materials are able to reflect sunlight and keep buildings cooler in the summer.

The production of oxygen from the atmosphere is a critical process for life on earth. The earth's oxygen level has been declining over the past century, with a recent study estimating a 20% decrease in the past 40 years. This decline is due to human activities such as burning fossil fuels and deforestation.

In addition to the decline in oxygen levels, there is also a concern about the quality of the air we breathe. Air pollution can have serious health effects, including respiratory problems, cardiovascular disease, and even cancer.

The use of pesticides such as DDT has had the effect of eliminating the slow-flying species of insects so dependent upon oxygen for survival. Concomitantly, these species of insects, which are essential to the ecosystem, are rendered unable to breathe.

In the final analysis, trees are to be feared not for their own sake, but because of their incapacity to protect the earth's life cycle. The trees that we have now become dependent upon are not capable of providing the oxygen that we need to survive.

The idea of the Earth as a living organism has been gaining popularity in recent years. This concept suggests that the Earth is a complex biological system, much like a living organism, and that it must be treated with care and respect. In this context, the trees that we have come to rely on are a critical part of the ecosystem, and their destruction would have serious consequences.

In conclusion, the trees that we have come to rely on are a critical part of the ecosystem, and their destruction would have serious consequences. It is important for us to recognize the value of the trees that we have come to rely on, and to work to protect and preserve them for future generations.
It is not too early for Administration and Faculty to start planning for Spring Recess 1972. This year, unfortunately, administrative foot-dragging coupled with misguided legal interpretation prevented the New York Law School student body from enjoying a well-deserved reprieve from its studies. And, for many, an early opportunity to review notes or catch up on lapsed assignments at their leisure. While other Law Schools throughout the country demonstrated a commitment to strive for AALS accreditation, the year 1971 saw the students diligently looking through their class schedules with the fervent hope that classes with a 300% attendance, but feel that classes with a 300% class average, which is common practice at many law schools. This year the Moot Court Board, under the direction of Professor Nelson Rockefeller, successfully argued a case before the New York State Supreme Court. The Board has not been a failure. The governing powers of student proposals are not restricted and financially deprived students are to be treated as adults with the desirability of student un-winding, New York Law School remained on the shores of indecision and missed the proverbial boat. Again, let's start planning ahead now so that next year's classes, even larger than at present, will be able to look forward to a pleasurable, rewarding Spring Recess.

Two weeks ago four students met with the Board of Trustees. The Student Bar Association has come of age. One channel of the communication opens up to these officials of ideas results and progress follows. We commend the Board of Trustees on this warm response to these representatives of the student body.

We feel that the philosophy of "status quo" so long perpetuated by administration and students alike is dead. We hope progress may now come in the form of a joint effort of students, faculty and administration. Instead of the fibers working against the whole. Now that the students have a forum and an attentive ear to responsible suggestions we recommend to the administration's commitment to strive for AALS accreditation, but feel that classes with a 300% greater student-faculty ratio than recommended by AALS would not be a statistic to be proud of.

EQUITAS EDITORIALS

ADMINISTRATION...

And what, specifically, was the issue involved? The number of classroom hours and calendar weeks required by the New York Court of Appeals was well met by this school's academic schedule. Sec. 523.5 or IV-3 of the Court's ruling provide a proviso which includes the following: "...not less than 1152 classroom periods of 50 minutes each, exclusive of holidays, but including examinations." Sec. 523.4 or IV-4 provides: "...at least 96 calendar weeks, exclusive of holidays, but not less than 1152 classroom periods of 50 minutes each, exclusive of holidays, but includ­ing examinations." We support the administration's commitment to strive for AALS accreditation, but feel that classes with a 300% class average is common practice at many law schools. This year the new Court Board, under the direction of Professor Martin Ray Raskin, is comparable to the minimum grade from a 65 to 84 at Fordham? We think not. New York Law School is comparable to the same proportion as the students are represented on the Board. To be sure, the fact that there is such representation in the student voice should serve as an impetus to transitional measures rather than impeding them. Such diversified participation might destroy the will of the student, whose mind is impervious to dynamic and provocative alternative and who thrive on indifference to originality.

The desire of the student body to be fairly and adequately represented is not here a "p突击" attempt to create the established inequities so subtly suppressing the student voice. Rather, it is a genuine need to be treated as adults with a legitimate gripe against traditional mediocrity, but to move forward for the sake of our future and the future of New York Law School. In the words of William H. Hayes, "Things do not happen in this world—they are brought about". Now

QUOTE OF THE ISSUE

"I do fear evil for thou art against me. My enemies are to overwhelm the Administration with impetuous acts of youth. The solution is not as complex as the students are represented on the Board. To be sure, the fact that there is such representation in the student voice should serve as an impetus to transitional measures rather than impeding them. Such diversified participation might destroy the will of the student, whose mind is impervious to dynamic and provocative alternative and who thrive on indifference to originality. The desire of the student body to be fairly and adequately represented is not here a "p突击" attempt to create the established inequities so subtly suppressing the student voice. Rather, it is a genuine need to be treated as adults with a legitimate gripe against traditional mediocrity, but to move forward for the sake of our future and the future of New York Law School. In the words of William H. Hayes, "Things do not happen in this world—they are brought about".

EXPERIENCE may be permitted to know the feelings of students, faculty, trustees and alumni on a given subject is if we were to ask all our readers will drop a card or letter to the fourth floor office or pay a visit so that your suggestions may be heard. It will be a long summer. We will be here this summer.
LETTERS TO THE EDITOR

EQUITAS invites its readers to write "Letters to the Editor" on any topic relevant to the New York Law School community. The right to edit and to excerpt, to conform to space requirements is reserved. If one wishes to remain anonymous, he should sign the letter and illuminate the intent of the message. All published letters to the editor should be sent either to the Editor of EQUITAS, New York Law School, N.Y.C., N.Y., 10012, or deposited in the EQUITAS mailbox on the main floor of the law school building.

Magister's Farewell

TO THE EDITOR:

As the 1970-71 academic year comes to a close, I, and the other officers of Dwight Inn, relinquish our positions to the newly elected officers of the coming year.

These men represent strong cooperation with the Bar Association in its activities, the expected degree of apathy from within. But we have survived and still managed to accomplish our goals. We have maintained a strong, competitive, and ethical brotherhood and service to the school and to the community. We have assisted the Student Bar Association in its activities, and the Law School has been thoroughly impressed by the leadership and spirit of Dwight Inn. We wish them great success for the coming year.

Thank you,

Ed Ryan

J.A.B. Success

CONTINUED FROM PAGE ONE

Court System while at the same time sharpening their research skills.

The consensus found the clerkship practice to furnish students with an experience in research and a view of the workings of the system. All agreed that such an experience is very valuable for students who are committed to a career in law, making it possible for them to help us in the future. This is a list of headlines from last year's magazine, and each one is a story in itself. We hope you enjoy reading them as much as we enjoyed putting them together.

In Re Schnurman

The letter from Mr. Farkas (In Re Schnurman) should, by rights, be left as just so much personal invective with little or no substance but I feel compelled to answer it because it points out a number of possible failures of logic which may from time to time arise. First of all I think it is necessary to separate the question of personality from the office of SBA president. Most of the letter seems more a question of personal animosity than any question of real issues or real complaints. On the matter of personality I can only say that there is no person who can be all things to all people and no person can make a decision or administer an organization without being criticized by someone. The existence of personal animosity does not mean that there is no merit in the complaint. On the contrary, the existence of personal animosity does mean that the party making the complaint has not thought it through thoroughly enough.

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Reality House: A Step Toward Drug Rehabilitation

by Michael Macklowitz

In the center of New York City's drug center of Harlem, which has a high incidence of narcotic addiction.

It was originally staffed by a group of young idealists for three years at Elkins House (then a drug care center in East Harlem). Over half of the staff were volunteer ex-addicts and the remainder came from many disciplines of social work, vocational rehabilitation centers, and the professional community.

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**John Dugan Selected Professor Of The Year**

**Professor John R. Dugan is this year's recipient of the annual "Professor of the Year" award."** An enigmatic plague—presented to him by Ed Ryan, outgoing Magister of Dwight Inn of Phi Delta Phi legal fraternity—will hang in the law school library.

Marvin Kramer, the local chapter's "Brother of the Year," was also honored at the dinner.

May 7, 1971

New York Law School

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The newly elected officers of Dwight Inn of Phi Delta Phi legal fraternity for the '71-'72 year are: Robert McGann, President; Joe Maltese, Historian; Robert McGann, Magister; Peter Tengradi, Exchequer; Ed Ryan, Contributing Editor to EQUITAS; and Al Waldon, Vice Magister.

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**Phi Delta Phi Elects Officers For '71-'72**

Robert McGann, second-year day student, is the newly elected Magister of Dwight Inn, New York Law School's chapter of Phi Delta Phi legal fraternity. Others also elected were: Al Waldon, Vice Magister; Peter Tengradi, Exchequer; Charles Revelli, Clerk; Joe Maltese, Historian; and Vincent D'Elia, Contributing Editor to EQUITAS.

McGann, a Fordham University polsci student, expressed delight with the SBA's removal of recognition of the fraternity, but stated that he expected this problem to be solved in the near future. "The goal of this fraternity is to serve all the students—day and evening, male and female, members and non members alike. This will be raised to help the SBA with its new programs and this fraternity will initiate programs which will be both informative and entertaining."

A Waldon, a second-year evening student, police lieutenant, the married father of three, and the newly elected Law School Division representative will be instrumental in these new programs. As exchequer, Mr. Tengradi is responsible for all fraternity funds and for disbursing them, and he is also a student, which he is business manager. A resident of Riverdale, Mr. Tengradi is a graduate of Randolph MacDonough High School.

As Historian, Mr. Maltese submits articles to THE BRIEF magazine. He is a graduate of John Jay College of Criminal Justice (C.U.N.Y.) and is presently employed at the New York City's Judicial Assistant's Bureau (JAB).

Members, Maltese and Revelli (copy editor of EQUITAS) are prolific contributors to the student newspaper. Revelli is also an Army veteran officer, a narco addiction counselor and a graduate of Harvard College of the State University of New York.

Mr. D'Elia is a New Jersey

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**60,000 Volumes By '73 A Reality**

Continued from page one.

should commit such a serious offense. It implies total disregard and lack of respect for the legal system. Stating that this is not to be excused as a sophomoric act, the Professor wonders at the lack of pride and self-discipline displayed by some students. If these acts of desecration continue, it seems that a "stop and search" procedure will be instituted for the protection of the library. There is a need to use rather than abuse the facilities of the library.

Professor Simons repeatedly made the point that he and his staff are "irreplaceable." (Drummer and Leslie Kaneko) are ready, willing and most able to guide and direct the students in their devotions. That is their job and they take pride in committing themselves to the needs of the students. They will strive to cooperate with any student and his research problem. All one has to do is ask.

Professor Simons noted that library hours will most probably be extended during the period of final examinations.

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**FRATERNITY PRESIDENT PHI DELTA PHI**

By ROBERT MCGANN

Traditionally each spring, the election of new officers of DWIGHT INN is followed by the Magister's statement of objectives for the coming school year. Far too often this column is viewed as having an interest exclusive to fraternity membership. I hope that the directions outlined here will set the fraternity on a course toward the mutual benefit of member and non-member alike. It is only in this spirit, that any organization may merit student support. It would be a mistake to present an account of our status today upon tradition alone—no matter how honorable that tradition is. It would be an error of judgment to enlist student approval by citing the Dinner-Dance as the justification of our existence.

We live in an age where "relevance" is becoming the yardstick of value. The concept of a fraternity cannot exist without scrutiny. It should not. Last year when I decided to join DWIGHT INN, what appealed to me was that Phi Delta Phi was a "legal fraternity." This presupposes the connotation that membership transcends all previous concepts of college level fraternity existence. It provided a point of contact beyond the classroom for persons with a common career objective. I am thankful for the friendships made through DWIGHT INN and I value the opportunities to work with students from other classes.

It can be no dialogue regarding the value of this fraternity without discussing the issue of membership for women. It is unfortunate that this issue even exists. Support for the principle (it is a principle) of admission of women is not a novel posture for DWIGHT INN. At the convention in 1969, our chapter, represented by Ken Zebrowski, lead the fight for admission of women. The proposition was defeated by a less logical but more logical viewpoint of national level. The next pledge program initiated by DWIGHT INN, represented the membership of women.

The proposition was defeated by a less logical but better organized faction. This year the members of DWIGHT INN again expressed overwhelming approval of this principle. The result was even more frustrating. While advanced in a referendum, the measure went down to defeat due to a quirk in voting procedure. Not enough chapters had voted by a specified date.

This summer, representatives from Inns throughout the nation will meet in Toronto. I have every confidence that the long awaited measure will be approved. I pledge to you that DWIGHT INN will exert every effort to further this aim. Regardless of the outcome at the convention, you have the assurance that a just resolution of this question will be reached on a local and national level.

The next pledge program initiated by DWIGHT INN will be open to all students. In turn, we would ask all those persons who have been understandably confused by this problem to measure us by the actions we have taken and the steps which we are about to take.

DWIGHT INN has a contribution to make to the law school. It is essential that all student organizations work together. We look forward to continuing our warm and mutually beneficial relationship with EQUITAS. Cooperation with the S.B.A. is at the heart of our existence. We look to the faculty and the Administration to provide us with additional areas in which we can contribute.

In conclusion, I want to commend Ed Ryan, our departing Magister, for the dedication and efforts which he displayed this June we extend our sincere wishes for success.

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**American Cancer Society**

We want to wipe out cancer in your lifetime.
Continued from Page Five, it is constructive and coupled with the fact that I have had the privilege of being an intimate of Professor Silverman, I believe that he is a man of high ability and intelligence. I believe that he will make a good Professor Silverman and I believe that he is a person who will engage in a healthy discussion with us, that he will listen to our observations, that he will engage in a thorough analysis of the issues involved, and that he will engage in a fair and impartial discussion with us.

In the same vein, I am certain that the new President of the Board of Trustees will be able to serve the interests of the students and the faculty and the administration. The new President will be able to bring a new perspective to the issues faced by the school and to the problems of the school. The new President will be able to bring a new vision to the future of the school and to the future of the profession.

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Chairman of the Board Discusses NYLS Future

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cial endeavors and it will continue to do so. The record of NYLS on the Bar exam speaks for itself. And the outstanding success of graduate placement hopefully will be continued despite the present lull in the job market.

As for the future, the school is currently negotiating with well-qualified scholars in the field of legal education to meet the demands of an increased student body, whom, by the way, the Judge feels are as dedicated and as serious as students were in his law school days.

The Judge sees NYLS reach, if not surpass, within two years the AALS recommended class size and faculty. He objective our librarian assures us that he has already, the Judge himself enriched the school with his personal library of approximately 1000 volumes. In addition, the Judge explained how he would like to see NYLS expand in all possible directions while maintaining, rather than increasing, the number of students. This would allow more personal attention to be devoted to the needs of each individual. Reduced class size and more professors are two topics the Judge brought up for discussion before the question was even raised. He knows how the students feel about such problem areas, and agrees that it could be better for both the students and the faculty.

Regarding our affiliation with Pace College, the Judge informed me that although we had received other offers to affiliate, it is at present mutually beneficial to both Pace and NYLS to maintain the good relationship enjoyed so far. With regard to what the future holds on this subject, the Judge indicated that when Pace attains University status, our relationship should become much closer.

At a time when most institutions (in addition to individuals) are incurring difficulties coping with economic obstacles, the Judge assured me that NYLS is reasonably financially secure. Due to the proper management of funds, no tuition increase is planned for the present, so far as he is aware. The school expended $30,000.00 preparing the tenth floor mezzanine for additional library space. More money will be spent shortly on the building's exterior. The school is presently leasing 47 Worth Street to the City on a yearly basis; hopefully, within three years (and an improved economy), the building could house the library, the Law Forum, SBA, and Equitas in addition to providing student and faculty facilities.

The need for a curriculum that flows with the changing needs of a society was also discussed. The Judge, having served for six years, after graduation from NYLS in 1913, as Senior Assistant District Attorney in Queens County, believes it is the duty of the law school to teach the foundations of law, the building blocks, so to speak, which are ever so present in such subjects as Contracts, Torts, and Constitutional Law. Then, it can be more rewarding and enlightening to delve into Poverty Law, Civil Liberties and Consumer Rights.

JUDGE FROESSEL

Macbeth Comes to NYLS

by Joe Maltese

Though he was not a Shakespearean actor, Mr. Angus Macbeth provided the members of the Environmental Law Society with a truly informative lecture on "The Approaches to Environmental Litigation." Removed for more than his unique name, Angus Macbeth, a graduate of Yale Law School, is an attorney with the National Resources Defense Council (N.R.D.C.).

The N.R.D.C. is a council of lawyers in both Washington, D.C. and New York which handles environmental litigation. The council represents individuals, public interest groups or even the government and large corporations in its own name.

As to the approaches of representing clients in their fight against corporations and government in ecological battles, Mr. Macbeth names two; the tortuous public nuisance approach and the National Environmental Act of 1970. With regard to the public nuisance doctrine, Mr. Macbeth states that this doctrine must be stretched and loosely interpreted. He asked the students to write to the American Law Institute, which is currently writing THE SECOND RESTATMENT OP TORTS, and request that they take a more modern approach regarding this doctrine in order to include environmental considerations.

The second major approach, The National Environmental Act of 1970, has proved to be most useful in bringing suit against government agencies, but little use against private corporations. The individual who brings an action against the government or private corporation has little chance of success, explained Macbeth. Money, competent representation, availability of evidence and witnesses all create problems for the plaintiff in an environmental case. This is the very reason why N.R.D.C. exists.

The enthusiastic students of the Environmental Law Society with the N.R.D.C. that most of them have pledged to work with N.R.D.C. next Fall.

Macbeth, known for more than his unique name, Angus Macbeth, a graduate of Yale Law School, is an attorney with the National Resources Defense Council (N.R.D.C.) which represents individuals, public interest groups or even the government and large corporations in its own name. In addition, the Judge explained how he would like to see NYLS expand in all possible directions while maintaining, rather than increasing, the number of students. This would allow more personal attention to be devoted to the needs of each individual. Reduced class size and more professors are two topics the Judge brought up for discussion before the question was even raised. He knows how the students feel about such problem areas, and agrees that it could be better for both the students and the faculty.

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JUDGE FROESSEL

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William F. vanden Heuvel, Chairman of the NYC Board of Corrections, addresses the Administration of Criminal Justice Class. Seated at right is Professor Joseph Koefoed.

vanden-Heuvel On Criminal Justice System

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CONTINUED FROM PAGE TWO

Lippman, Weber Lead Progressive Slate

CONTINUED FROM PAGE ONE

District Attorney As Final Arbiter

strikes, but they aren't nothing until I call 'em.' By preparing the charges, one may control the manner in which the defendant is perceived at the trial stage. Here again, the equities of the situation come into conflict and the charges are weighted against the different defendants. The fact that similar type crimes are committed by persons in the criminal system is not taken into consideration. At the pre-prosecution proceeding, the defendant's lawyer should make his case based upon the practicalities of the particular case. That is to say, can the case be such as to be prosecuted? In his determination of whether to prosecute the defendant, the prosecutor must consider the defendant's potential legal defenses and the trial and penal experience of the prosecutor i.e., will the jury accept the factual requirements for conviction under these particular circumstances?

It may be seen that a criminal case does not plod blindly toward trial nor does the District Attorney's Office pursue the defendant with a senseless meekness to convicted.

Lippman, Weber Lead Progressive Slate

There is at three separate and distinct stages a thoughtful and knowing appraisal of the intrinsic merits of each fact pattern.

The reason for this approach to criminal justice is that the District Attorney, as any other attorney, represents the interests of his client, and in no case, even when the District Attorney is the defendant, as a member of the community must be protected from a debasing commerce with blind impartial justice. To this end, the District Attorney's duty extends beyond that of a private practitioner. Where as the defense attorney represents the position of defendant's innocence, the district attorney himself must consider both prosecution and defense from an analytical and compassionate standpoint. If the result of this process of playing devil's advocate and analyzing the merits of each and every result in legalistic schizophrenia all of this will have been wasted in mere sophistry. If, however, justice results, the prime purpose of the office of the District Attorney will have been achieved, the single-minded commitment to justice with compassion for all people.

In the third year evening class Don (Corpus Juris) and Richard (never-got-caught-taking-a-tobie) Rothman were the elected representatives of their constituents.

Outgoing SBA president Alan Schnirman said he was very pleased with the results of the elections.

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THE OLD TIMER

"When a politician repairs his fences, he sometimes finds a hedge more useful."