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New York Law School

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Symposium Stresses Access To Solar Energy

by William M. Hirsch

A Symposium, entitled “Solar Energy—Legal Problems,” was held recently at New York Law School under the sponsorship of the Council on the Environment. The topic primarily dealt with the public’s right of access to solar energy and some legal problems involved with obtaining such access.

The subject discussed by the morning panel involved: “Land Management and Solar Access Protection.” The speakers included: Mr. Robert Barnett, an environmental attorney with the firm of Winer, Neuburger & Sive; and the Chairman of the Legal/Legislative Committee of the Environmental Management Council, Mr. Arthur Katz, a New York attorney with the firm Washaw, Burstein, Cohen, Schlesinger & Kuh; Mr. William A. Thomas, Research Attorney at the American Bar Association; Mr. Martin Jaffe, Senior Research Associate at the American Planning Association; and Mr. William T. Meyer, the Vice President of the Ehrenkrantz Group, and Chairman of the Energy and Environmental Committee of the American Institute of Architects.

Discussion began with William T. Kheel, who presented a slide show concerning the development of solar energy. Following the slide show, Meyer detailed the various types of solar collectors and the manner in which they could be used to heat a home or office building. Houses designed and equipped with solar collectors by the Ehrenkrantz Group were viewed and discussed by Meyer, who also indicated that the White House is equipped with a solar collector. The apparatus heats the water in a small bathroom behind the Oval Office. Through the use of detailed diagrams, Meyer showed how an office building may reduce its costs drastically by the installation of solar collector units on the roof for sides of the building.

William A. Thomas then spoke about the manner in which one assures a client, in the event an individual is not successful in the pursuit of solar energy, Thomas mentioned several government organizations that will provide the consumer with the prerequisite criteria for access to solar energy. Financial incentives and lower insurance rates for people who seek to obtain some sort of solar-energy collector were mentioned as a means to promote more widespread research into the merits of solar energy by the individual. Thomas illuminated the fact that, “in 1977, over 150 bills were introduced into state legislatures for people to try solar energy,” as proof that there is a slowly developing pattern by the government for people to try solar energy.

Martin Jaffe next spoke about the manner in which the collectors of solar energy should be positioned in order to obtain the maximum efficiency of solar power. The various types of collectors were discussed along with some theories regarding proper height and positioning of the collectors. Zoning regulations were also discussed at length, and how they influence (please turn to page eleven).

Bruce Details Changes and Future

by Scott Baterman

Although it is only a few weeks into the term, questions and controversies are already the order of the day at New York Law School. In an effort to learn the answers to some of the questions, and to give the public some insight into the future direction of the school, EQUITAS interviewed Acting Dean Bruce, and other members of the student body.

Bruce, who presented a slide show concerning the development of solar energy, followed the slide show by differentiating the various types of solar collectors and the manner in which they could be used to heat a home or office building. Houses designed and equipped with solar collectors by the Ehrenkrantz Group were viewed and discussed by Mayer, who also indicated that the White House is equipped with a solar collector. The apparatus heats the water in a small bathroom behind the Oval Office. Through the use of detailed diagrams, Mayer showed how an office building may reduce its costs drastically by the installation of solar collector units on the roof for sides of the building.

As to the confusion and anger, Dean Bruce apologized for any misunderstandings, stating, “I regret it, but if you will recall, the posting of the exam schedule and the requirement that students schedule courses without conflicts was the result of numerous requests by the Student Bar Association. The first time this was done, we ran into a change; you have to emphasize the difference when the change is initially put into effect. While, in my view, adequate notice was given, theoretically, it was in response to student requests, the request was actually by student leaders. It was really not known by the general student body. They should have received more wide-spread notice. In the future, the matter will be handled differently.”

Research Course Changes

There has also been some concern expressed by students over changes made in the Legal Research and Writing Course. The change has been the division of the course into one eight-week section during the first semester, and a second, six-week section, devoted to the writing of an appellate brief, in the second semester. Another change has been the institution of a form of grading on the first year oral argument requirement. The grade will still be pass/fail, but grades will be “standards grading” by the panel of judges, with a minimum standard of advocacy required.

Although Dean Bruce suggested that the person to be contacted in this regard was Janet Tracy, he did volunteer the following comments: He stated that the appellate brief requirement was moved “into the second semester due to congestion in the first semester. This is a hard period for students to point the time to review the schedule of the students’ grades were a ‚title. Moving to a pre-Christmas exam schedule compacted the first part of the year. The change puts the material into a part of the year when the students will get much more out of it, and it will be less disruptive.”

As to the minimum advocacy standard now imposed, he stated that it was to maintain “high standards. I am heartily in favor of it. I think it is a future move.”

Tracy echoed these sentiments. She also informed EQUITAS that the “Moot Court Board is anxious to participate with the instructors in the formulation of the assignments for the appellate brief; I can’t say that they’ll all accept the assistance. Most will but it is up to the individual instructor.” The idea behind this move is an attempt to standardize the degree of difficulty of the problems, and ensure that they are all appropriate problems for oral advocacy.

The argument will be part of the second six weeks. “It will be judged by the instructors and their associates,” Tracy remarked, “having the Moot Court Board fill in the missing places, if any, on the bench. My advice is that they (the instructors) should do the same, thereby, prepare their students.”

Tracy also stated that she thinks (please turn to page seven).
How To Be A Smart Consumer

Getting What You Deserve is a book that takes a down to earth look at the pitfalls of being a consumer, and is intended to be a layman's guide for staying out of trouble. Written by NYLS Professor Stephen A. Newman, in conjunction with Nancy Kramer, it is being published by Doubleday & Company, Inc., and is expected to be available in November.

Professor Newman can be considered an expert in the area of Consumer Law. Before coming to NYLS, he worked for four years at the New York City Dept. of Consumer Affairs. He has been at NYLS for six years, where he teaches Civil Procedure, Consumer Law, and conducts the Consumer Protection Clinic. Mayor Edward Koch has recently appointed him to the Mayor's Consumer Advisory Panel.

Professor Newman's first book, Consumer Venditor, was an instructive guide to Consumer Law for the attorney. In fact, it is now mandatory reading in many federal, state, and city agencies. Together with Caveat Venditor, Prof. Newman hopes Getting What You Deserve will provide both the attorney and the layman with the tools to fight the ever increasing abuses against consumers.

Ralph Nader, endorsing the book, notes, "This book will not only help you as a consumer to fight inflation, but also help you as a citizen to prevent inflation." Bruce Ratner, Commissioner of the New York City Dept. of Consumer Affairs calls the book, "... the first comprehensive consumer guide I have seen. Informative and exceedingly well-written, it is a real A-Z inflation fighter that exposes the frauds as they really are."

A review of Getting What You Deserve will appear in an upcoming issue of EQUITAS.

— Howard Schwartz

Essay Winner

Robert F. Drake '80, was the New York State winner of the Association of Trial Lawyers of America's Environmental Law Essay Contest. The paper was entitled "Occupational Carcinogenesis and the Statute of Limitations — Competing Policy Goals;" it dealt with the question of allowing recovery for diseases that often take 20 years to develop.

Sheridan Albert, president of the New York State Trial Lawyer's Association, presented Mr. Drake the award at a ceremony on Oct. 2. Drake is a member of the EQUITAS staff which extends its congratulations to him.

— Dennis Gagnon

Students Awarded Burkan Prizes

Lorna Veraldi, currently a third year student, and Sherri Reiss, a 1979 graduate, won first and second prizes, respectively, in the 1979 Nathan Burkan Memorial Competition at NYLS. The American Society of Composers, Authors and Publishers, sponsors of the competition, award a first prize of $500 and a second prize of $200 for the best papers submitted in the competition at each participating law school throughout the country, on topics related to copyright law. The papers are eligible for prizes in the highly competitive national competition, ranging from $500 to $3000.

Ms. Veraldi's paper is entitled "Cable Television's Compulsory License: An Idea Whose Time Has Passed?" The paper analyzes the origins of the compulsory license for cable television under the new Copyright Act, as well as problems which have arisen in its implementation. Ms. Reiss's paper, "Copyright Protection Under the New Act: Choreography," analyzes the protection of choreography under the Copyright Act. The new Act has for the first time specifically enumerated choreographic works as protectible, provided that such works are fixed in a tangible medium of expression, such as film or graphic notation.

The 1979 awards were presented at a recent reception honoring the two winners. Copies of the winning papers are on reserve in the library, under "Nathan Burkan Memorial Competition."

The competition was judged by Professor Samuels, with consultation by Professors Botein and Peyser. Any students interested in the competition may write to Prof. Samuels for information on submitting entries.

— slide

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SPECIAL NOTE: THE STUDENT BAR ASSOCIATION OF NYLS RECEIVES A PERCENTAGE OF GIL'S BUSINESS

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NYLS recently had the honor to host the Judges of the High Court of Italy who have been touring American legal institutions. On hand to greet the judges were Dean Shapiro, Judge Re and many of the NYLS Solomon Scholars.
Winners of Law Review
Writing Competition Announced
by Joyce Meiner

The writing competition for the Law Review at New York Law School was more successful this year than in previous years. As a result of the increase in the number of participants, the editors were able to select 65 winners, which is more than twice the number of last year. The number of entries also increased, from 123 last year to 172 this year. The competition was open to all law students, and the winners were announced in the spring issue of the Law Review.

Dean Explores Kenyan Life
by Celeste Denise Miller

Has a jungle lion ever lurked a few feet off your car when you were out for a walk? Have you ever stopped your car by a roadside vendor to sip fresh coconut milk from a coconut that had been cut in half while you were driving? Your answers to these questions would be "yes," and you would be living it up. This is the way Bruce, who is a law student from the University of Chicago, views Kenya, his adopted country.

Bruce was the house guest of Chief Justice Chani Madan, the Chief Justice of the Court of Appeals for East Africa. It was through the Dean's friendship with Justice Madan's son, Anil Madan from Harvard Law School, that Dean and Mrs. Bruce were invited to visit Kenya.

Justice Madan afforded Bruce an opportunity to examine Kenya's justice system up close. Bruce candidly admits that even an outsider to Kenya would not have seen as much of the life of the country, and particularly as much of the legal community, as he was able to see.

High Court Visit

The Dean arranged many attending sessions of the High Court in Nairobi, the capital of Kenya. This court has both civil and criminal jurisdiction. The judiciary system's lower courts include resident magistrate courts and are located in district magistrate courts. The final court of appeal is the Court of Appeal for East Africa in Nairobi, the head of which is Chief Justice Madan.

The magistrate system was organized in the early 1960's after Kenya gained independence. In 1963, Kenya established itself as a republic with Jomo Kenyatta as president. "In the years before Kenya's independence, Justice Madan was a member of Parliament," Bruce recalls. "He was the first Black member, and was offered a salary roughly lower than that of the other members of Parliament. The hope was that he would refuse the position. Justice Madan accepted the post in spite of the salary and has remained as one of Kenya's most forward-thinking statesmen."

Court sessions with the Chief Justice occupied part of the Dean's day, and when this writer asked Bruce what part of the trip was the most exciting and memorable, he recalled how he and his wife were entertained each evening at the homes of the friends of the Chief Justice. These friends were leaders in the business and legal community and their homes reflected the culture of Kenya.

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Panel Guides Women On How To Be Successful

by Lisa Rubel

Recently, the New York Women’s Bar Association hosted a panel on “The Politics of Success.” It was attended by members of the Legal Association of Women of New York Law School, and was both informative and interesting.

The New York Women’s Bar Association is a separate organization from the New York Bar Association and is open to students membership. Its purpose is to provide a forum for women involved in various aspects of law in order to exchange ideas and information that concern women. Programs planned for this year include a symposium with members of the International Federation of Women Lawyers, lunchtime establishing a women’s network in New York, and a conference for women in business.

“The Politics of Success” panel consisted of four prominent women who provided advice on climbing the ladder to success. The panel was moderated by two women who alone represent a multitude of the successful women in today’s world. They were the Honorable Linda L. Lerner, who is Deputy Superintendent of New York State Department of Insurance, and Rosina Abravanel, counsel to the President of the New York City Council.

First to speak was Carolyn Setlow, Vice President and Director of Corporate Planning at Newsweek, Inc. Setlow came to her position at Newsweek after pursuing several other careers. The news is the strategy of success within job as a combination of hard work, imagination, and flexibility. She spoke of the necessity to evaluate and understand the environment in which one works. This means knowing who is there, what they are doing and where they fit to help one be successful at one’s career. Support of peers and subordinates is essential. Setlow, and the other panels, emphasized participation in group settings and not being afraid to ask questions. This builds confidence and solves other interests and knowledge.

Charrie Fischman was the representative corporate attorney on the panel. A partner at Kramer, Lowenstein, Nessen, Kamin & Soll, Fischman had some interesting advice for future partners of law firms. It is vital to be a “business getter” in a firm, to develop its clientele. Women have traditionally been academically oriented in the legal field. Not being a go-getter has been a handicap for women who try to advance themselves. Some of Fischman’s suggestions for attraction of business to a firm include keeping involved in community affairs, legal related groups and even alumni associations. These provide contacts for future reference. Women must also learn to plan such things as business dinners and refer their clients to others in the field.

Many women depend on their male partners to be their referral service or go to court for them. Go to court yourself, Fischman urges.

Fischman’s advice on managing a personal life was that women should put off childbearing until they reach a level of financial success. Then they should be able to afford flexibility, and both good housekeeping and child care.

Dr. Donna Shalala was the moderator on this New York-based panel. She is Assistant Secretary for Policy Development and Research at the U.S. Department of Housing and Urban Development. Shalala spoke of the importance of having a women’s network. As the number of women in responsible positions in government increases, this network opens more doors than before. She encouraged women to be less afraid of becoming a part of a particular job and to be more adventurous in seeking and accepting different employment opportunities.

The panelist spoke of the enormous power struggle that goes on in Washington. Many of the women in Washington were in positions unlike any they had been trained for, whereas the men in comparable positions had been groomed for many years. Therefore, the attrition rate among women was great. The saving factor for many was the togetherness fostered by the Washington Women’s Network, which helps women to handle problems that were unique to their new jobs.

Karen Burstein, a former State Senator of New York, is now the Commissioner of the Public Service Commission. The influences in a woman’s life can be many. Burstein’s father is an attorney and her mother is a Supreme Court judge. Success was expected of the women in the family, in spite of the fact that they were women. This attitude “in spite of .. .” and other reasons, led Burstein to run for a Congressional seat. She lost the election, but viewed it as a learning experience. She stresses the importance of continuing to strive for one’s goals. Women should be fearful of going into new areas. After three successful terms as a State Senator, Burs tein now holds a job for which she had little practical background, however, she has met the adaptive challenge.

Phi Delta Phi Reports

by Svetlana V. Petroff

If the activities of the first weeks of the semester are any indication, this year promises to be a smashing success for Dwight Inn, the NYLSI chapter of the International law fraternity, Phi Delta Phi.

First year orientation and the SBA wine and cheese reception provided the opportunity for student organizations, including Phi Delta Phi, to acquaint incoming students of the purpose of these groups and the benefits attendant to membership in them.

As the first of a series of events scheduled for the semester, the Phi Delta Phi rush party on September 25 was well attended. Members who have since graduated and are working in the vicinity dropped by to chat with old fraternity friends and to meet the prospective initiates. Faculty associates were also present, relating favorite anecdotes which contributed to the jovial atmosphere of the occasion. The outcome was the addition of over a dozen new members to the fraternity.

During the last week of September, Phi Delta Phi conducted a Survival Seminar at which upperclass members shared with the incoming students insights into methods of coping successfully with the pressures and demands of the first year law school curriculum. The relative benefits of various approaches to briefing, outlining and exam-taking were discussed. On the whole, those present felt they benefited as much from the helpful hints as from the calm assurances given them by the speakers.

On Wednesday, October 10, Dwight Inn hosted a lecture by David Cunningham, Chief Assistant District Attorney for the New York County Division of Special Narcotics. Mr. Cunningham spoke on the subject of the prosecution of narcotics cases.

Those interested in knowing more about Phi Delta Phi and its activities should feel free to direct inquiries to its officers:

Martin Brandfon, Magister
JoAnne Ceaals, Vice-Magister (Day)
Judith Grossmen, Vice-Magister (Eve)
Karen Bradmeen, Historian

Reeducating the Attorney

The Law School is sponsoring Continuing Legal Education seminars in conjunction with the Continuing Legal Education Division of the American Management Associations. The seminars are as follows:

<table>
<thead>
<tr>
<th>Title</th>
<th>Date(s)</th>
<th>Time</th>
<th>Location</th>
</tr>
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<tbody>
<tr>
<td>Time Management for Busy Attorneys</td>
<td>Oct. 18-19</td>
<td>9:00 a.m.</td>
<td>AMA Headquarters</td>
</tr>
<tr>
<td>Real Estate Actions &amp; Proceedings</td>
<td>Oct. 19</td>
<td>9:00 a.m.</td>
<td>New York Law</td>
</tr>
<tr>
<td>Self-Improvement &amp; Interpersonal Skills</td>
<td>Oct. 25-26</td>
<td>9:00 a.m.</td>
<td>AMA Headquarters</td>
</tr>
<tr>
<td>Development for Legal Secretaries</td>
<td></td>
<td>4:00 p.m.</td>
<td>School</td>
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<tr>
<td>How to Try a Matrimonial Case</td>
<td>Oct. 26</td>
<td>9:00 a.m.</td>
<td>AMA Headquarters</td>
</tr>
<tr>
<td>Profitable Law Office Management</td>
<td>Nov. 2</td>
<td>9:00 a.m.</td>
<td>Management</td>
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</tbody>
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*AMA Headquarters are located at 135 West 50 Street.

Of particular interest to students intending to practice on their own or with small firms is the seminar titled “Profitable Law Office Management.” The seminars in the real estate and matrimonial areas are led by a panel of experts. The leaders of these two panels are members of the New York Law School faculty.

Further information regarding each of the seminars may be obtained from Dean Bruce’s office. Students interested in attending one or more of these programs are invited to apply in writing to Dean Bruce.
Attention Members of the Class of 1980 .........

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**Editorials**

**Tenure Appeal**

In past editorials, EQUITAS has often lauded the outstanding quality of the young Professor Nancy Erickson. We have also been involved in intense efforts to keep these fine teachers on the faculty in order to build an even deeper and more prestigious academic reputation.

The Legal Association for Women, in their article in this issue, has raised the topic of tenure for Professor Nancy Erickson. The question of tenure is one of the most complex and sensitive situations for any NYLS this year, particularly after the highly controversial and political tenure vote of last year.

The predicament, however, need not be so difficult. Professor Erickson has more than met the qualifications for tenure, and has even been approved by the Faculty Committee on Rank and Tenure. Professor Erickson is regarded by her students as highly competent and resourceful — evidence of her professional teaching capacity. There is no question as to her publication status, for she has had numerous scholarly works published since joining the NYLS faculty.

EQUITAS joins the Legal Association for Women in an appeal to the Board of Trustees to recognize the outstanding contributions Professor Erickson has made to NYLS and grant her the tenure both she and the NYLS community deserve.

A Right To Know

Some of the most important decisions affecting students at NYLS are made by the full faculty at closed meetings — the addition of a writing requirement and the policy against posting grades to name two. But do students, often the most interested parties, have any idea what goes on in those meetings? No. This must change. The cavalier attitude of the faculty in this matter is entirely unacceptable. We pay the bills. We suffer from sudden changes in the curriculum and graduation requirements. It is high time that we learned what is being said behind closed doors, how accurate it is, and who is saying it! True, the faculty, on occasion, will invite some students to speak at the meetings. But do they pay attention to what this select group has to say? We don’t know, and we won’t know, until we are given the access to these discussions which we deserve. This is the only way to hold the faculty accountable for their decisions which intimately affect our lives.

Admittedly, certain decisions will require a heightened degree of confidentiality, and some concern matters of much greater importance to the faculty than the student body. But these matters can be incentivized, and isolated from topics of more general interest.

The bottom line is simple: We pay the bills. We are the affected parties. And we have a right to know and to be heard.

**Honesty — Best Policy**

EQUITAS would like to take a moment to say how much we admire Dean Bruce’s candor and honest remarks concerning the registration problem of this semester (see article page one). His comments are a clear indication of his true concern for the welfare of the NYLS students and the entire school. EQUITAS hopes that when the matter arises again later this semester it is handled differently, as Dean Bruce suggests.

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**Answers & Counterclaims**

To the Editor:

I am writing this letter to thank you and your staff for the editorial I have read in the September 1979 issue of EQUITAS.

I’d like to express my gratitude to you for the very engaging commentary relating to the Law School — University of Bologna Program. Sincerely,

**Joseph Solomon**

Class of 1977

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To the Editor:

Personally and on behalf of the whole NYLS community would like to congratulate Paul Hofman and Elizabeth Barnhard for their laudable efforts in creating and staging the symposium on September 15. The School owes Paul and the Council on the Environment many thanks for their exceedingly professional effort in presenting the legal problems of solar energy to the School community and the public at large. Again —

Sincerely,

**Christopher Kelley**

Class of 1981
Bruce Discusses School's Direction

(continued from page six)

Mr. Franklin's mordant remarks upon the suggestion that future students of the Program be given some form of subsidy or relief from such an astronomical sum as $305 (for three weeks in Europe!) are in motion. Moreover, if he should cause it to happen, she would like the curriculum committee to add an hour to the required courses for appellate brief writing. A full semester would allow for a draft of the brief and a rewrite. It would be a luxury to teach writing in the first semester, and give them an opportunity to rewrite some of their assignments, but "now, there's just no time." Tracey also advised that one of the reasons for the eight and six-week split was that the library will move in October from the ninth floor to the first. It would be difficult to write an appellate brief while the library is in motion. Moreover, if she could cause it to happen, she would like the curriculum committee to add an hour to the required courses for appellate brief writing. A full semester would allow for a draft of the brief and a rewrite. It would be a luxury to teach writing in the first semester, and give them an opportunity to rewrite some of their assignments, but "now, there's just no time."

New Faculty

In matters of future import, Dean Bruce announced that two new faculty members would be joining the school next semester: one is a familiar name, Harrison J. Golden, former Comptroller of the City of New York. He will be teaching a course that he also taught at Columbia Law School. The other addition to the faculty will be Arthur Best, whose new manuscript, "The Customer is Sometimes Right: Consumer Justice Roadblocks and Remedies," has recently been accepted for publication some time in 1980, by the Columbia University Press. Mr. Best, whose extensive experience in government includes the posts of Special Counsel and Deputy Commissioner of the New York State Department of Consumer Affairs, has previously taught Evidence, Torts, and Unfair Trade Practices at the Western New England College of Law.

School's Future

In an attempt to discover the direction the school will be taking, we asked Dean Bruce what future changes he foresees. His answer was: "The Physical Plant: 'The physical plant of the college is in motion. I don't see any disagreement on that. For years in advance. So a most pressing need is to complete the building project, which has been underway for many years. It is being built in a block-in-the-corner style, which is more efficient and cost-effective than a traditional style. The building will be completed in the next few years, and it will greatly improve the facilities available to the students.

Dean Bruce speaking with Prof. Blecker

Dean Bruce expressed his concern about the future of the school. He said that the new building will provide more space and resources for the students, but it will also require more funding and resources from the administration. He added that the school needs to strengthen its academic programs and improve its facilities to attract more students. He also mentioned that the school is working on a new master plan to address these issues. The plan includes expanding the library, upgrading the technology, and improving the physical plant. He added that the school is also working on an alumni program to increase the financial support for the school. He said that the school needs to be more proactive in seeking funding and support from alumni and other sources. He added that the school is also working on a strategic plan to identify its long-term goals and priorities.

In conclusion, Dean Bruce expressed his optimism about the future of the school. He said that the school has a strong foundation and a dedicated faculty and staff. He added that the school is working on several initiatives to improve its academic programs and facilities. He said that the school needs to be more proactive in seeking funding and support from alumni and other sources. He added that the school is also working on a strategic plan to identify its long-term goals and priorities. He expressed his confidence that the school will continue to make progress in the years to come.
Scherer: 'The Great White Hope' Redefined

by Howard Jordon & Edward Lopez

The phrase, "The Great White Hope," usually connotes a racist concept of one who will save the image of the "superior white race." However, for some among the New York Law School population, the phrase has taken on a new meaning. Professor Douglas D. Scherer represents a new hope of altering race perceptions at NYLS. Scherer is "The Great White Hope."

Scherer is an Associate Professor of Law at NYLS. His specialization is the field of Discrimination Law. He is also the director of the Discrimination Law Clinic. Scherer's background has not only been one of the academician. His experiences in Boston with the NAACP represent one of the most blustering histories of race relations in the North. As the Legislative Chairman of the Boston branch of the NAACP (1968-1972), he was primarily responsible for the political efforts to eliminate segregation from the Boston Public Schools.

In 1965, the Racial Balance Act was passed in Boston. The Act mandated that the schools in the city be racially equalized. The school system had refused to implement the Act, and by 1969, a southern style of de jure segregation had become institutionalized. This turbulent period evokes painful memories for Scherer: The system was being segregated at the kindergarten level. It was raw de jure segregation. Black children were being stoned and knifed. They closed down schools in the Black areas when busing was ordered, for many of the schools were so bad that they couldn't send White children into such conditions. The ordeal proved to be a sensitizing experience for Scherer.

The Governor of Massachusetts recognized Scherer's ability to deal with problems of racial discrimination. In 1971, he was appointed governor's legal advisor on civil rights, developing civil rights policies and programs for the Executive Branch. His contributions did not stop there, however. In 1972, he became Commissioner of the Massachusetts Commission Against Discrimination. He was responsible for the overall supervision and administration of investigation, and other matters relating to enforcement of discrimination statutes. Although his personal role, in contrast to his role at the NAACP, had changed, he assisted in creating the machinery that could implement many of his ideas.

While working for the governor, Scherer began to realize the absence of any meaningful, practical writing on Discrimination Law. He shifted his efforts to that of racial precinctor and academic at New York Law School. He perceived the role to be an opportunity to expose the law student to basic discrimination theory, and to give the student the necessary skills — through discrimination clinic — to pursue litigation.

According to Professor Scherer, "There is a real vacuum in the published literature in the discrimination field. This is part of the reason that things are not moving as quickly as they should; the people who are writing about it don't have the legal background for it."

However, the Professor's role is not limited to that of the lecturer and writer. He insists on taking an active part in the NYLS Admissions Committee. He believes that the LSAT should basically be discounted for minority students, and that the committee should rely on students' academic transcripts, personal statements, and histories of jobs while in school and after graduation. He feels that the utilization of these criteria will enable the minority representation to increase to 30-30% of the student body.

Scherer attributes the greater failure rate of minority students to their genetic makeup. He feels that this problem should be dealt with in the classroom, and not go uncovered. "The Pope came and right to strike," commented Kheel.

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Kheal On Labor Negotiations
(continued from page one)

of the passage of time, a decision is going to be made. "The threat of a strike is a crunch." Kheel explained that, during a previous newspaper strike, he attempted to create an artificial crunch by using the visit of Pope Paul VI and explaining to the parties that such an important event should not go uncovered. "The Pope came and went," Kheel remarked, "and the strike continued.

Another important facet of negotiation is to find out who calls the shots. According to Kheel, during collective bargaining, "you rarely get the top man on management; and the union leader may be very influential, but he still has to go to his rank and file."

In a question and answer period Kheel spoke of the City's upcoming negotiations. Kheel illustrated the differences in the types of negotiations which are conducted in the public sector. "In negotiation in the private sector, there is a limitation on the right to strike," commented Kheel. He elaborated the difficulty in decision-making due to the problem a municipality has with the delegation of its authority. Kheel predicted that the most interesting of the negotiations would be between the City and the transit authority, since this negotiation would probably set the precedent for remaining negotiations.

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Prof. Douglas Scherer
Fear Is The Real Problem!

By Andrew J. Franklin

It matters not at all that I care... only that you care so very little. And soon you won't care at all. Adrift in the law school sea, treating water and conserving your strength for the long haul ahead, the numbers slim into your limbs and your brain as you disappear from sight. Convinced that the three years of enforced drudgery of law school are merely a temporary aberration — a momentary famine of the spirit — you fail to understand that the pattern of your lives is set in the here and now. If you are frightened in law school you will be frightened forever. If you bow down to self-proclaimed totems of authority or to supposed sources of influence at this early date there is no reason to believe that you'll ever walk, if your head held high.

I understand that a significant number of Law Review members are unhappy with Placement but are afraid to complain to any of the deans for fear of being branded as dissenters who dare rock the boat. By definition the best and the brightest, these poor students, who always have the greatest freedom of action of all, feel the most dependent. Despite their hard work, their dedication, their undeniable merit they can't make the grade without special assistance. At least, that must be the way they feel about themselves.

There are those who clothe their apathy with cynicism or who affect extreme attitudes of skepticism. There is a world of blind luck, of preordained events, of happenings beyond their control. By not acting, they guarantee the results they fear. By not acting, they confirm the helplessness of us all. Neil Young may sing that "It's better to burn out than to fade away," but for many at New York Law School that implies an unacceptable level of commitment. But, naturally, passion and commitment are all somewhere in the future; when the time comes and the cause is important enough these potentially dynamic lawyers will stir themselves sufficiently to change the course of events. Excuse ME for a moment of skepticism. But I just can't buy that line of reasoning. Passion can't be turned on and off like water from a faucet; commitment is developed and nurtured — not created in a flash. It does exist, it is ignored and wronged. Actually, the correct way is developing emotional scar tissue. Failure to respond when to be alive is a necessary part of life. Of course, you may be seduced by the trappings of power into believing that a particular dean has great influence but in truth the dean is wearing no clothes! For now, however, at New York Law School and throughout the rest of the western world, the operative emotion is fear and the dominant color is gray. Maybe that's how it's destined to end, "not with a bang but with a whimper."...... Hor boring.

A Plea For Action

by Carol Schlein

It looks as though it's time for some affirmative action by students on behalf of one of our faculty members. The NYLS Board of Trustees has yet to recognize the abilities and contributions of Professor Nancy Erickson to the legal community and to NYLS in particular, Armed with an L.L.M. from Yale University and author of numerous publications; Erickson has been asked to join the faculty at a number of schools. In a recent interview, she stated that she has requested promotion and tenure. Prior to her leave of absence, Erickson was recommended for tenure by the Faculty Committee on Rank and Tenure. (See EQUITAS, Summer 1978 and September 1978 issues for more information.)

Although NYLS has admitted a larger number of women as law students in the past few years, the Board of Trustees has not made an effort to award qualified women permanent positions on the faculty. Several years ago, Prof. Suzanne Gottlieb was denied tenure after a recommendation by the faculty. At the present time, Prof. Kim Lang is the only woman professor with tenure. While several women will be eligible for tenure in the next few years, few people would dispute Erickson's professional qualifications to receive tenure. Few full-time faculty members, male or female, come close to the scholastic reputation of his professor. We strongly urge concerned students to write letters to the Chairman of the Board of Trustees:

Dr. John Thornton
Vice President
Consolidated Edition of New York
Irving Place
New York, New York 10003

We would appreciate receiving copies of all letters sent to Dr. Thornton on Professor Erickson's behalf.

Other Scheduled Programs

A lighter note, LAW members are working on the Metropolitan Women and the Law Conference which is scheduled for February 2nd, 1980. Anyone interested in working on this should contact Lisa Rubelor or Priscilla Marco. Other programs planned for this semester are being coordinated by Sheldan Rupert and Nancy Winfield. During October, a topical program on abortion is planned to coincide with Abortion Rights Action Week (Oct. 21-28th). Prior to that time, "Calls to Action" will be made available to students to send to their state and national representatives. Another program now being prepared will be entitled, "How to Get Through Your First Law School Exams." A program on the stresses of law school will be presented and the speakers will include a psychologist who gives her services to NYLS students. Susan Laufer will be supervising all fund raising efforts to send representatives to the 11th National Women and Law Conferences in February, 1980.

Two task forces have organized to deal with issues concerning women. The first looks into the needs of the law school community for day care facilities and the possible creation of such facilities to meet these needs. The other task force examines the legality of the ABA's medical insurance as offered to New York. Anyone willing to work on either of those projects should contact this columnist. To reach any of our committees chairs, please stop by the office (Rm. 306. 47 Worth) during the posted hours or leave a note in the mailbox at 57th baseement.

Upcoming events:

Oct. 21-29 Abortion Rights Action Week
Program to be announced

Oct. 30 NY Women's Bar Association Membership Reception at NYU
(School of Law open to non-members)

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The Class of 1964 on the occasion of their Fifteenth Reunion
The Class of 1969 on the occasion of their Tenth Reunion
The Class of 1974 on the occasion of their Fifth Reunion

Guest Speaker

The Hon. Lawrence H. Cooke
Chief Judge New York State Court of Appeals

All NYLS Graduates are welcome to attend this gala evening. Dinner fee includes open bar cocktail hour, dinner, check room and all gratuities.

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For additional information call Alumni Association Office at: 212-966-3500, Ext. 735, 756, or 718
PRECISE THINKING

It is the rare person whose first draft of a brief, will, contract, or statute is good enough to be the final draft. Most of us need to edit or rewrite with a lapse of time (the longer the better) between each review of the draft. This will be discussed later.

When you are asked to draft a contract, you must have a thorough knowledge not only of the details of the transaction, that is, the rights and liabilities of each party, but you should have a reasonably good understanding of the commercial practices in the industry or business involved in the contract. These practices are called "custom and usage." For example, your client is a manufacturing concern and contracts with another to repair some of its machinery, but in the course of the repair work your client's machinery is damaged. The contract contains a clause stating "satisfying your client against damage "to property arising out of or in any way connected with the performance of the contract." Unless you are aware that the "custom and usage" in the machinery repair industry regards this contract as an indemnification only against damage to a third party's property, you will allow this clause to remain unchanged. But if you are familiar with the custom and usage (and this is a classical third party indemnification clause) you would insist that the clause refer specifically to your client's property in addition to that of a third party.

Precise thinking must be accompanied by purpose to apply a specific means to achieve a wanted result. But in this particular case, the purpose is important in drafting a contract to be sure that you cover every foreseeable contingency. The following case illustrates this point.

In purchasing undeveloped land the seller took back a purchase money mortgage for $30,000 and, in return, agreed to subordinate the mortgage to a bank first mortgage that would enable the buyer to develop the property. The subordination agreement read:

**Inquiry Into Solar Energy & The Law**

(continued from page one)

the manner in which the solar collectors can be used and positioned.

The afternoon panel dealt with the need for utility cooperation from the solar collector industry. John Rosenthal of Con Edison spoke about the need for solar collectors to work together so that they may benefit from the use of this type of energy.

Arnold Rosenthal of Con Edison spoke about the need for solar collectors to work together so that they may benefit from the use of this type of energy. Arnold Rosenthal of Con Edison spoke about the need for solar collectors to work together so that they may benefit from the use of this type of energy. Finn mentioned a system of decentralized storage batteries by which surplus energy from the windmills could be preserved until needed. In this way, people could make use of their own systems for collecting and storing energy while relying upon the utilities only for those instances when energy could not be procured elsewhere. This would result in substantial savings to the consumer and would also allow the utilities to retain a surplus of energy which could then be tapped in emergency situations.

The two final speakers of the day were Mr. Dennis Drabell from the Federal Trade Commission and Mr. Jack Meeker of the State Energy Research Institute, both of whom spoke about the manner in which the utilities and private owners of solar collectors could and should work together in order to reduce existing costs for energy, and to ensure that in the future, people will be less dependent upon public utilities for their energy, and more self-sufficient.

The entire symposium dealt very well with the description and use of solar energy, and many suggestions were made to help the consumer interested in learning more about the benefits of solar power and what right the individual has to these benefits. Several articles and handouts were made available to those in attendance, and for those who wish more information, please inquire at the EQUITAS office and this reporter shall pass along the information.

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For further information, contact your local BAR/BRI representative, or:

Date: Wed., Oct. 24, 1979 Time: 6:00 PM-8:00 PM Place: Statler Hilton Hotel (33d St. & 7th Ave.)