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The New York Law School Reporter, March 1997

New York Law School



THE NEW YORK LAW SCHOOL REPORTER

STUDENT LAW JOURNAL

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FINDING NEW MARKETS IN THE LAW

By Hansen Alexander



It must seem to my classmates and readers that it's all con law to me.

But in fact, as my buddy J.C. Lanza will tell you, we spend most of our free time attempting to identify new markets in law.

The growth of legal work has not kept pace with the growth of lawyers. It is for this reason that we promote a fundamental change in the manner we develop business.

The days of the big money in big firms with guaranteed lifetime tenure as a partner are over for most lawyers, Mr. Rothschild noted in his farewell address. The legal landscape, at least in our lifetime, will probably consist mostly of small to medium sized boutique firms, which will resemble the guild businesses of the Italian City States.

The first idea to increase business, to target middle income Americans, has been advocated by Mr. Rothschild and Professor Quintin Johnstone. Middle income Americans should be actively targeted through advertising and public

education about the law.

To assist small and medium sized firms compete with larger firms for this potential market, the ethical ban on inperson solicitation should be lifted. Such a truly competitive legal marketplace will destroy the monopoly of the

entrenched firms.

The present blanket ban on all inperson solicitation is not reasonable. While "ambulance chasing" has hurt the law's image, reasonable guidelines could deflect inherent abuses. The inperson solicitation prohibition serves mainly to preserve the cartel-like dominance of the most powerful and well connected firms who do not need to advertise. Many of these powerful firms were built on family social connections, political contributions, and oldschool boy network ties, not factors that have a lot to do with fair competition and a level playing field.

A better informed middle income public feeling more comfortable with the law will go a long way toward spurring their greater interest in obtaining our services.

That's Professor Saltalamachia, Thank You

By catboy

the wommon who runs the nyls library happens to be a professor and other things, thank you.

I went charging into Professor Saltalamachia's office one evening, determined to uproot all librarian stereotypes and present Professor Saltalamachia with the keys to the academic world. However, I soon bowed my head before my own short-sightedness, because the Professor has already found her place both socially and academically (in her own inimitable fashion).

I work hard not to judge people," says Professor Saltalamachia, "it is the educated people's vice." Thoughts like these allow Professor Saltalamachia to legitimately call herself a "perpetual teacher." Combine that with the

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Since the number of participants in the legal industry has drastically increased from the days when the entrenched firms were created, the legal industry must grow to gainfully employ the new participants through a free and open marketplace.

The American Bar Association (ABA) es-

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NYLSnet: Where is the Front End?



"There is one thing stronger than all the armies in the world, and that is an idea whose time has come."

—Victor Hugo

By Alon Israely

Imagine that you are at home, it is late in the evening and the phone rings. A wonderfully calm, soothing voice comes on the line and notifies you that tomorrow's 9:00 AM class has been cancelled. AHHH, extra sleep; or if you'd rather, more time for studying. That phone call was the end product of an elaborate system designed by the school to make our lives more efficient and less cumbersome. We all agree that would be a nice change!

Just an hour before you received that phone call, the Professor sat at her computer at home and made the arrangements: From the Internet, she cruised over to the NYLSnet (the school's own mini-Internet). She filled out a special on-line form that includes the cancellation information and the necessary information for the make-up session. The school's computers verified her requested date and time and assigned whatever room was free that day. She also posted new reading assignments for class, which you will receive as an e-mail along with tomorrow's hot lunch

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Happy
St. Patrick's
Day

The New York Law School
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The *Reporter* welcomes submissions from all students, faculty, alumni, staff, and other members of the legal community. All contributions are given high regard, and any input is welcomed.

All contributors are given the opportunity to review their submissions before the newspaper is published, subject to considerations of time and practicality. Our editors, at the request of the contributor, can assist with formulating and writing an article.

Authors of articles submitted to the *Reporter* are ultimately responsible for the veracity of any article submitted and accepted for publication.

The views reflected herein are those of authors, and not necessarily those of the *Reporter*, New York Law School, or of any editor or staff member.

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Articles should be submitted on an IBM formatted disk with a hard copy and program used indicated to the *Reporter* at the above address, or to Room L2 in the basement of the "C" Building, New York Law School.

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Letters to the Editor

Dear Editor,

I write in response to your decision to serialize Hansen Alexander's article 'Secrets of the Constitution,' which you report was published originally in 'The Middle Class Review.' (I've never heard of this journal, but, given the many factual errors appearing in part I of Alexander's article, maybe I'm better off.)

I agree that students should be exposed to American constitutional history as an integral part of learning American constitutional law, but Hansen Alexander's article is an illustration of how not to recount the history that gave rise to the Constitution, how not to understand the work of the Federal Convention, and how not to understand Madison's 'Notes of Debates in the Federal Convention of 1787.' To repair some of the damage, here are a few examples:

(i) The Constitution was written by delegates to the Federal Convention, which was supposed to convene on 15 May 1787 in Philadelphia but which did not actually achieve a quorum until 25 May 1787 and which met through 17 September 1787. It was not written exclusively or primarily by James Madison, who repeatedly disclaimed sole, exclusive, or even principal credit for the Constitution.

These are only a few examples of the host of errors that pervade Mr. Alexander's article.

(ii) The Federal Convention's decision not to hold public meetings and debates reflected the general pattern of legislative sessions in the late eighteenth century. The public's right to know was in its infancy in this period.

(iii) At its opening, the Convention elected Major William Jackson of Georgia as its secretary, and Jackson kept the Convention's official journal -- and did a dreadfully bad job. Realizing Jackson's failings, and desiring to provide posterity with a record of the challenges facing a constitution-writing body such as the Federal Convention, James Madison determined to keep his own record of the Convention's debates. He devised his own shorthand method and then, each evening, transcribed his shorthand jottings, expanding on the notes as ideas struck him. In 1986, James H. Hutson published an important article in the *Texas Law Review* entitled 'The Creation of the Constitution: The Integrity of the Documentary Record,' in which he showed, among other things, that even though Madison was the best parliamentary reporter of his generation, he managed to record no more than 5-10 percent of what was actually said in the Convention. That's why Madison's 'Notes of the Federal Convention of 1787,' though remarkably valuable for historians, are not the exact verbatim transcript that original-intent advocates seem to think they are; furthermore, Madison's notes ought to be used in conjunction with the other notes taken by such other delegates as Robert Yates and John Lansing of New York, James McHenry of Maryland, and Rufus King of Massachusetts. The best edition of all these materials is Max Farrand's 'The Records of the Fed-

eral Convention of 1787,' published by Yale University Press in 1911, revised in 1937, reissued in 1966, and republished with a new supplementary volume in 1987.

(iv) At the Convention's close, Madison packed up his notes and kept them among his own papers. Thomas Jefferson did get to see the notes when he returned to the United States from Paris in late 1789, and his nephew John Wayles Eppes prepared a copy under Madison's supervision. The original of the Eppes copy is in the Massachusetts Historical Society; a letterpress copy is in The New York Public Library.

(v) Madison's notes should not be confused with Jackson's journal and the official records of the Convention, which the delegates entrusted to Washington and which the President then transferred to the State Department, which published the documents in 1819.

(vi) Madison kept his own notes secret, believing himself bound by the oath taken by the delegates pursuant to the rule the Convention adopted on 29 May. When he died in 1836, he directed his widow to approach the Federal Government with an offer to sell them his papers, including his notes of the Convention. Based on these negotiations, the Federal Government purchased the bulk of Madison's papers, which now rest in the Library of Congress, and in 1840 sponsored an edition, including the 'Notes of Debates in the Federal Convention of 1787,' edited by Attorney General Henry D. Gilpin. In his 1996 monograph 'Original Meanings: Politics and Ideas in the Making of the Constitution,' Jack Rakove examines the complex history of the uses made or not made of original-intent evidence and interpretation in the years between 1789 and Madison's death in 1836.

(vii) Again, though Madison did groundbreaking intellectual work in late 1786 and early 1787 in preparation for the Federal Convention, and though the Virginia Plan (based on his ideas and incarnating his thinking) was the basis for the Convention's work, it is a misnomer to refer to the Constitution as Madison's Constitution. As the late Richard B. Morris pointed out in many books, including 'The Forging of the Union, 1781-1789,' and as I pointed out in my 1987 study 'Are We to Become a Nation? The Making of the Constitution,' Madison's ideas were consistently rejected by the Convention from the Great Compromise of 16 July through the Convention's close.

These are only a few examples of the host of errors that pervade Mr. Alexander's article. I

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**April/May
Issue
Deadline is
Monday,
April 7**

Gentlemen of Leisure at NYLS

By Kimberly Auerbach

Most law students have trouble balancing classes, homework, and a job, much less finding the time to produce and star in their own cable public access television show.

But for such leisurely gentlemen as New York Law School students Doug Cardoni and Phil Costello and friend Raynaud Formosa, a.k.a. Steve, producing this wacky, outrageous, fun, and funny half-hour weekly cable public access show titled "Gentlemen of Leisure" is second nature.

"The show is based on leisure and nothing else," explained Cardoni. When I asked him what exactly is a show based on leisure he explained, "We drink martinis, drink marguerites, wear ties and ascots, sit around in really nice mansions, drink a lot, make martinis..."

I got the picture. And sure enough that is exactly what they do.

The three agree that what attracted them to each other is that each was the most leisurely person the others had ever known. But Formosa gets the title of King Leisure.

"Raynaud is 29 and he's worked eight months and two weeks in his whole life," Phil recalled with admiration. "Once he had a concierge

voted to the making of the perfect martini: to shake or stir? And what makes the show really worth watching is the rare movie footage, such as Paula Abdul in "Junior High School," where fans can watch the diva in her pre-teen years skip and sing in this musical.

But do not think being a gentlemen of leisure is all fun. "The hordes of women and groupies take up our leisure time," Formosa complained, while Cardoni and Costello noted that the calls from agents and stalking women gets tiresome.

Fan Lisa Aljian discovered the show one night as she was surfing and saw Cardoni's face.



"The next blink I saw naked women," she recalled. "I was like, 'I know him.' The show made me laugh out loud, and I *don't* laugh out loud."

A writer from Penthouse was reading a sex

story about this studly construction worker Dante, Aljian recalled. In the middle of the story, the camera would cut to a construction worker, who obviously had no idea he was being filmed. Costello, who was handling the camera, started screaming "Dante...Dante..." every time they showed the construction worker. "It was so funny I was crying.

"I like raunchy stuff -- especially intellectual raunchy stuff. It (the show) is like intellectual stupidity."

But do not think being a gentlemen of leisure is all fun. "The hordes of women and groupies take up our leisure time"

Viewer calls are often played on the air. One critic called in and said, "This show is like, hella retarded." Cardoni, who sometimes plays a linguist on the show, took out his dictionary to discover the meaning of the word "hella." Hella: (1) origin from Bella; (2) of white trash origin;

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job for two weeks and told his parents he had to quit because it cut into his leisure time."

The low budget Monday night show, which airs on Channel 16 at 12:30 a.m., opens with the song "Look of Love" by Sergio Mendes. Cardoni rides down a staircase of a gorgeous New York mansion in an elevator chair, while Formosa pontificates and Phil plays the piano.

The cameras scanned their '70s polyester garb, plaid suits and gold belt buckle that read "STUD" in capital letters.

In the latest episode, the producers show clips from when Costello and his brother, Paul appeared on the Gordon Elliot talk show and pretended to be fighting over a girl. Their appearance was later lauded on the very popular cable show Talk Soup, where the most outrageous clips from the weekly talk shows are aired. The host was particularly awed by the brothers' attire, as the cameras scanned their '70s polyester garb, plaid suits and gold belt buckle that read "STUD" in capital letters.

The majority of another episode was de-

BATTLE EVIL AND TYRANNY!



The Force Will Be With You Write For The NYLS Reporter

We welcome your opinions and contributions. Make your voice known and promote your interests. Simply write articles, editorials, letters to the editor, letters to the Ombudsman, comments or suggestions on topics of your own choice; or let us come up with the ideas. Your opinions and thoughts are important, and deserved to be shared with the NYLS community. You may write under your own name, a false name or anonymously. Drop off contributions at the *Reporter* office in Room L2, the lower level of the "C" Building (across from the TV). Or call (212) 431-2100 Ext. 4202 for ideas or more information. Any free time you can contribute is valuable to the *Reporter*.

Breakfast With Robert J. Kennedy, Jr.

By David Drossman



On Friday, February 28, I was privileged to be a part of another breakfast hosted by the Center for New York City Law. The speaker was Robert F. Kennedy, Jr., and he brought a packed house with him. Normally held in the faculty dining room, the breakfast was moved to the Steifel Reading Room to accommodate the crowd. There were reporters from local newspapers present, and the speech was filmed for broadcast on cable access. The event was well organized, as roughly twenty law students were put to work by the Center for New York City Law to make sure everything ran smoothly. Running the show was Professor Ross Sandler, Director, and his wife Alice. When Kennedy stepped up to the podium, there was an energetic silence in the room. The talking subsided but the coffee cups still were clicking on the saucers, creating an air of anticipation.

Kennedy began by remarking broadly on many issues relating the New York City's water supply, and then went into specifics and anecdotes to help get his ideas across. Kennedy's drive and passion for subject of the watershed were made clear from the beginning, as he thanked many of his "companions in the battle to save New York City's water supply."

Kennedy began by going back to the beginnings of his involvement with the watershed and his road to becoming Chief Prosecuting Attorney, Hudson Riverkeeper. In the 1988 drought, New York City siphoned a portion of its water supply from the Hudson river to supplement the water from the Delaware. Although other municipalities filter the dirtier Hudson water, New York City made it safe to drink by mixing one part Hudson water with eight parts Delaware water, and chlorinating was attempted. The result was dirtier water for New Yorkers and many killed fish species and plant life

from the heavy chlorinating. Kennedy and others pressed a lawsuit to stop the City from taking Hudson water, and this made many people stop and look at the situation of the watershed. He also mentioned his lawsuit to save the striped bass in the Hudson River. At the Chelsea pumping station, the intake valves were sucking in the fish where they were spawning, sending them through the system and threatening the ecosystem upstate. At the Croton reservoir, new sewage pipes went straight into the reservoir. Although illegal in most states, this policy was considered safe by the City because it was being diluted by so much water. Kennedy felt that the City was overestimating the effect of the dilution, especially when added to

the City's lack of a filtration system. He did not like the idea of having "nothing between the sewage and taps." Kennedy then spoke about the effects of the publicity and litigation.

When Kennedy stepped up to the podium, there was an energetic silence in the room.



Ross Sandler, Director for the Center for New York City Law shows Robert F. Kennedy, Jr. the way to the podium.

People began to look closely at all parts of the system, where laws against polluting had

gone largely unenforced. In past years, New York City's drinking water was considered among the best of all major cities. It won awards, and was even bottled and shipped around the country. However, the quality of the drinking water was being threatened because it was being taken for granted, and at one point a third of the water coming out of City taps was rated questionable for safety. Contaminants such as sewage and road salt caused high algae and bacteria

growth, which gave some water a strange taste and color. Kennedy stated that this situation "happened because of careless development." Records showed that a watershed polluter had not been arrested since World War II, despite a City police force upstate trained to enforce the regulations. People believed that the water system could run forever without enforcing regulations and protection.

Politics seemed to play a major role in the situation, because of the rivalries between New York City and upstate communities. The City projects upstate to build the watershed displaced

many people and took some of the best farm land upstate, causing the resentment. Republican politicians in the Catskills used this animosity to strong-arm the City into not arresting polluters. The City did not fight back, because the negative effects of a few minor polluters are far less than the political consequences of arresting them. Kennedy explained that the laws needed to be updated from those dealing with out-houses to ones regulating modern sewage treatment facilities. The last regulations were passed in 1954 and carried

a maximum fine of \$25, not enough of a penalty to deter even the smallest polluter. With the law-

suits and health concerns looming, this issue took on a new urgency in 1987 because of federal regu-

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The Center for New York City Law

BREAKFAST SCHEDULE:

Friday, March 21, 1997-

Hon. Rudy Washington, Deputy Mayor for Community Development & Business Services

Minority Owned Businesses: What We Need To Do Now

Friday, April 18, 1997-

**Hon. Alan G. Hevesi, Comptroller
The Comptroller's Office: Budgets, Audits and Politics**

All Law Breakfasts begin at 8:15 a.m. and take place in the New York Law School Faculty Dining Room. Please RSVP at Ext. 2115.

Moot Court: Nepotism Revisited

By Frank Ng

In light of the criticism of this author's last article, let it be known that this author stands behind his work. Moot Court members have construed this author's February article as an attack on the Moot Court Association. On the contrary, it was an expression of the concern by some members of Moot Court as to the perceived inadequacies of the Executive Board's selection process.

I recognize that the NYLS Moot Court Association is one of the most respected in the nation.

In that article, Professor Levine responded to this concern, to which the Moot Court Executive Board itself refers in its memo, and in which he says he considers my article well-reasoned. Some may consider the tone of the article overzealous, but that was necessary to convey the disappointment expressed by some of the members.

In response to the Moot Court article in the February *Reporter*, the Moot Court Association Executive Board addressed a memo to the student body; the memo is reprinted in its entirety below. According to the memo, Board members

can use any selection process they deem appropriate to fill new Board positions because the By-Laws do not provide otherwise. This implies that, even if member-candidates accumulated a superior number of points in competition, if Board members selected their lower-point-accumulating friends to fill vacancies on the Board, the member-candidates with higher point totals are out of luck.

In light of the criticism of this author's last article, let it be known that this author stands behind his work.

The Moot Court Board also states that not only do Law Review, the Journal of Human Rights, and the Journal of International and Comparative Law select their incoming editorial boards in a similar way that the Moot Court Association selects its incoming Board, but that the same could be said for nearly every Law Journal and Moot Court Board in the nation. If the concern of some members regarding the selection process is valid, Moot Court would be suggesting that favoritism is part of the selection process of nearly all Boards in the nation.



Some members of Moot Court said they wanted to put *Reporter* staff "up against the wall" following last month's article.

Apart from the concern of Moot Court members that there is favoritism on the Executive Board in the filling of vacancies, this author recognizes that the NYLS Moot Court Association

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The Numbers Speak For Themselves . . . Again.

Bar Review Course Market Percentages

New York Summer 1996



New York Winter 1997



Enrollment for competitors' courses based on average attendance at lectures determined by periodic headcounts with 5% non-attendance assumed.

Trust The POWER OF EXPERIENCE



Trust The PROVEN COURSE

BREAKFAST, Continued from Page 4

lations.

Congress passes the surface water treatment rule, requiring all cities to filter their water, or get a waiver by proving that they are taking adequate measures to protect their unfiltered system. Kennedy explained that if the City were to build a filtration plant, it would be the largest one in existence, carrying a price tag of eight billion dollars to build and three hundred million dollars a year to operate. This would result in the spending of a quarter of the City's budget without any real benefits. Also, it would leave the City with no money left

to protect the water source, which could actually lower the water quality. Kennedy said the Koch and Dinkins administrations were slow to react to the news, so lawsuits were pressed to force the

City to buy land, pass new legislation, and engage in more research and development.

The litigation was not forcing the government to move faster on the issue of the watershed, so Kennedy and others decided to make it a political issue. Although upstate the watershed was a hot topic, people in New York City did not know about the issue "If you ask people where water comes from, they say the tap." The war over control of water was thrown to the public, as Kennedy sold the issue to sixty groups affected by the water safety hazards, and they agreed to make it their principal issue. To educate the public, Kennedy consulted an ad agency and affixed posters around



Adam Lancer, 1996-97 Fellow for the Center for New York City Law

the City. Ideas suggested included one with a toilet brush with toothpaste on it, and a caption reading, "Brush Your Teeth With Fecalmint, over 80% of New York City's water is contaminated with fecal matter." Kennedy received a call from an angry Mayor Dinkins following the publicity campaign, who calmed down once Kennedy explained the entire issue. After an EPA mandate to filter City water, Dinkins put forth a proposal to buy land and protect the water supply. This proposal

was accepted by the EPA and the City was given more time to make the arrangements, narrowly avoiding an eight billion dollar bomb that would have gone off if filtration was ordered.

"Brush Your Teeth With Fecalmint, over 80% of New York City's water is contaminated with fecal matter."

Kennedy's fight did not end, as a new campaign was put into effect when Mayor Giuliani was elected.

Kennedy supported Mario Coumo (to whom he is related by marriage) over George Pataki in the last elections, and after winning Pataki called Kennedy and told him that anything he wanted over the next four years he could "just forget about." Later, Governor Pataki had a change of heart and agreed to

help protect the water supply, and things began to start moving.

Months of meetings between environmentalists and New York City and State representatives turned out a 1500-page agreement on how they would save the watershed. The City agreed to phosphate removal, microfiltration and stricter laws on sewage dumping. A billion dollars was committed to the watershed initially, and a one hundred million dollar a year monitoring program helps to protect this valuable resource. Twelve lawsuits against the City were dropped, and the City agreed to purchase up to 355,000 acres of land upstate. Kennedy still had problems with the agreement: It doesn't guarantee good drinking water forever, sewage was still allowed into the water, and he feels the buffer distance requirements between septic systems and the watershed are not safe enough.

Kennedy tied most issues back to politics, and showed some frustration at how long it took people to react to this problem. He spoke clearly and effectively, and his thoughts were well organized. When he was finished with the question and answer session, I felt as if I had been through an hour long crash course on the watershed. Sadly, much of the damage could probably have been prevented with planning and dedicated people like Kennedy in the right places. In politics, however, "could have" can be said for most issues.

Marathoners



Anyone interested in running in this year's New York Marathon drop a note in Takashi Kagawa's mailfolder.

MARCH 1997

Letters, Continued from Page 2

urge you to suspend plans to serialize this article and instead refer you to Robert Clinton's article in the 'Iowa Law Review,' which does the same job far better and more reliably than Hansen Alexander does. I also refer you to such studies as Richard B. Morris's 'The Forging of the Union, 1781-1789,' Clinton Rossiter's '1787: The Grand Convention,' Jack Rakove's 'Original Meanings: Politics and Ideas in the Making of the Constitution,' and my own 'Are We to be a Nation? The Making of the Constitution' All these are or should be in our law library.

Richard B. Bernstein
Adjunct Professor of Law

Dear Professor,

Thanks for your input, keep selling those books.

LEISURE, Continued from Page 3

(3) a town in Montana inhabited by white trash. Concluding that the caller was from Montana, all three were impressed that the show has such a far-reaching audience.

The trio got the idea to produce the show because Costello, who calls himself a "total public access junkie," had some experience in the medium. He and his brother had a public access show in the Summer 1996 in honor of their band, The Barry Whiteboys. "Ever since college all I watch is public access. I hardly ever watch regular tv. It's hilarious."

Cardoni never thought they would actually produce the show, but last August they bought a camera and VCR on credit, went down to Manhattan Neighborhood Network, got an application and were slotted for the season.

The expenses consist of the equipment and the booze, Formosa explained. "If we could get any lower budget we would," Costello added. The only limitations are that they cannot have penetration or excretion, both of which they have come very close to violating.

Being law students comes in handy when producing a cable access show. One viewer, who happened to be an official at Manhattan Cable Network, wrote a letter accusing the trio of violating copyright laws. Cardoni and Costello, who happen to be on Law Review, wrote a very sophisticated letter saying the clips were "fair use." They never heard from the viewer again.

Not everyone, however, is impressed with what the Gentlemen of Leisure have done. Costello used to include the fact that he produces a public access cable show on his resume and employers would look at him funny. "They'd confuse it with leased access and Robin Byrd," Costello explained referring to the controversial host of a late night cable show who is not shy about taking off her clothes.

But Cardoni said associates at Fried Frank, the firm where he works, have seen the show and like it. "I'm a mini-celebrity."

When I asked what was in store for their fans in the future, Formosa quickly informed me that "It's not very leisurely to plan things ahead of time." But do not worry if you have not caught an episode of Gentlemen of Leisure yet; they assure me the show will go on "forever," or at least until they pay off the video camera.



TOOK A CHANCE ON A FLYER

By "Vertigo"

As I was walking one day, passed the bulletin board which is next to the bookstore, I noticed a flyer which did not seem to fit in. Amongst the bar review courses and law seminars there hung a lone flyer which proudly read: "SUBCULTURE, LIVE AT THE NEW MUSIC CAFE." I had heard that there was a first year student who played in a local band, so I decided to take a chance on this flyer and see for myself.

I must admit that as I was walking into the New Music Cafe I was more than a bit skeptical about what type of band I was about to see. I fancy myself quite the harsh critic, you see. The place was filled with fellow New York Law students whom I recognized. I stood alone in the back, just waiting for the band to on. I had no idea what kind of musical experience I was in store for. All I can say is that I was blown away. *Subculture* was Incredible with a capital I. The band has a truly unique style, a mature blend of what is traditionally known as modern and what is traditionally known as classic. Not only is the band more professional than almost any modern band I have seen recently, but their songs are inspiring. Their musicianship was first rate. These guys reminded me of some kind of modern day Led Zeppelin. The set seemed to take me on a bizarre sonic journey. The lead

singer's voice conveyed an incredibly wide range of emotions as it bellowed throughout the club. I know that I was not alone in my reaction. I know this to be an absolute truism because I could see the looks of amazement on the faces of those around me.

After a little research, I discovered that



the first year New York Law student in the band is Thomas Silis. Judging from his year book picture you would never know that it was the same guy. Mr. Silis plays the bass in the band. Or shall I say, HE PLAYS THAT DAMN BASS LIKE I HAVE NEVER SEEN. It was as if he were born with a bass in his hands. The bass and the drums were like a well oiled machine; perfectly tight, and conquering of different styles at will.

The band has a truly unique style, a mature blend of what is traditionally known as modern and what is traditionally known as classic.

I was lucky enough to get my hands on one of the band's demo tapes. That tape has not left my car's tape player. These songs belong on the radio. Still, nothing can compare to what I witnessed that night. *Subculture* is truly a band to be savored live. So, if you see one of those lonely flyers hanging on a chalky wall, do yourself a favor and pay attention to its message.

STAN'S

Attention Law School Students



Clip & Save



NEPOTISM, Continued from Page 5

is one of the most respected in the nation; its team has consistently performed well in national competitions. This reputation played no small part in persuading Justice Scalia to judge a NYLS competition last semester. Regardless of the internal politics between the Moot Court Executive Board and its members, Moot Court works. As the saying goes, "if it ain't broken, don't fix it." See you at Froessel!

MEMORANDUM

To: THE NYLS STUDENT BODY

From: The Moot Court Association Executive Board

Date: 25 February 1997

Re: Recent story in the *Reporter* discussing Moot Court

We write to correct factual errors that were contained in the February edition of the *Reporter*. First, only two positions on the Moot Court Executive receive tuition assistance. Second, the Moot Court Association By-Laws do not provide for selecting the incoming Executive Board according to the number of points that a member accumulates in intra- or intermural competition. Third, neither Law Review, The Journal of Human Rights, nor the Journal of International and Comparative Law selects the incoming editorial board according to grade point average. Rather, those organizations select the incoming editorial boards in a similar way that the Moot Court Association selects its incoming Executive Board. The same can be said for nearly every Law Journal and Moot Court Board in the nation; our election process is hardly unique.

We will not respond to what the story's author, or the author's unnamed source, thinks should be the process for selecting the incoming Executive Board of the Moot Court Association. Rather, we refer the reader to Professor Levine's well-reasoned response that the author included in the story. If the author had contacted the Moot Court Association, we would have gladly explained both the for becoming a member of Moot Court, and the process for running for an Executive Board position once an individual is a member.

For those students who do not know, the Moot Court Association sponsors the Charles W. Froessel Moot Court Competition each Fall to select its new members. We encourage all second-, third-, and fourth-year students who are interested in Moot Court to compete in the Froessel. Additionally, we encourage first-year students to act as bailiffs for the Froessel oral arguments to introduce those students to Moot Court. If you have questions about the Moot Court Association, do not hesitate to call the office at ext. 2175.

IN DEFENSE OF THE "PROFESSOR FROM HELL"

Anonymous

As members of the legal community our **duty and responsibility** is to represent clients regardless of our personal beliefs and prejudices. Remember the inspirational 'pep-talk' which Dean Wellington delivered during the orientation process? With that inspiration in mind, and with the personal experience of being a 1L student in said Contracts Professor's class, I hereby file the following answer to opposing counsel's emotionally provocative complaint in the February issue of the Reporter.

What does it mean to be trained to "think like lawyers?"

The law of contracts is the study of the promises we make, and the consequences that may result when we disappoint the expectations of the promisee. When we first started contracts, we each entered into individual and collective contracts with our professor, that contained both express and implied terms. Our obligations have been to read, and attempt to understand, the cases, extract the black letter law, arrive to class on time, and to quietly listen to, with respect, each other and the professor at bar.

The professor's obligation, at the time, was to 'conduct a class in contracts,' in the time honored "Socratic" manner, dealing with basic principles behind the creation and enforcement of contractual obligations (as per catalog course description). If it is too ambiguous does equity demand a relief? Was this a case of mutual mistakes of the essential terms of our respective contract obligations, or a unilateral mistake given the premise that we may be 'lowly 1L's whom aren't with the program yet.'

Professor Kingsfield ('Paper Chase'), once stated that "You teach yourself the law, I train you to think like lawyers." If this is to be the interpretation of our professor's obligation, then have we not made a unilateral mistake? Did we not enroll in law school with the understanding that the level of effort and the degree of frustration would far exceed our prior educational experiences? As opposing counsel's complaint reads like a stirring Johnny Cochran closing argument (e.g. "If he didn't teach the class, we would all pass!"), the professor's teaching plan may have worked.

What does it mean to be trained to 'think like lawyers?' Tu Yu in commenting on Sun Tzu's treatise *The Art of War* wrote, 'If officers are unaccustomed to rigorous drilling they will inwardly quail when they face the enemy.' Have we not just learned the "agony of defeat," to quote the opening line of ABC's *Wide World of Sports*, is this not what we will face the first time we write a memo for a Senior Partner, and have it returned to us after being put through the paper shredder twice?

Time is of the essence in contracts. A failure to perform a contractual obligation on time leaves the responsible party liable for all sorts of

nasty damages. Is not our arriving on time a condition precedent to the professor guiding us through the mysteries of contract law?

When we represent an important client and arrive late to court, will the judge think nothing of it, or will it adversely affect our client's prospects? In the real world of lawyering, we may have to work until 11 p.m., and arrive well in advance of 9 a.m. the very next morning, at times.

Furthermore, consider class ranking vs. school ranking. As the degree of difficulty imposed upon students increases, so does the respective school rank vis-a-vis other schools. Difficult professors actually increase the reputation of a school and help raise the rank and move to the next tier. Consider the fact that Columbia's rank with regard to professors' quality is only two tiers away from NYLS.

Yes, the competition is rigorous and class rank is important, but what is the result of this alleged deviation from the "suggested" school curve policy? In mathematical terms, it amounts to less than three-tenths of one percent over the required 86 credits. It is also for the entire A section which is composed of approximately 28% of the first year students, which is less than nine one-hundredths of one percent in overall first year statistics. Not quite enough to get to the next tier!

The professor's obligation, at the time, was to 'conduct a class in contracts,' in the time honored "Socratic" manner.

In practical terms, it means that instead of graduation with a 3.2 index, you will have a 3.188 index. Now in terms of being anal, it would look quite persnickety to have a three decimal place index on your resume, so it that rounds off to a 3.2 of course!

In a famous scene in the movie the *Paper Chase*, one of the students, Hart, gets so frustrated with the indomitable Professor Kingsfield that he gets up to walk out, and turns to Kingsfield and says "You're a son of a bitch." Silence thunders as Kingsfield looks down from the podium and replies "That's the first intelligent thing you've said today, now get back to your seat!" Hart smiles with glee, and realizes that he will defeat this impossible professor by learning the elusive intricacies of contract law, and learning to 'act like a lawyer.'



POETIC JUSTICE

By Carenine Pierre

They call me woman
I come from Eve
They say I'm damned
From the time I'm conceived

Not fit to be a "man"
Whatever that means
Not meant to be heard
But only to be seen

From the beginning of time
The burden has been mine
To be the mother of this Earth
As I bear the pain of birth

I was the first to be slain on the slaveship from Africa
I watched my husband die on the concentration camp in Austria
I sought refuge from genital mutilation in India
I fought for freedom in Tiananmen Square China

In a world so cold
I raise my son alone
Hoping he turns out to be like me- not his daddie
I am punished because I chose to have him
Yet his father goes unpunished though he chose to leave him

In the late of night I am raped by the man who loves me in the morning
I am sometimes beaten by the man who has implanted me with his seed
As I walk down the street, I pretend not to see the lewd men calling
For I have an idea of what they perceive, and what they falsely believe they need

I wish I could tell them:
That the fullness of my breasts
Is only for my man's caress
That the width of my hips
Is not their gift
And that me and my apple round behind
Won't even give them a piece of my time

But in his definition of beauty
I must fit into man's mold
I perform all "proper" duties
As more tasks unfold
I conform to what he wants
Following all his dos and don'ts
For in this man's world
Even my 'sistas' put on their fronts

Yet all the fake hair, fake nails and make-up
Will never allow me to put up
With the constant rejection and discrimination
The stereotypes and the video hypes
The battery and the abuse
Cause No, I won't be used

I find the strength within me
To be all that I am meant to be
Not relying on any one person
But finding hope through my girlfriends

Continued on Page 9

POETRY, Continued from Page 8

For we've suffered the pains of giving birth
We've shared the tears granted in life
We've felt the joys of newfound love
And we've known the sadness brought by its loss

The decade dawns with the new definition of a woman

Now I am the breadwinner
Let him be the housekeeper!
Today I am the doctor and the lawyer
Tomorrow I'll be President after I've become the stockbroker

I am the mother of future generations
I hold this world together
Yes I make it better
I have risen from oppression, from depression, and from repression
And when I play, I win!

I hope for tomorrow and live for today
Those who put me down will have to pay
I am strong, and proud, powerful and ambitious
I command respect
And demand the fulfillment of my wishes

My hands heal the people
My heart goes out to this world
My mind gives life to innovations
As I strive amidst the competition

I thrive after falling to the ground
As my heart beats faster, pound for pound
I am headed for success
Yes, this woman is blessed!

Through every trial and tribulation
I'll care for the generations
For the future I will survive
To keep the nations alive

Yesterday- I was Harriet Tubman, Sojourner Truth, Eva Peron, Indira Ghandi, Rosa Parks, Barbara Jordan and Betty Shabaz.

Today- I am Hillary Clinton, Oprah Winfrey, Alice Walker, Maya Angelou, Maxine Waters, Carol Mosley Braun, Sandra Day O'Connor, and Madeline Albright.

And Tomorrow- I'll never again be the woman behind the man.



BUSINESS, Continued from Page 1

establishment has simply not caught up with Judge Posner's economic theories that are heavily influenced by market forces or a new generation of American lawyers who value capital formation over capital distribution. The ABA establishment represents a fading era that is, in Justice Antonin Scalia's words, "not as enthusiastic about economic liberties as were the men and women of 1789."

As my friend Tom Sipp has suggested, a free and open legal marketplace should change the oft cited efficiency argument from an excuse to avoid more work into a challenge to meet our legal responsibilities to the American people.

Professor Nadine Strossen proposed legal public education by the judiciary in a February 19 panel discussion on the question of whether judicial decisions should be criticized. While the context of Strossen's remarks had nothing to do with increasing business, such a public education would both inform middle income Americans about their options in seeking legal assistance and breed a greater public confidence in the law through a better understanding of it. A better informed middle income public feeling more comfortable with the law will go a long way toward spurring their greater interest in obtaining our services.

The second ethical rule that should be reconsidered is the prohibition on mixing law with other non-ancillary businesses. Law is too pure to be tainted with other professions is the rationale. This ban is just sheer arrogance. Those who work in American business are not uneducated. In fact, as Alexis de Tocqueville noted in his classic work, *Democracy in America*, the finest minds in America go into business. Insulting the intellect of American businesspersons is no way to cater to their needs or demand their respect.

If a lawyer is qualified to act as a sociologist, travel agent, wine connoisseur, public relations consultant, the lawyer and the lawyer's firm should be able to "offer one stop shopping" to clients. Lawyers cannot now offer these specific services under the ABA Model Rules.

Under ABA Model Rule 5.7, a lawyer can only offer "ancillary" services to clients and then only to "clients of the law firm." Ancillary services is defined as "law related" and includes financial planning, accounting, real estate counseling, tax preparation and environmental consulting. The ABA should operate from reality and either expand the definition of ancillary services or allow lawyers to practice any business they are qualified to engage in.

Allowing nonlawyers to become partners would level the playing field and allow real competition, which is apparently what the old school of the Bar fears.

Another arrogant ethical rule, ABA Model Rule 5.4 (b), prohibits nonlawyers from becoming a partner, for investment purposes, in a law firm. The rule states that this prohibition protects "the lawyer's professional independence of judgment."

Businesses in which lawyers can become partners for investment purposes apparently have no comparable professional independence of judgment. Consider that a lawyer can be a partner in a pharmaceutical company, can sit on the board of



trustees of a hospital, can own and operate a baseball franchise, including all decisions involving personnel and field operations, can be a partner in an investment company. But Donald Trump and Bill Gates cannot become partners in your law firm even though they could expand and improve your business through their investment and managerial knowhow. But then Trump and Gates would have to meet that stiff requirement of professional independence of judgment.

In fact, bringing Trump and Gates on board would allow smaller firms to compete with the big, blue line firms and the well-connected Washington lobby firms and the international firms by giving them the necessary capital to engage in risk. And risk is where the rewards are. Allowing nonlawyers to become partners would level the playing field and allow real competition, which is apparently what the old school of the Bar fears. The ban on nonlawyer partners is really the last vestige of socialism in America and breeds further animosity between business and the legal profession.

A fourth idea to increase business is to engage in high volume, low price, uncontested matters. As Professor Johnstone would suggest, why should paralegals take this uncontested business away from us? In fact, the ABA should restrict paralegals from engaging in what amounts to practicing law without a license in uncontested matters.

Accepting slightly lower contingency fees, say 25%, would make us more competitive and allow market forces, which all too often alienate us, to finally bestow their benefits upon lawyers.

Developing the fine art of becoming famous through teaching, public interest work, lecturing, writing, and television commentary would expose us to more people who can avail themselves of our services, encourage us to be innovative, and rebuild our professionalism.

Deborah Howard of Career Services has emphasized the importance of networking with each other and has suggested that such networking can lead to significant referral business.

Finally, Carol Abenante, a 3L who was born in Naples, Italy, and who will join a law firm in Milan after graduation, advocates combining lawyering with corporate or general business consulting to increase exposure to business opportunities. J.C. Lanza observed that lawyers are particularly aware of the parameters consulting can fit into.

Constitutional Insight...

AMERICA'S FOUNDERS UNDERSTOOD HUMAN BEHAVIOR

(Part 2 of a three-part series on James Madison's Notes on the Constitutional Convention)

By Hansen Alexander

The delegates in Philadelphia were under no illusions about human behavior. Based on their readings of contemporary governments in Europe and ancient constitutions, they in fact waxed quite cynical. James Wilson expressed the cynicism when discussing the manner of electing members to Congress on June 6, "Bad elections proceed from the smallness of the districts which give an opportunity to bad men to intrigue themselves into office."

In debating a constitution the delegates tried to anticipate how to prevent dictatorship, military rule, and the runaway passions of the people. The "checks and balances" of three branches were devised to make radical measures difficult. In a sense, "gridlock" was built into the Constitution.

Having experienced the occupation of the British Army before and during the Revolution, the delegates in Philadelphia were almost paranoid in their fear of a standing army in peacetime. Madison articulated the fear, "A standing military force, with an overgrown Executive will not long be safe companions of liberty. The means of defence against foreign danger, have always been the instruments of tyranny at home. Among the Romans it was a standing maxim to excite a war...Throughout all Europe, the armies kept up under the pretext of defending, have enslaved the people."

Gerry and Luther Martin of Maryland proposed on August 18, 1787, that in time of peace the army should consist of no more than 1,000 men. Two days later Charles Pinkney suggested that money grants to an army should be made for one year at a time. "The military shall always be subordinate to the Civil power," Pinkney declared. An attempt to write a prohibition of peacetime armies into the Constitution was beaten back at the 11th hour (Sept. 14) when Gouverneur Morris convinced the delegates that such a prohibition would set "a dishonorable mark of distinction on the military class of Citizens."

The framers clearly intended for Congress to have most of the war-making powers, not the President. Roger Sherman declared, "The Executive should be able to repel and not to commence war." George Mason was against giving the power of war to the Executive because he could not "safely be trusted with it." In short, the chief executive was expected to "execute" the will of Congress in matters of war.

The exception was Mason's "sudden attacks" or what has become "emergency" attacks upon the nation, which might occur before Congress could convene and declare war. Of course, modern presidents have used the "emergency" clause to in effect wage undeclared wars. But in

fact the "emergency" powers of a president to repel "sudden attacks" did not make it into the final version of the Constitution! Therefore the president's broad "emergency" powers come not from the Constitution, but from tradition, particularly the fear of nuclear attack, a scenario that would require instantaneous response.

The following comparison taken from the completed Constitution shows the intent of the framers regarding war-making powers:

Powers Given to Congress:

1. To provide for the common Defence;...
2. To declare War;
3. Make Rules concerning Captures on Land and Water;
4. To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;
5. To provide and maintain a Navy;

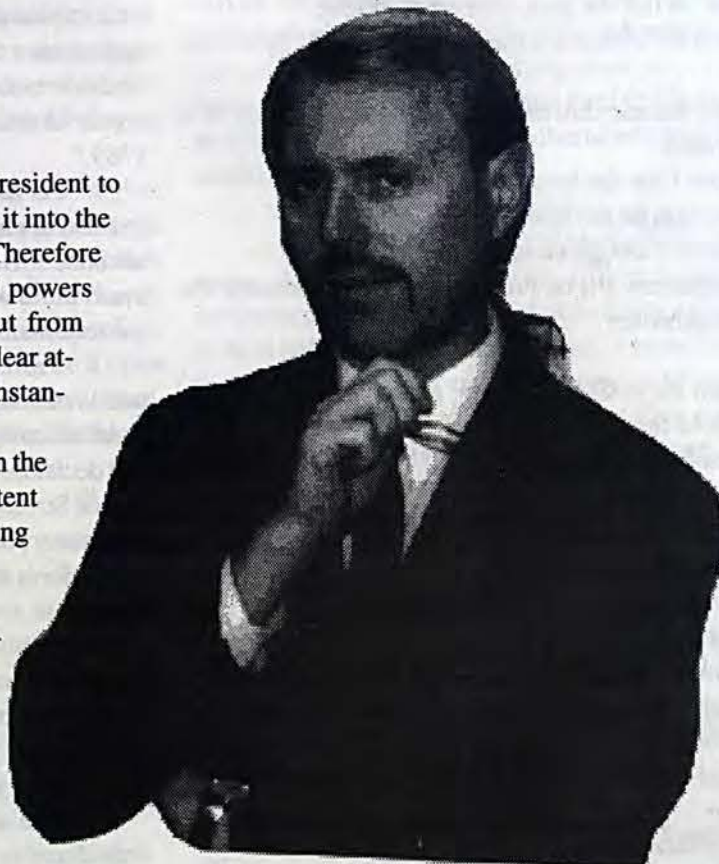
Having experienced the occupation of the British Army before and during the Revolution, the delegates in Philadelphia were almost paranoid in their fear of a standing army in peacetime.

6. To make Rules for the Government and Regulation of the land and naval Forces;
7. To provide for calling forth the Militia to execute the Laws of the Union, suppressing Insurrections and repel Invasions;
8. To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress.
9. To exercise exclusive Legislation in all Cases...for the Erection of Forts, Magazines, Arsenals, dockyards, and other needful Buildings;
10. No State shall, without the Consent of Congress...keep Troops, or Ships of War in time of Peace...or engage in War, unless actually invaded...

Powers Given to the President:

1. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several states, when called into actual Service of the United States.

Popular opinion would be against reasonable compensation for holding office, the framers



feared, thus discouraging the best people from serving. Gerry lamented, "One principal evil arises from the want of due provision for those employed in the administration of Government. It would seem to be a maxim of democracy to starve the public servants." Nathaniel Gorham complained on June 22 that "State Legislatures...were always paring down salaries in such a manner as to keep out of offices men most capable of executing the functions of them." A motion by Pierce Butler and John Rutledge to require senators to serve without salary or compensation was beaten 3-7 on June 12, 1787.

Edmund Randolph even suggested that the experience of the congresses under the Articles of Confederation and of the state legislatures showed "a rooted distrust of Congress pretty generally prevailed."

Gerry feared leadership would be left to conniving demagogues. "The people do not want virtue, but are the dupes of pretended patriots. In Massachusetts it had been fully confirmed by experience that they are daily misled into the most baneful measures which no one on the spot can refute."

The fear of dictatorship hung heavy over the debates. Many proposals for a single term for the chief executive, ranging from two to ten years, were offered. When George Washington became president he attempted to modify these fears by limiting his presidency to two terms and setting a precedent, a precedent more or less accepted until Franklin Delano Roosevelt was elected to four terms in the 20th Century. Congress reacted to Roosevelt's four terms by passing the 22nd Amendment, which now codified Washington's two term precedent.

Before settling on the electoral college to cast Presidential ballots, proposals were offered to have presidents elected by state governors and state legislators. Senators, over vehement objections by Madison, would be elected by state legis-

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Baseball Fever...

ROTISSERIE BASEBALL DRAFT DAY STRATEGY

By Mark Checki, John R. Merlino, Jr.
and Jason D. Krauss

Baseball season is upon us. The most important question that needs to be answered is who and how to draft in your upcoming rotisserie league baseball draft. John and I both won our respective National League-only leagues this past year, while Mr. Checki won his American League rotisserie league. What I'm trying to say is that you should listen to us, and chances are, you'll go far. Our advice is based on an auction-style draft with 260 units at your disposal, a league set-up with 10 to 12 teams, 4 to 5 offensive categories (HR's, RBI's, Ba.Avg., SB's, Runs), and 4 to 5 pitching categories (Wins, E.R.A., Strikeouts, WHIP, and Saves). I'll provide you with some tips for drafting National League offensive players, Mr. Merlino will cover National League pitching, and Mark will handle the American League.

NATIONAL LEAGUE HITTING

The main thing to keep in mind when drafting offensive players is that you want a little bit of every category, out of as many of your players as possible. Everyone knows what Barry Bonds is going to do, but it's lesser known players such as Sean Berry (17HR's, 95RBI's, 12SB's) that will put you ahead of the pack. I'm from the school of not putting all your eggs in one basket. I'll never bid big money on the Bonds, the Bagwells, or the Sheffields. If they should get hurt during the year, it'll kill you. For example, as far as outfielders go, keep an eye on Derek Bell, who'll hit for average, steal you 25+ bases, and hit 15 to 20 homers. Additionally, I'm a big fan of Bernard Gilkey, Lance Johnson, Brian McRae, Larry Walker, Brian Jordan, and Al Martin. All of these guys should go for under 30 units and provide you with some excellent production.

Keep an eye on players that may be on the DL at the beginning of the year. They're worth taking a shot on if you can get them for cheap. I picked up Tom Pagnozzi last year for 1 unit. He busted out with a career year. Be weary of guys coming over from the American League (Olerud, Tartabull, J.T.Snow, Sierra). History has shown it takes them awhile to master National League pitching. Greg Vaughn batted around .200 after he was traded from the Brewers to the Padres last year. Other position players to look for in '97:

Catchers: Piazza will go for big money, so watch for Taubensee on the Reds, Pagnozzi of the Cardinals, Flaherty, Fletcher, or Eusebio (had an off year with the Astros, should bounce back)

First Base: Bagwell, Galaragga, McGriff and

Karros are tops, followed by a slew of Hal Morris clones including Mark Grace, John Olerud, J.T. Snow, Wally Joyner, and John Mabry. Gregg Jeffries could have a solid year as well. Pick up Mark Johnson of the Pirates for cheap.

The most important question that needs to be answered is who and how to draft in your upcoming rotisserie league baseball draft.



Second Basemen: Boone, DeShields and Baerga could slip in your draft, as they're coming off sub-par years. They're worth taking chances on. Lansing, Young, Biggio and Ryno are tops. Keep an eye on who gets the starting spot on the Dodgers, and young Luis Castillo. Pick up Branson as a utility player, don't forget Jeff Kent is back in the NL, and Veras, who stole 56 bases just 2 years ago, could be the steal of the draft. (no pun intended)

Shortstops: Larkin, Clayton, Renteria (in that awesome Marlin lineup), and Grudzeilane look good. Jose Hernandez could provide you with some utility pop. I would be careful about bidding too high for Kevin Elster. Although he had a big year in Texas, the last time he was in the National League, he was a huge disappointment as an offensive player. There is slim pickings here, and don't forget Ozzie Smith retired.

Third Basemen: Sean Berry is my personal favorite, as he put up big numbers even with a bum shoulder last year. Caminiti is the man even though he'll be out for the first month of the season. Chipper Jones will go for a decent amount as well. Watch for Scott Rolen, coming off of an injury and Kevin Orie, rookie on the Cubs.

NATIONAL LEAGUE PITCHING

Always spend more money on hitting, but never forget that pitching is still 50% of the points in your league. Don't be afraid to spend big bucks on an ace, as you have to have at least

Jason D. Krauss



one to offset all of those number 4 and 5 starters with E.R.A.'s over 4.50. So get yourself a Maddux or a Kevin Brown, and don't be afraid to overpay. Outfielders who give you 30 homers and 100 RBI's are a dime a dozen, but these pitchers are few and far between, especially if your league lets you keep players from year to year. For the rest of your starters, draft average pitchers on very good teams, such as Tim Worrell or Mike Hampton. Don't get caught in a bidding war over these middle-tier players. Pitching is too unpredictable to think anyone will have an incredible breakout year. (See the entire Mets rotation last year).

Forget middle relievers, unless you know they are next in line to join the rotation if someone gets hurt. Keep Chan Ho Park or Mark Guthrie in mind. You will HAVE to spend money on closers. Don't think you can throw the entire category and win your league, although I luckily did two years ago thanks to the "Mad Dog". Fortunately, there won't be any bullpens by committee this year in the National League and thus, no guessing. I like to draft closers on bad teams, since when those teams win, it's only be a couple runs. The numbers for a Rod Beck or John Franco aren't that much worse than a Hoffman or a Nen, and they're half the price. Grab yourself Ugueth Urbina if he doesn't go in the early rounds.

Spend some money for these starters: Maddux, Smoltz, Brown, Alex Fernandez.

Great middle-tier starters: Osbourne, Tim Worrell, S.Hitchcock, Martinez (Draft anyone with this last name), Daal, Neagle, Leiter, Reynolds, Benes (The good one), Valdes, Nomo, Hampton, Hutton, and take a chance on Pete Schourek. (P.S.-avoid the Mets "Generation K" pitchers like the plague)

Closers: Forget Hoffman or Nen, take Beck or Franco (They're not what they once were, but they'll still get the job done), Rojas, Urbina (my favorite!), and Billy Wagner. Unless the owners in your league are clueless, they will know that Ricky Bottalico is the best young closer to have for the next three or four years, with Urbina and Wagner close behind. (Now if only the Phillies could win a game!)

Rookies and Minor Leaguers: You have to be a real loser to know who some of these guys are, but you'll wish you did in a year or two. (I spend my free time watching Sportstracker=BIG loser) So if your league has a minor league draft, here's who to get: Kris Benson, Darin Blood (Great name!), Dave Coggin, Randy Knoll, Vladimir Nunez (Diamondbacks), Blake Stein, Neil Weber, Matt Morris, Marc Valdes, Heath Murray, and future Giant closer Russ Ortiz. Good luck on draft day, the most important day of the year!

Since I won my Rotisserie Baseball League

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John R. Merlino, Jr.

ROTISSERIE BASEBALL, Continued from Page 11

last year, people have walked up to me doing things from asking me for advice to looking upon me with envy. It took years of playing before I was able to become good and lucky enough to win my league. My opinions are based on experience and are suited to a large league (10-12 teams AL Style) which has an auction draft, and thus, if you play in a smaller league, some of these pieces of advice may not be all that valuable. But here is my draft day "Outline" for beginner players or people who wish to advance from an also-ran into the first division. I wish all who play good luck.

THE AMERICAN LEAGUE

Get your Corner Men cheap...

At third base, only Wade Boggs (Yes, the *Wade Boggs*) is deemed useless. Thus, one can infer that there is plenty of talent at that position. I'd be the last person to bid \$40 of on Matt Williams even though I think he fits wonderfully with Cleveland. You will still do well at that position with a lesser heralded player who produces solid numbers.

Moreover, at first base, there are superstars and there are second-tier players. You will do as well to get someone like Tino Martinez, Jim Thome, or even the oft-injured Mark McGwire for less money than you would pay for a Mo Vaughn, Rafael Palmeiro, or Frank Thomas.

But Spend your money up the middle...

Conversely, there are very few players who produce premium numbers at those positions. Although Alex Rodriguez and Derek Jeter redefined the term breakthrough season, there are plenty of American League Shortstops who play because of their defense. Shortstop is a position at which there is a huge difference between the haves and the have-nots. Remember Cal Ripen still qualifies there as well and remains valuable.

Second base is similarly situated except there are a few second basemen who are speed threats who can be bargains. However, the winning team in my league has had either Alomar or Knoblauch the last four years, which explains why I will resign Knoblauch at \$35.

Do NOT waste your money on FRANCHISE Pitchers.

Here are some things to think about in 1996. Randy Johnson went from Cy Young Award Winner to the shelf because of a back injury, Mike Mussina's ERA neared 5.00 in hitter friendly Baltimore, and David Cone went from hired gun to under the gun with a career threatening aneurysm. Because of ball park effects and injuries, it is generally unwise to mortgage the ranch for a franchise starter.

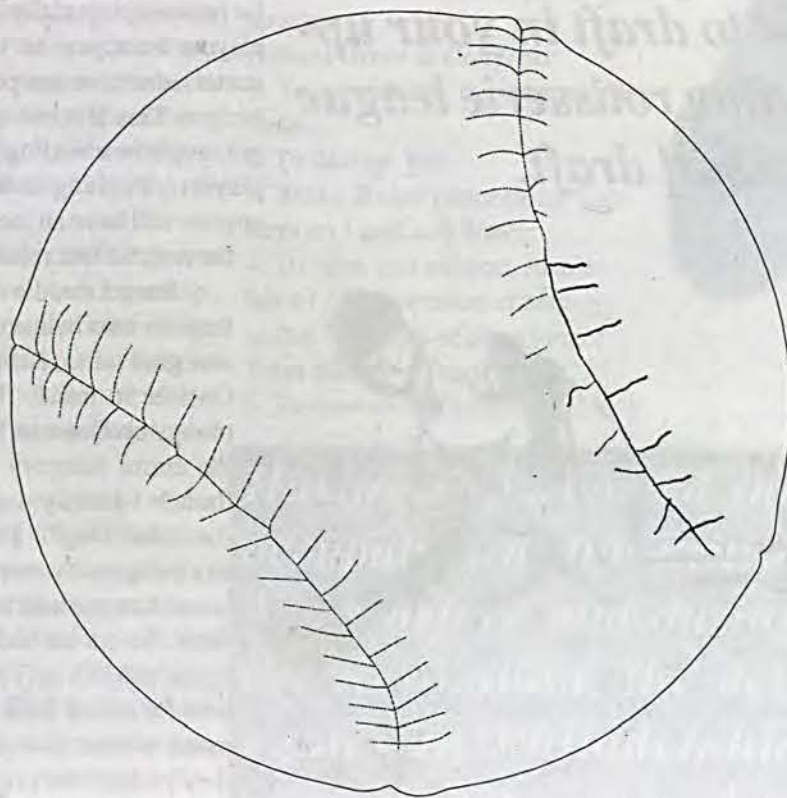
If you pay \$35 for Randy Johnson, the chances of filling your roster with bad starters increase. I think two or three second tier pitchers suffice to build a solid rotation. It would not hurt to take a chance on one or two of the sleepers, most of whom have enjoyed success and some

have encountered injury. They may be stronger than ever due to careful use.

Also, average starters from Baltimore, Cleveland, Seattle, Cleveland, Boston, and Minnesota may have less than mediocre numbers because their stadiums are home run friendly.

And DON'T Spend Too much Money on the Closer. . .

The problem with allocating 1/6 of your budget to a reliever is that their performance is contingent on their teams. Whoever drafted Randy Myers or Troy Percival last year was obviously disappointed in their team's lack of ability to create save situations. Saves will always be a close contingent category, so as long as you have someone, I would let the other players bid on Wetteland,



Rivera, and Percival, while I scoop up one, maybe even two closers for a more healthy price. If I finish at or near the middle in this category, I have the rest of my budget to allocate to the rest of the categories.

Fear not of the young gun Middle Reliever

Shortstop is a position at which there is a huge difference between the haves and the have-nots.

If the closer suffers an injury, what is the manager to do? He makes the middle reliever close the games. A middle reliever will likely be more valuable than any dead-wood starter who wins 10 games because the starter will pillory your team ERA and ratio, while a middle reliever, consistently placed in pressure packed situations, is less likely to. Middle relievers are often keepers in protection leagues, because young ones are often groomed for closer jobs. I am not saying to draft nine of these guys, but one or two cannot hurt.

Outfielders are a dime a dozen...

Therefore, do not draft more than one franchise player. Granted, Kenny Lofton is simply the best because of his uncanny ability to steal bases in spurts. I know that Albert Belle, Ken Griffey, and Juan Gonzalez are saviors because of the pure

power. But loading your team with MVP outfielders will kill you in non-power categories.

Remember, the key in Roti Ball is balancing all 10 categories. So it is nice to load your team with players who can hit some homeruns and have some speed. The best thing about this is that Johnny Damon, Eric Davis, and Paul O'Neill can be obtained for the price of Albert Belle and two scrubs.

One Final Piece of Advice...

Go into your draft not being partial to any team. Although a Yankee Fan, I have done this assignment wearing the hat of objectivity. To win in Roti ball, this advice is essential. I have found that the best bargains are often found in Milwaukee, Oakland, Minnesota, and Kansas City, teams whose highlights are not often seen on Sportscenter or in the local newspapers.

SURE THINGS SLEEPERS AND DOOZERS AT EACH POSITION:

C

SURE: Rodriguez (Tex), Steinbach (Minn)

SLEEPER: Santiago, B (Tor), Leyritz (Ana), Wilson (Sea)

DOOZER: Matheny (Milw), Karkovice (CWS), Walbeck (Det)

1B

SURE: Thomas (CWS), Vaughn (Bos), Palmeiro (Bal)

SLEEPER: Merced (Tor), King (KC), Erstad (Ana), Clark, T (Det)

DOOZER: Clark, W (Tex), Coomer (Minn)

2B

SURE: Knoblauch (Minn), Alomar (Bal)

SLEEPER: McLemore (Tex), Garcia (Tor), Frye (Bos)

DOOZER: Cora (Sea), Offerman (KC)

SS

SURE: Rodriguez, A (Sea), Jeter (NYY), Vizquel (Cle)

SLEEPER: Garciparra (Bos), Gonzalez (Tor)

DOOZER: Di Sarcina (Ana), Guillen (CWS)

3B

SURE: Ventura (CWS) Williams, M (Cle)

SLEEPER: Brosius (Oak), Cirillo (Milw), Walker (Minn)

DOOZER: Boggs (NYY)

OF

SURE: Williams, B (NYY), Griffey (Sea), Belle (CWS), Ramirez (Cle), Lofton (Cle), Buhner (Sea), Gonzalez (Tex)

SLEEPER: Giambi (Oak), Becker (Minn), Damon (KC), Davis, E (Bal), O'Neill (NYY), Higginson (Det), Hunter, B.L. (Det), Mack (Bos), Cordero (Bos), Strawberry (NYY)

DOOZER: Lewis (CWS), Newfield (Milw), Kelly, R (Minn), Frazier (Sea)

STARTERS

SURE: Cone (NYY), Pettitte (NYY), Mussina (Bal), Clemens (Tor), Nagy (Cle), Appier (KC), Johnson (Sea), Fassero (Sea)

SLEEPERS: Rogers (NYY), Coppinger (Bal), Guzman (Tor), Ogea (Cle), Avery (Bos), Rosado (KC), D'Amico (Milw), Hasegawa (Ana), Karsay (Oak), Prieto (Oak), Oliver (Tex), Burkett (Tex)

DOOZERS: Boskie (Bal), Navarro (CWS), Sparks (Milw), Tewksbury (Minn), Watson (Ana) Witt, B (Tex)

RELIEVERS

SURE: Percival (Ana), Wetteland (Tex), Rivera (NYY), Hernandez, R (CWS)

SLEEPERS: Jones, T (Det), Benitez (Bal), Witasick (Oak), Naulty (Minn), Shuey (Cle), Timlin (Tor), Bluma (KC)

DOOZERS: Stevens, D (Minn), Corsi (Bos), Olson (Minn)

MADISON, Continued from Page 10

lators until 1914. A significant dissenter in limiting the time of the executive was Alexander Hamilton, who declared on June 18 that "An Executive for life has not this motive for forgetting his fidelity, and will therefore be a safer depository for power."

Fear of dictatorship also heavily influenced the discussion on impeachment. The extreme position taken by Rep. Sandman of New Jersey in his defense of President Nixon in 1974, basically that presidents couldn't be impeached unless they were axe murderers, would have been rejected by the framers. William Davie of North Carolina said that if presidents couldn't be impeached they would do anything to get re-elected. Gouveneur Morris, originally opposed to impeachment, laid out the logic for its necessity: "The Executive ought therefore to be impeachable for treachery; Corrupting his electors, and incapacity."

While the founders were men of property and interested in keeping it, they reflected a Christian skepticism of worldly goods.

The first draft of the Constitution, presented on July 26, defined impeachment as "conviction of malpractice or neglect of duty." The second draft of August 6 listed impeachment as treason, bribery, or corruption. On August 20 Charles Pinkney defined impeachment as "neglect of duty malversation, or corruption." The final draft, under Article II, Section 4, states, "The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors."

On September 4, David Brearly of New Jersey spoke for a committee considering the powers of the president and cited "absence, resignation or inability to discharge the powers or duties of his office as the correct reasons for a vice president taking over. The framers therefore approached the impeachment problem with common sense, presidents should be impeached for being unable to carry out their functions, whether they committed an overt criminal act or committed "misdemeanors" such as continually running traffic lights because of an alcoholic or drug condition.

Madison was the champion of a judicial system and laid out the case for a supreme legal tribunal, or court, on July 23, "A law violating a constitution established by the people themselves, would be considered by the Judges as null & void."

While the founders were men of property and interested in keeping it, they reflected a Christian skepticism of worldly goods. Madison quoted John Dickinson who "doubted the policy of interweaving into a Republican constitution a veneration for wealth. He had always understood that a veneration for poverty & virtue, were the objects of republican encouragement." George Mason worried that the poor and powerless would be run over by the calculations of the powerful. "Every selfish motive therefore, every family attachment, ought to recommend such a system of policy as would provide no less carefully for the rights and happiness of the lowest than the highest orders of Citizens." According to Madison's notes, Mason was "afraid of monopolies of every sort, which he did not think were by any means already implied by the Constitution.

i had a dream (about *hot walrus*)

by catboy

the other day / night i had a dream about *hot walrus*. *hot walrus* is a really good band. i had spent the night before wandering all over new york city, especially the quiet and deserted uptown neighborhoods. and when i finally returned to my apartment at 5am, i slept until 5pm. i think i had the *hot walrus* dream some time between the hours of 3pm and 5pm.

it was a real good dream, but i don't remember all the specifics. i was talking with ethan, the lead singer of *walrus*, in the back room of their well-lit colliseum, and the whole band was there. i think these white supremacists were out to get me or something, and *hot walrus* were giving me sanctuary. ethan invited me to sing with him, just to kill time because we were all waiting for something, but i declined. soon *hot walrus* walked on to this small brown stage in a room with fluorescent lights, and they started playing. they played excellently. the material was new.

i woke up intrigued, but optimistic. my ex-grrrlfriend taught me that one way to analyze dreams is to recall the emotions one experiences during those dreams. i thought about my *hot walrus* dream, and i felt safe, exhilarated, and happy. consequently, i spent the rest of the night thinking about *hot walrus*, and i had the following revelation about the band.

***hot walrus* is not only playing and performing, they are also, and more importantly, talking to you.**

i always dug *walrus*, and i enjoyed their music, lyrics, personality, etc. however, something about *hot walrus* always seemed special and different. i used to think it was their honesty, originality, and their dedication to their art, and i am still enthralled by these aspects of the band. however, that night i realized that *hot walrus* has risen above any other band that has ever existed.

when you listen to any band or go to that band's shows, you listen to what the band does with their music, you watch them perform, you empathize, you tune in, and you rock out. when you listen to or go see *hot walrus*, you do all these

things too. however, *hot walrus* is not only playing and performing, they are also, and more importantly, talking to you. they are talking to you with a comradeship you rarely experience.

picture this: you're at a *hot walrus* show, the music is good, the lyrics are inspiring, your



Hot Walrus' newest member, Pete Madden (Guitar Effects Solo) enjoys reading magazines on the Canal Street subway platform when he's not playing with the band.

are moved, and you believe in art. but something else is going on, and you will only consciously recognize it if you choose to dig deep into your subconscious. sure, *hot walrus* is playing, ethan, brian, ed, and pete (and horns: troy and other boy) are all smiling, and people are digging their music. but beneath it all and above it all, *hot walrus* is talking to us all. *hot walrus* is saying something that is above, below, beyond, and within their music. listen to *hot walrus*. listen to what they are saying. they are talking to us like you are talking with an old friend in a quiet and dark bar on a tuesday night. they are talking to us like we speak to our people under umbrellas on rainy evenings, when we meet someone while we're out walking the dog, in the supermarket, upstate in the damp summer night with crickets and cicadas in the background, and on an airplane with a tile salesperson from texas.

we all know about this kind of talking. it is music, it isn't music, music acts as a background, and music drowns it out. *hot walrus* is and is not that music. they are the ultimate contradiction, and they are the ultimate form of personal communication. additionally, they like you.

listen to *hot walrus*. listen to them talk.

(*walrus* will play at the *knitting factory* in the *alterknit theater* on **march 19th**. check them out.)

Movie Review

By Jason D. Krauss

SUBURBIA

Directed by Richard Linklater

Starring Giovanni Ribisi, Amie Carey, Jayce Bartok, Steve Zahn, Nicky Katt and Parker Posey.

Richard Linklater, the man that brought us *Dazed and Confused*, brings Eric Bogosian's 1994 stage play to the big screen. The play, which I happened to see, was incredibly witty. It seemed as though everything funny and enjoyable about the show, was left out of this weak production. The story centers on the lives of a group of post-highschool slackers, and primarily takes place around a local convenience store in a suburban (thus the title), New Jersey town. Jeff (Giovanni Ribisi), the central character, is not sure exactly what he wants to do with his life, and is bitter and depressed about it. He spends most of the movie engaged in either aimless pontificating about life and his place in society, or arguing with his long-term girlfriend (Amie Carey), who desperately wants to go to New York

City to pursue her feminist artwork. Tempers flare between the two when an old high-school buddy, Pony (Jayce Bartok) who has since become a successful rock and roll star, comes back to town.

This movie tries to make statement after statement on life, young people today, etc. It fails miserably. Giovanni Ribisi's role as Jeff became quite tiring, as he whined and complained throughout the movie. Amie Carey was decent as his girlfriend, but I kept wishing Martha Plimpton, who was absolutely hysterical in the play, was up on screen. Let's see, there have to be some bright spots, right? Parker Posey, Pony's public relations sexpot, was excellent. Watch for her in about three other movies this year, as she's been touted the next big thing. Steve Zahn, (*That Thing You Do!*) reprising his role from the play, is a pot-smoking pizza parlor worker. Any time I laughed, which wasn't often, was because of Zahn's character. This roughly two hour movie felt like forever. I can't remember the last time I rooted so hard for the credits to come up. Save your money at all costs.

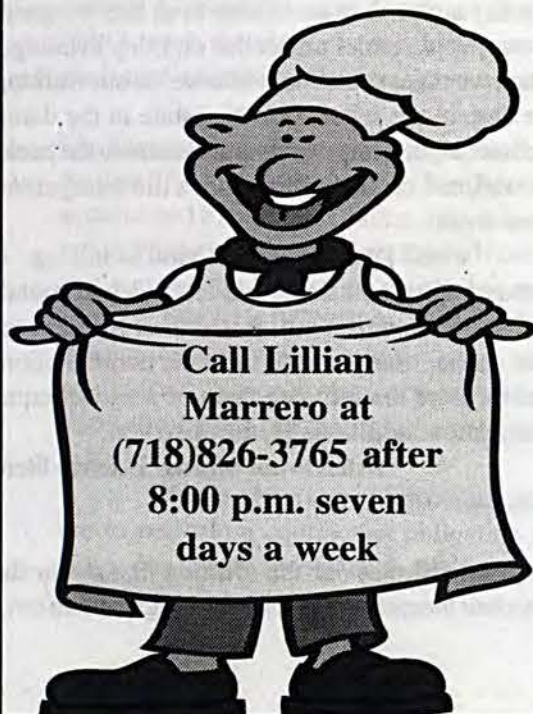
Rating: 1 gavel (Out of five)



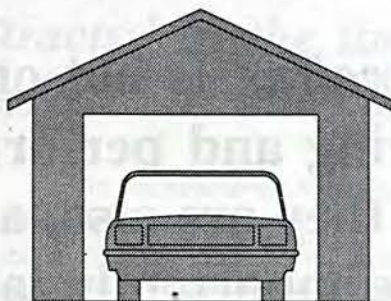
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Attention Drivers



Alternative parking options to the lot outside the school are available. Provenzano garage on Leonard and West Broadway is \$10 a day and \$7 after 3:30 p.m. when you show your NYLS ID



humming

by catboy



on the mountain lives a lady,
who she is, i do not know
all she wants is gold and silver,
all she needs is independence

so come on grrrl,
come on boy,
buy yr ticket to the revolution,
and dance with me.

on the n train going uptown one evening,
an elderly wommon asks me to hold the door so
she can get off the train. i'm holding the door
open, but the conductor keeps on trying to close
it. he yells over the loudspeaker: "would you quit
conversing in the doorway!!" i yell back, "come



on man, i'm trying
to hold the door so
this wommon can
get off the train." at
this point, another
boy jumps up to help
me hold the door.
the wommon is
moving really
slowly, however. i
yell, the boy and
i struggle too
keep the doors
open, and finally
the wommon
limps off the
train. the con-
ductor is yelling:
"come on, come
on, are you done
yet!!"



o n e
saturday night,
sharp and i stand

on the bowery and houston, and we watch a bunch
of "on duty" cabs completely ignore a black youth.
the scene is really pissing me off, and i start yell-
ing at all the cabs as they pass by. eventually, the
boy sees a friend of his across the street, and the
two of them decide to take a bus.

later that evening i get grab a cab from

port authority. i notice the meter isn't on, but who
cares. at the end of the ride, the driver says, "i
never put on the meter, pay me whatever you think
it's worth." i hate making decisions like this, so i
hand him a twenty and say:

"give me as much change as you want."
"how's five for the ride?"
"sounds good."
(he hands me back fifteen dollars.)
"don't work too hard tonight."
"look man, i drive a cab--it's hard not to."

one night, three big flashing lights ran-
domly shine into the sky on the corner of 43rd
and 10th. the lights are in the bed of a red pick-up
truck. i ask the driver if the aliens are coming.
(why else would he shine search lights into the
sky?)

"yes," he replies, unconcerned.
"how long before they get here?"
"about two hours."
"will i be safe in my apartment?"
"yeah, don't worry about it."
"thanks."

in the morning the driver is gone, so i guess ev-
erything went okay.

it's friday, the week has been hellish, and i
just want to go uptown. the car i step into on the
"a" reeks of oniony body odor. i look around. no
one on the train looks homeless [sic], and the
people sitting next to me look pretty clean. soon
i realize that this boy
sitting right across from
me is eating something
that smells worse than
any garbage dump or
dive-bar bathroom. i
can't tell what it is, be-
cause the boy is shield-
ing the substance with
his body and he's wear-
ing one of those big
down coats. the boy
looks up from his food
(?), and turns to the
passenger next to him.

"do you know if i can catch the 'e' on
42nd street," he asks.

"don't know, man," is the answer.
he asks another passenger and then another. the
answer is always some variation of, "don't know,
man." resigned, the boy returns to his food. "no
one fuckin' knows if the 'e' stops on 42nd," he
proclaims out loud and in disgust. "we all know,"
i think to myself, "but we have our ways of get-
ting back at inconsiderate people like you, who
eat gross stuff on our train."

fat oppression lives, for now. and my an-
ger seethes at the stupidity of a certain commer-
cial establishment on southwest corner of lexington
and 66th. THE FORGOTTEN WOMAN, reads
the brown awnings on top of the store's display
windows. i guess she's forgotten because she
hasn't bought into your amercian dream times



square persecution, because she's still alive and
healthy, because she hasn't vomited up her last meal,
because she doesn't look like she's on heroin, and
because she can kick your ass white boy.

as sharp, mr. haskeli, and myself line up with
the grunge boys and skinny trend grrrls outside of
irving plaza to see L7, i understand why i haven't
been to a show like this one in so long. neverthe-
less, i am psyched to see L7. inside, unfortunately
and ironically, it's the same old story all over again.
all the boys push up to the front leaving the grrrls in
the back. i mean, come on, of all shows white boy,
why? don't you get it? moreover, once L7 gets on
stage, the grrrls are pushed even further back as the
boys charge the stage saying things like:

"she's got a really nice ass"
"i think she wants me."
and "i want to fuck her."

maybe i take life too seriously, but i have a right to
be pissed. this is not the time or place for white
boy stupidity.

the following night at the L7 record release
party, we are amongst people who believe in what
the grrrls are fighting for. i am much happier here.
we all are.



PROFESSOR, Continued from Page 1

Professor's hip in-class persona, her wry sense of humor, her artistic taste, and her membership in the "Outlaw Runner's Club," and you have one zany woman who significantly adds to the diversity and competency of our school's faculty and staff. Additionally, as a California expatriate, the Professor is actually an atypical New Yorker because she constantly steps back and examines the City's bizarre aspects from a humorous perspective.

Early in our conversation Professor Saltalamachia said: "When I look back on my career, I consider my accomplishments in the library most significant." In fact, the Professor was quite familiar with the law library institution while attending Golden Gate Law School in the 70s, because she often led her classmates through vari-

ous research projects.

Professor Saltalamachia sees soap operas as an "untapped cultural phenomenon."

It takes a certain personality to deal effectively with law school research, and I believe that Professor Saltalamachia has that personality. I can just see her laughing ever so slightly as she approaches the stacks. Nothing stresses her out. She approaches the law like a funky but meaningful game permeated by different perspectives and sub-



Professor Saltalamachia took an opportunity to beat up gender stereotypes when she hired John Cipriano to be her secretary.

jects. To the Professor, law is freedom. It is an opportunity to discover, create, and choose.

Not surprisingly, upon graduation from law school, Professor Saltalamachia worked only part-time as an attorney, while she continued working in the Golden Gate library. The questions inevitably arose: "Do you have a law degree? Why are you doing this?" However, none of these shallow queries daunted the Professor. The library was her love, and she did not look back. In 1982 New York Law School recruited Professor Saltalamachia because the administration wanted more out of its library. The Professor can fly into New York on a mission to: challenge, modify, buy, resurrect, and educate. She succeeded, and in 1989 the library's renovations were complete. To this day, Professor Saltalamachia continues to dedicate her time to the library, making it more convenient and accessible for the students.

Now, not everyone agrees that a library is the friendliest place in the world. Admittedly, sometimes the Professor herself thinks of any library as "an evil maze." see The Name of the Rose, by Umberto Eco. Moreover, technological advances since the 1970s have made legal research more comprehensive and intimidating. For this reason, Professor Saltalamachia begs students to ask the library staff for assistance. Our librarians are our untapped resources. Many of them have law degrees, library degrees, or second masters degrees. Ask them for help, because they are here to help us.

In her first year Torts course, the Professor is known for using soap opera characters on her final in an effort to lighten up the exam. On a serious note, however, Professor Saltalamachia sees soap operas as an "untapped cultural phenomenon." "The working world has no idea that a great part of

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Continued on Page 19

NYLSnet, Continued from Page 1

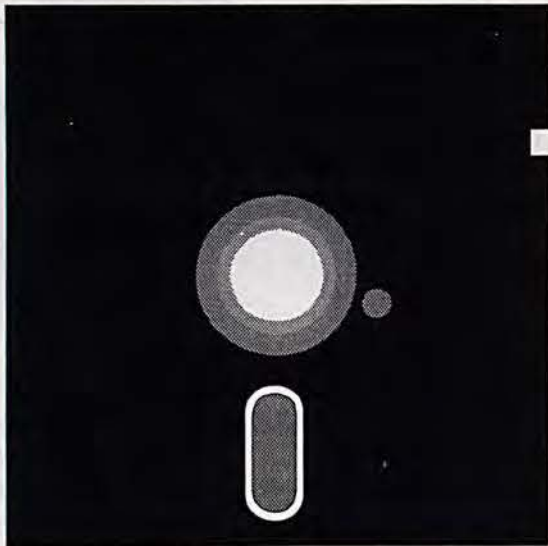
menu.

After she finished and logged off, the school's computers went to work. Packets of information passed at light speed through the school's powerful fiber optic network. The administration's computers gathered everyone's phone number, while the dial-out computer got ready to start calling.

That one phone call is evidence of the incredibly smart decision that New York Law School recently made. We began implementing a plan to install a powerful, commercially competitive, state-of-the-art computer network by designing and installing a powerfully robust network **back-end**. The back-end of our computer network includes the cables running through and between the buildings, the powerful computers and software in room B-210 which process data all night and day, and the school's dedicated internet equipment.

Now is the time to complement NYLS's state-of-the-art back-end with an equally powerful front-end.

Installing such a powerful back-end is exactly the critical and important forethought needed by today's organizations (law schools, corporations, interest groups, government) that are lead-



ing us into the future of worldwide information exchange. So, by purchasing and installing the first and most difficult part of a good network (the back-end), New York Law School has placed itself among today's other leading-edge players. As it becomes easier and faster for each of us as students to access, create, and exchange information, the more professional and successful we will become. A fundamental part of our law school education is learning how to creatively use technology to make our daily living easier. Such things as online or phone registration, saving a two hour train ride in the morning because of a cancelled class, and immediate access to almost any type of information are just three examples of how NYLSnet could help us become less frazzled and more constructive.

We are entering job markets that frown upon the technologically illiterate, and extol those who are committed to using information as efficiently as possible. Having a completed and powerfully robust network will allow us to practice

this important part of being professional.

So, now is the time to maximize our entire network's potential. Now is the time to complement its state-of-the-art back-end with an equally powerful **front-end**. Our network's front-end includes the computers and printers in the four student computer labs (the two downstairs and the two in the library), the computers used by student organizations, academic departments and administration, and the ones used by our professors in their offices.

A front-end upgrade will deliver us an overflowing gift-basket of technologically advantageous goodies. If we upgrade the network's old front-end computers to faster Pentium technology running better networking software, we will not have to wait anymore what seems like hours for the cursor to move along the page in Wordperfect. If we upgrade the current ink-jet printers to special networking laser printers, our print jobs will begin printing the moment we removed our fingers from the mouse button. If we upgrade the computer software from old versions of Windows 3.11 to new versions of Windows NT (industrial grade Windows 95), we will each have individually customizable user environments—*personalized screen savers and secured directories*—which will follow us to whatever computer terminal we happen to be using. For example, during our breaks we could sit in one of the labs at school to work on a paper, and continue later by logging into NYLSnet from home.

We will also be able to take advantage of our existing real-time T1 connection to the Internet. From every NYLSnet computer terminal we will have instantaneous access to WestLaw, Lexis-Nexis, the World Wide Web, and the rest of the internet. Those services, after the upgrade, will integrate with our current internal e-mail system and our new **intranet** version of the World Wide Web (NYLSWeb). The administration and each of the school's organizations, departments, and even the students (if they chose) would have their own web sites with CD quality sound, video, and full animation. Teachers could post new assignments and optional reading suggestions on their web sites, student clubs and organizations would notify us of symposiums via subscribed to e-mail lists, and the administration's web site would have loan, tuition, grade, and secured exam number information.

What is the point of having a super computer if its keyboard is an abacus?

These upgrade benefits coupled with certain minor environmental modifications, like adding wrist rests to reduce the threat of carpal tunnel syndrome, adding posters and plants to colorize and liven up the labs, and separating the student workstations to add desk space, are all important aspects of a fun to use and friendly network front-end. Furthermore, the entire upgrade, including a well-trained support staff is possible for only a fraction of student tuition.

In theory it may be true that the front and back ends of a network act as independent entities performing separate jobs. The back-end computers process the information that is punched into the front-end computers. But practically speaking, what is the point of having a super computer if its keyboard is an abacus? Video conferencing,

fully animated Web Browsing, super fast e-mail, real-time sound, and push information technology (like the Internet Pointcast system) are impossible without a technologically equal front-end.

Right now, research groups at AT&T, MIT, NTT, and Bell Labs are spending billions of dollars, and using massive amounts of genius brain power trying to design faster and more robust back-end networks. At the same time, programmers are just as frantic, churning out innovative front-end software so these back-end networks will be useful to people. So by having a network back end without a matching front-end, we might as well be strapped into the seat of a powerful state-of-the-art race car cruising down the autobahn at fourteen miles per hour. It's just no fun.

To maximize the far-reaching technological potential of New York Law School's NYLSnet, and if we are serious about entering the forefront of the professional community, then we must act now.

The back-end cost we have already incurred and industry custom (along with Moore's Law)¹ economically and technologically require us to install a matching powerful front-end. To maximize the far-reaching technological potential of New York Law School's NYLSnet, and if we are serious about entering the forefront of the professional community, then we must act now.

Our school has formed the Information Technology Policy Committee that specifically addresses these types of issues. It has as members almost every associate dean, representatives of the library staff, and the faculty. They are open to our opinions and remarks about New York Law School's role in advancing the technology that law students have access to. The committee may be contacted through the Dean's Office, or through the SBA.

A more technically detailed report with costs may be obtained by stopping by the Reporter's office. Thanx to Sui Ki Kan, Luis Rosas, Denise DiVitto, and Elaine Mills.

¹ Moore's Law states that with every year that passes, computers (including hardware and software) become twice as good.



FEELING THE BURN: THE AUTHOR JOINS A HEALTH CLUB

By Vladimir Vizner
SolarD@aol.com



Upon a recent self-assessment, I thought it was about time to use the gym membership I got for Christmas. Looking forward to the new experience, I drove to the place in order not to get too tired before the workout. To my surprise, my gym was not a gym at all but rather a health club. The difference it seems is that by calling your facility a health club you encourage women to work-out. Maybe the word "gym" conjures up images of big burly men sweating and grunting while checking themselves out in the mirror.

The club itself was impressive—all kinds of machines, treadmills, bikes and weights. It was clean and it didn't smell. After a few visits, I noticed that the real joy here was observing the eclectic bunch of people converging here, only some of whom actually came to work out for themselves. Others seemingly had ulterior motives.

The easiest to spot were the "look at me" people. How could you miss them? They would strut up and down endlessly, flexing and stretching provocatively. The men would bare their arms while the women would stick out their chests and quickly glance to see if anyone was noticing. You would think these types would be instantly drawn to each other. But alas, it seems that in their own little worlds they both assume that they can do better than each other.

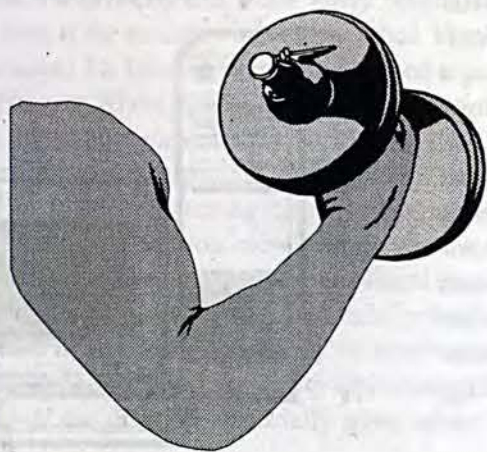
My greatest thrill came when I went to the men's locker room. Here everyone let it all hang out. Literally.

Next we have the "I'm just looking" people. This crowd, although dressed appropriately, did not have any sweat to show for their visit. Rather, they came to watch the more desirable gym members. Consistently, a group of two or three high school aged girls would sit at the entrance to the weight room since here is where one could observe the glistening men. They would try to remain subtle but their actions were a dead giveaway. The men weren't any better but their subtlety could only be matched by a charging bull elephant.

Being new I wanted to know how to use the bicep-curl machine, so I asked the guy sitting next to me. In a strained voice he explained it and added, "Man, you can feel the burn! Really feel it—feel the pain!" Funny, but my whole life had been spent trying to avoid that exact sensation. I guess there is a bit of masochism in this whole scene—it goes with the territory.

But my greatest thrill came when I went to the men's locker room. Here everyone got to let it all hang out. Literally. The steam room looked inviting. That is until a guy dressed only in a towel went in leaving the towel behind. Now I have never been a boy scout or an altar boy so the prospect of feeling my way around in a steam-filled room with naked men was not exactly what I had in mind.

All in all, I like my new health club. But on a nice day like today, when I am outside jogging, I will still feel a twinge of waste. Here I am outside in the fresh air when I can be inside running in place on a revolving belt staring at my counterpart across the way. Funny isn't it?



POETRY CORNER

By Billie Rand



THE HUMAN SPIRIT

The human spirit is the essence of the soul;
It's both the bad and the good that make life whole;
Life is not always joyous and without pain;
How can we enjoy the sunshine without the rain?

While all in life is not always serene,
We must strive to realize our dream;
Life brings new meaning to the heart
When we give aid to the troubled at heart.

Integrity and willingness to give
Makes us worthy of a better life to live;
By caring and sharing with those in need,
We find joy to make the heart gleam.

THE BETTER WAY

It is better to lose with a conscious clean
Than win by a trick unfair;
It is better to fail and know you've been,
Whatever the price, on the square,
Than to claim the joy of a far-off goal
And the cheers of the standers-by,
And to know down deep in your inmost soul,
A cheat you must live and die.

Who wins by trick may take the prize,
And at first he may think it sweet,
But many a day in the future lies
When he'll wish he had met defeat;
For the man who lost shall be glad at heart,
And walk with his head up high,
While the conqueror knows he must play the part
Of a cheat and a living lie.

The prize seems fair when the fight is on,
But unless it is truly won
You will hate the thing when the crowds are gone,
For it stands for a false deed done;
And its better you should never reach your goal,
Than ever success to buy
At the price of knowing down in your soul
That your glory is all a lie.

Article
Submission
Deadline for the
April/May
Issue is
Monday, April 7





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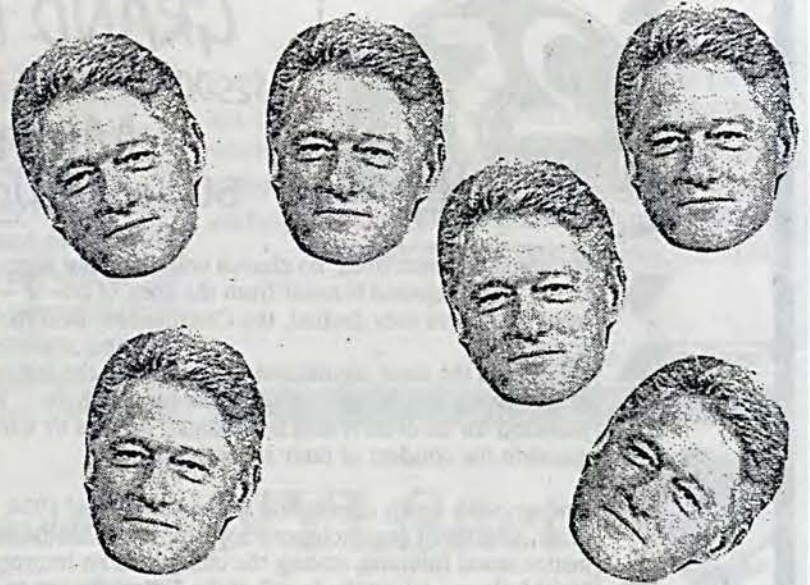
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BARRISTER'S BALL



Ode to the Telephone

By Jean Eisenmeyer



Time is of the essence. I hurriedly lock the door to my apartment and make a mad dash for the elevator. I hear your persistent ring. I unlock the door to my apartment and finally reach the phone, but it seems I missed your last ring. I am beside myself with frustration. Do you delight in doing this? [Technology, however, with its magic, now can bring back that "long lost" call.]

On another occasion, it is about 3:30 a.m. A shrill ring has awakened me. At the other end of the line, I am listening to some inebriated individual shouting obscenities at me. This, of course, is a wrong number. Must you subject me to this?

One day, I decide to make an important telephone call. You have forsaken me; the dial tone is not operating. At this point, it is necessary for me to ask a neighbor if I can use her phone, in order to contact your repair division for help. This chore displeases me. I dislike intruding on people's privacy. [Remember when only your rich neighbor possessed a phone? Now, most people boast a phone in their bedroom and kitchen. Have we come a long way or what!] Is there any way to avoid this?



Then again, I must thank you for all the lovely hours I have spent visiting friends and family through the telephone.

So although you anger and frustrate me on occasion, you bring me peace and happiness on very many others.

SPELL, Continued from Page 16

the world is glued to these things," she observes. I wonder out loud if these soap opera addicts are living their lives through the television characters. The Professor responds in turn by paralleling soap operas to "internet chat-lines [where] people create fantasy worlds themselves." (This observation makes me wonder if anyone is actually living her/his life. Are we all living in fantasy worlds to some degree? Who deals with reality every second of her/his life? Is this a bad thing?)

Professor Saltalamachia admires Christo's "wrap art" as well as the New York City guerrilla art movement. She is a member at *The Met*, and right now *Willie Nelson*, *Candide*, *The Commitments*, and *Horowitz in Moscow* are in her CD-player. Her favorite color is black. She is committed to her "sixties idealism," and she really enjoys her job. To all students she says: "The professors are not against you. We want you to succeed. And we want you to have a fulfilling and successful career."

Re-examine your hang-ups. Find freedom. Do what you want, and ignore the peanut gallery. Thank you "Professor."





CONGRATULATES ALL WINNERS OF THE MOST SIGNIFICANT LEGAL EVENT OF THE PAST 25 YEARS ESSAY CONTEST



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Michael Carroll
St. John's University School of Law



No gunshots were fired, no church bells rang out signaling chaos. Yet the most powerful man, in the most powerful office in the world, ejected himself from the apex of power — the Presidency of the United States of America. And the greatest legal document ever drafted, the Constitution, held the fabric of our nation together during this tumultuous time.

While it is the most significant legal event in the last twenty-five years, few would recognize it as such, because we too often neglect and take for granted the sacred charter. Few would remark that it was the 207 year-old dusty parchment that provided for an orderly and fair judicial process by which citizens, through their chosen representatives, called into question the conduct of their sovereign leader.

And so, with much trepidation in the summer of 1974, the House of Representatives — following the Constitution — drew three Articles of Impeachment accusing the 37th President of extremely serious crimes. The accusation of obstruction of justice stood foremost among the charges as an impropriety with grave implications upon the person charged with "faithfully executing the laws" of the United States.

The Judiciary Committee voted to impeach; now the question would go to the House floor for a full vote on whether to subject the President to a trial by the 100-member Senate, mandated by the Constitution. Such a trial would rock the nation to the very core of its existence. It did not occur: the President resigned from office. Again the Constitution was there. Following its detailed instruction, the Vice-President became the 38th President.

For all the dismay and outrage exhibited at the time, no riots erupted, no fight for power ensued, no military coup took place and no revolution broke out. In like circumstances, such frightening incidents have occurred in every corner of the globe. With peaceful, determined order, the Constitution handed over the mightiest of its responsibilities - the presidency. We have it to thank for our nation's continuing stability and prosperity.

RUNNER-UP

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