Equitas, vol. X, no. 1, September 1978

New York Law School

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New Full Time Faculty Arrive

by Cecilia Blau

The hiring of new faculty for this fall included professors who have taught at Harvard Law School, New York University School of Law and the University of Oxford.

Christine Mary Chinkin received her LL.B. from the University of London with first class honors, and won the Draper Prize for best third year student in the Faculty of Laws. After receiving her LLM. from the University of London, she became a Lecturer in Law at Lincoln College, University of Oxford. Prof. Chinkin was a tutor for foreign diplomats attending a course on International Affairs at Oxford, and has a life membership in the Senior Common Room, Lincoln College. Her teaching and research interests include Public International Law, Human Rights, Comparative Law, and the French Legal System.

Vincent R. FitzPatrick was a Lieutenant (e.g.) in the U.S. Navy in World War II. When he received his B.A. from Manhattan College, he was Valedictorian, majoring in Pedagogy. He was also graduated from Catholic University of America School of Law with a Bachelor of Law degree, a full scholarship, and first in his class. He is a member of the firm of Wilkie Farr & Gallagher, and also a member of several U.S. District Court and State Bars. Active in many fraternal and charitable organizations, his civic and political activities included running as Democratic candidate for Congress in 1954 and 1956.

Henry H. Foster, Jr., Visiting Professor, after receiving his J.D. cum laude from the University of Nebraska, went on to receive L.L.M. degrees from both Harvard University and the University of Chicago. He has worked in the Antitrust Division of the U.S. Department of Justice, the Solicitor's Office of the U.S. Department of Agriculture, and the National Labor Relations Board. He is an Honorary Fellow of the American Psychiatric Association, a Senior Fellow in Law and Behavioral Science of the University of Chicago, a Graduate Fellow of Harvard Law School, and Professor of Law Emeritus of New York University. Co-author of So and the Law, Prof. Foster also participated in many interdisciplinary clinical and research programs including the establishment at N.Y.U. of the Institute of Forensic Medicine.

James Pierce Kibbee was a psychologist major at Albion College where he received his B.A. At Gonzaga University School of Law, where he received his J.D. in 1976, he ranked first in his class. He was a legal intern for the U.S. Attorney for the Eastern District of Washington, and has

Dean Graham, who both stated that everything necessary for registration was ready in their respective offices in April, agreed that the chief problem was the absence of a schedule until the middle of July.

According to Dean E. Donald Shapiro, the schedule is made up by Dean Lippman's office in conjunction with Dean Graham. The registrar's office has no say in this part of the registration process. Concerning the late date at which the schedule was completed Dean Graham noted that this was unfortunate largely due to the number of professors either terminated or on leave of absence—Prof. Pessen, Erickson, Gottlieb, Johnson, Haines and Lee to name a few—and the fact that new professors were not hired to take their places for a long time, it was impossible to compose a schedule at an earlier date.

As an indication that time was indeed the chief factor, Dulak pointed out that “a lot of the registration process this time was actually a manual process rather than a computerized one. The reason was not enough time for the computer service to complete the necessary tasks during the small turnaround time.” To avoid the inevitable chaos caused by solving many problems (i.e. overenrolled classes, cancellation of classes because of an inadequate number of registrants, and room changes) at such a late date, a decision was made to straighten out these problems out after classes had begun. Had the schedule come out even just a few weeks earlier, Dulak was confident that most of these problems could have been solved before classes started.

Students late with forms

Among the other problems which occurred, some were student related. While
EQUITAS extends its congratulations to NYLS third year evening student, Dean Cynco, who has been awarded a $500 scholarship in this year’s nationwide American Scholarship Competition. The award, given “in recognition of outstanding academic performance and potential,” is sponsored by the American Educational Services, a nationwide magazine subscription agency located in Lansing, Michigan.

News In Brief

Consumer Center Seeks Alumni Aid

The NYLS Consumer Center of Lower Manhattan plans to institute a new program which will unite students and alumni in a cooperative effort to help consumers unable to afford legal services.

The Center plans to compile a list of alumni willing to donate their time to handle cases that require legal action. While able to help most clients resolve their complaints, occasionally students encounter a problem in which they can do no more than suggest that the client seek the services of an attorney. Ironical, these contacting the Center do so precisely because they cannot afford an attorney.

Cannon Two of the Code of Professional Responsibility of the New York State Bar Association states, “The basic responsibility for providing legal services for those unable to pay ultimately rests upon the individual lawyer.” The Center’s staffers, faced with clients who do not qualify for legal aid, are unable to afford a lawyer, hope to find the solution to this problem in this duty of the legal profession to make counsel available to all.

It is the expectation of the Center that this program will benefit client, student and attorney; the student will have the chance to witness the course of action and resolution of a complaint with which he is familiar, while the attorney who volunteers his time will have the advantage of having a law student to help with the background research and details of the case, while performing a much needed service.

— Scott Batterman

Lt. jg. Wm. Glasser

EQUITAS also extends congratulations to third year student Lieutenant Junior Grade William J. Glasser, who was recently awarded the Armed Forces Reserve Medal for “ten years of honorable active and inactive duty in the United States Naval Reserve.” Lt. Glasser is attending NYLS under the Navy Judge Advocate General Corps Student Program, and is presently assigned as Legal Administration Officer at the Naval Support Activity in Brooklyn.

Glasser’s other honors include the Naval Reserve Meritorious Service Medal with Bronze Star, the National Defense Service Medal and a Navy Chief of Information Merit Award for Exemplary Achievement in Special Journalism.

— Scott Batterman

Dwight Inn, Phi Delta Phi invites all students to Our Rush Party!

Wednesday Sept. 20th 47 Worth St.
4 PM - 7 PM 1st Floor Lounge
Free Beer, Wine and Munchies

EQUITAS copy editor Linda Kenneth Rawson, daughter of Mr. and Mrs. Kenneth Longley Rawson of New York, was married, during the summer vacation, to Edward Winslow Porter.

The bride attended the Spence School and was graduated cum laude from Abbot Academy and Harvard University. She is a third year student at the New York Law School. Her father is president and her mother, Eleanor S. Rawson, executive vice president of Rawson Associates Publishers Inc., book publishers.

STUDENTS
Elevator service on the rear freight elevator is now available during peak class periods. Access to the elevator is through the Charles Preussel Library on the first floor.

Students are urged to use this elevator.

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

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Twenty-Five Scholars Fly to Bologna

By Scott Battersman

Bologna, Italy — There are many ways of conducting a course in legal studies for foreign students. There are also several courses in Europe that enable the students, according to the country they study in, to broaden their knowledge of a single legal system. But the program carried out last July in Bologna by the New York Law School and the University of Bologna was certainly original and perhaps even unique for several reasons. First of all, it was not merely an intensive law course, but rather a means to understand the outstanding principles that are the background of European legal culture in general, and the Italian in particular. Therefore, all the professors tried to give the American student a clear idea of the legal situation which is so profoundly different from that of the United States. Secondly, it was not a course in Italian law; the perspective chosen was European, or even better, that of the member countries of the EEC which mainly interest students from other continents. However, since diverse cultural traditions are at the basis of modern legal systems, special attention was given to the basic features of each single country.

As far as our particular course in Comparative Labor law was concerned, we would like to point out its most important characteristics:

1) Instead of treating the single problems abstractly, we preferred to analyze constantly the differences which exist between the main European countries (Great Britain, Germany, France and Italy) and the United States. In order to do so, the students had to work really hard this year, especially because they were given by highly well-prepared individuals, as was also seen by the final exam.

2) The political, economic and social situation of a country is always at the basis of its labor law and its collective bargaining systems. But in Europe this statement has even greater weight; that is why in our seminars we devoted some time to examining the different political systems which so often deeply influence trade unions.

3) Having learned the customs and the method of study in American universities, we handed out written material, we discussed single points in detail, and we tried, in short, to meet any request that might come from the students.

4) In order to give the students the possibility to meet and know as many professors as possible, and at the same time in order to better understand certain points, we sometimes invited other colleagues to speak on specific topics.

With regard to the students who attended the course this year, we must make two comments:

1) As already mentioned above, we found that their level of preparation was excellent, and this fact made our task much easier. As a matter of fact, the students themselves very often competently explained to us some current problems in North American labor law.

2) A very friendly relationship was created between teachers and professors. The latter was also due to the fact that all the students demonstrated a sincere interest in learning to understand the Italian way of life. Thus, we spent many pleasant hours together, even outside of the official courses. Therefore, our deepest thanks and kindest regards go to all of them and to Tony Scanlon, the fine, dynamic director of the Program.

Barbara Levine, Managing Editor of the NYLS Review, stated, "The summer program in Bologna enriched the lives of all who participated not merely because of the opportunity afforded to study law in a different system, not merely because of the opportunity to partake of the splendor that is Italy, but also because of what I believe to be the lifelong bonds of simpatico that developed between law student and law professor, student and professor, and one small group of American students and the Italian people..."

"The warmth and openness of the Italian people is overturning," she wrote. "The program was universally favorable, with the exception of some small complaints relating to a lack of materials; these sort of difficulties are to be expected in a new program. Most enjoyable, perhaps, were the experiences of those American students of Italian descent, such as Angela Mazzarelli (Columbia University School of Law, class of 1977) now working for State Supreme Court Judge McGoode, who took the opportunity to visit relatives while on the other side of the Atlantic. In Ms. Mazzarelli's words, "The warmth and openness of the Italian people is overwhelming..."

When contacted for information, Director of Admissions Scanlon stated that although there are plans to continue the program this year, "there has been no final decision at this point; it's in a wait-and-see stage."
Honest Advice for First Year Students

by Dennis Stuckenbroeker

EQUITAS would like to welcome the new first year students to New York Law School. To help you in your law school career, we would like to offer these bits of information and advice.

In the courtroom stands and discount pen shops around NYLS, people will often look at you and remark that you are a law student. Don't start thinking that you are anything special or that you evade a certain aura. It is simply this in the financial district, few other people are seen wearing running shoes and carrying briefcases. Also, count your change.

The fact that classes are one hour and twenty minutes long and your attention span is 18 minutes may be distressing. Particularly when your fellow students are diligently writing away in their notebooks. People who think they win in Law School look like they are sitting there in rapt attention. Actually, they are trying not to throw up.

The Socratic Method was named after "Socrates the Greek," a mouthpiece for the Mob and member of the Illinois Bar in the 1900's. When not arranging bail for a client, he was more often found at the card table, where his methods of winning were legendary. He would first stack the deck and then put his opponents off guard with such statements as "I got all da cards, suckers," or "Anyway ya cut it, ya lose," making them think it was their fault they lost.

Anonymous grading means the professors can't dump on you if they don't remember who you are. So, don't raise your hand, don't wear distinctive clothing (applies to professors who don't use the roster) and sit behind somebody large. If you are called on, start reading the case verbatim out of the book. The professor will quickly go on to somebody else and forget all about you.

Don't tell people you went to law school because you couldn't get into medical school. They will assume you are interested in medical malpractice and start telling you about very gruesome cases.

Don't bother asking yourself things like, what if I get romantically involved and my grades suffer? There is no sex in law school.

Law school often asks more of you than you can deliver, as a test of yourself as well as your knowledge. Don't feel inadequate or blame yourself. If a professor asks you why you didn't bring the supplement, say that NATO regulations put a maximum of 60 lbs. on the equipment a soldier is required to carry in the field.

It is easy to get discouraged with the seeming irrelevancy of it all. You are told you are being educated to think like a lawyer when all the lawyers you know think like businessmen. Your friends start asking you for legal advice and you don't even know how to contest a parking ticket. But don't get carried away with the surface frustrations. Just remember, at the end of your first year you will be as well qualified as anyone else to practice law in eighteenth century England.

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Alumni News
by Judith Waldman

OBITUARY
Edward M. Fuller, '51, a senior vice president of Greenwood Mills, Inc., died last month at the age of 71 after a long illness. Mr. Fuller, a graduate of Bowdoin College and NYLS, began his career with Greenwood Mills, Inc., as a director, and retired in 1974 as Senior Vice President. He was also a trustee of Republic National Bank and Independent Savings Bank and was a member of the Advisory Board of Chemical Bank; president of the New York Bar Association and the New York City Bar Association; chairman of the General Arbitration Committee of the American Arbitration Association; chairman of the General Arbitration Council of the Textile Industry and chairman of the Financial Group of AIM. He was also a member of the American Bar, the New York State Bar Association and the New York County Lawy er's Association.

B. Marc Mogil, '74, has been nominated by the Conservative Party of New York to run for Congress in the 6th Congressional District, encompassing parts of Queens and Nassau counties. Mogil is with the Great Neck law firm of Hayt, Hayt, Tolkunich and Landau and currently serves as an arbitrator for the American Arbitration Association and the Grievance Committee of the Nassau Bar Association.

Alan M. Grossman, '65, outgoing chairman of the New Jersey World Trade Council recently appeared on a panel discussion televised on "Newark and Reality" on WOR-Channel 9 TV. As a result of his activity in the New Jersey World Trade Council, he has agreed to teach a one-semester course on International Business Law at the Fairleigh Dickinson University Graduate School of Business Administration beginning next February.

Alison E. Greene, '78, former Technical Editor of EQUITAS, has been appointed to the post of Legislative and Public Affairs Assistant of the National Foundation (March of Dimes). Based in the Washington D.C. Office, she will concentrate on federal legislation and programs which affect the objectives of the National Foundation. She formerly served as a legislative assistant to Congressman George Miller of California as personal and research assistant to Hugh Jenkins, Member of Parliament and Minister For The Arts in England. Alison received her J.D. Degree from NYLS this past June and has taken the examination for admission to the Bar in the District of Columbia. She spent her third year as a guest law student at American University, Washington, D.C. and was certified to practice law under the D.C. Student Practice Rule and represented clients through the Civil Process Clinic.

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Alison Greene, Class of 1978

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Finding a Job

How to Survive the Interview Ordeal

by Scott Battersman

Finding a Job may play games with you - be prepared. The first column will deal with interview techniques. Subjects such as career planning and assessment and job hunting strategies will be covered in the months ahead.

"Next to your resume, the interview is the key," advises Vera Sullivan, NYLS Placement Office. The first column that followed were gleaned from a conversation EQUITAS had with Mrs. Sullivan, and from material available in the Career Counseling & Placement Office.

The most important thing is preparation. Know what you're going to say when the questions are asked. Be sure to ask your references if you think they want the prestige of the large firm. Ask yourself if you can manage a family and a career at the same time? Won't an attractive woman in the office be a distraction? These questions cannot always be avoided, so have prepared in your mind beforehand what you are going to say.

Before the interview, think about the questions likely to be asked. The interviewer may play games with you — be prepared. Expect to be asked: Why did you go to NYLS? Briefly, what can you do for our firm? What are your abilities and experiences, that we should hire you? Why do you want to work for our firm? What do you know about us? Where do you see yourself in five to twenty years? Have good, positive answers worked out in advance — practice them with a friend, if necessary, to build confidence.

Some "challenging" and often illegal questions women might expect to be asked, regardless of whether they are fair or not, and it's a good answer to say that you have not been interviewed with a corporation, get a copy of their annual report. If you know someone with a relationship with the organization you are going to see, so much the better. You might even have them call ahead and put in a good word for you. (Never be too sure!)

Where do you do yourself in five to twenty years? Have good, positive answers worked out in advance — practice them with a friend, if necessary, to build confidence.

Another point — ask questions. You're shopping around as much as the interviewer is, and it shows you are interested. Also, there may be a silence, deliberate or not, and it's especially good to have questions prepared for those times. Suggestions: Ask how associates are trained, how much contact you'll have with clients or senior members of the firm. Ask what your duties will be, whether you will have a chance to go into court, if only as an observer. Inquire into past experience as to advancement in the firm. (Save the questions about money until the end of the interview.)

The key thing is to sell yourself, dwell on your strengths, but know your weaknesses and be able to work around them. Make them remember you for your drive, your energy and your ability. Do not put yourself down, every resume is to a virtue in a job interview.

After the interview, follow up. Write letters to all the people who talked to you, thanking them for their time. A week or so after that, call back and ask if the job is still available, indicate your continued interest, and ask if they received your letters. If you have more questions, contact the Placement Office. An appointment with Vera Sullivan can be made from 10-12, Monday, Wednesday and Friday, Tuesday and Thursday.

Vera Sullivan has a walk-in hour from 10-12, Monday through Friday, she can be reached on the phone. The Placement Office assistant, Kodika Broekman, has office hours from 11-12, Monday through Friday. Special hours for evening students only are from 5-7, Monday and Tuesday.


Big Firms Hiring at NYLS

by John Durst

If last year's placement efforts by NYLS are any indication, it can be reasonably estimated that one in four of the 78 graduates will be working in legal positions within nine months of graduation. It may take some NYLS graduates longer to find the right job than their counterparts, but grim predictions of inadequate job opportunities did not effect last year's class, and Vera Sullivan, Director of Career Counseling and Placement Services at NYLS, says the outlook appears even better for this year's J.D.'s.

Seventy-seven percent of the 77 class responded to six surveys conducted by the placement office last year, and of the 198 who responded, 168 were working in legal positions at an average salary of $17,729. Twelve were unemployed, and 69 didn't respond.

The initial surveys of the 78 graduates won't be in until September, but Mrs. Sullivan says that so far top students have accepted job offers from major New York firms and more are being hired exclusively from eight to ten select Ivy League law schools. Students have accepted jobs with, for instance, Cadwalader, Wickersham & Taft; Proskauer Rose Guthrie & Alexander; Proskauer Rose Goetz & Mendelssohn; Wachtell Lipton Rosen & Katz; Weil, Gotshal & Manges, and Hauck & Bendell, and are earning salaries up to $28,000. The Placement

Mrs. Vera Sullivan

Office expects to make further inroads into the large New York firms with the help of Placement Consultant Francis Friedman, Esq., who has already scheduled two major New York firms to interview on campus this Fall. Though Mrs. Sullivan downplays the significance of on-campus recruiting for the majority of students, she does say that there has been an increase in the number of firms applying to interview on campus. "We're completely booked for September and October. The only available time left for an on-campus recruiting is the month of November."

According to the NY Times, NYC firms are growing at a steady, if not spectacular rate. As the firms grow, so do the salaries, with top firms offering three to five times what they offered a decade ago. These large firms count on an average annual gross income of $150,000 per lawyer for their Salaries up to $100,000 per year. But only about 500 of the nation's 32,000 graduates can hope to make further inroads into the "Big Eight" CPA firms to the nation. People tend to think they want the prestige of the large firms, "but not everyone is willing to work 100 hours a week that is necessary to gain that prestige. It is not without cost to a person's lifestyle, leisure, and personal life."
EQUITAS
New York Law School

Winner 1978 Medialall Award, First Place -- Columbia University Scholastic Press Association.

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Professors: Joseph Solomon, Professor of Professional and not to Alumnus Joseph Solomon, Class of 1927 although 10013 . . . to Alumnus Joseph Solomon, Class of 1927

Edith's note: As of the time we went to press, we have received 27 letters on our editorial "The Shame of New York Law School" which examined the terminations of the Board of Trustees regarding Dean Marshall Lippman and Professors Richard Harbus and Nancy Erikson. Of the 27 letters, only one, the letter of Dr. John Thornton, disagreed with our position. It should be noted that on the average month, EQUITAS receives only three or four letters to the editor. To receive 27 letters on one issue is extraordinary. Although we would like to print all of the letters submitted, space limitations make this impossible. We have chosen, therefore, one student letter, one alumni letter and Dr. Thornton's letter as being representative of the two sides of the issue.

To Dr. John Thornton;

Dear Sir;

I would like to take this opportunity to express my shock and outrage at the treatment accorded Prof. Marshall Lippman through the denial of his tenure. The action taken is unreasonable and an affront to the students of the school and its faculty. Prof. Lippman gave of himself unappraisingly.

"You" of the Law School hierarchy (I include you) and the Board of Trustees' intellectual and all its sacred halls of learning which I most cherish. To keep it I do not think it will lead to long-term adverse affects when it comes to contributions and placement. I urge you to take whatever steps may be necessary to reverse this decision. Changes in the entire procedure appear to be called for. Thank you.

Respectfully yours,
Steven Sharpton '75

Dear Dr. Thornton;

I was shocked when I was told that the Board of Trustees, which you chair, had denied tenure to Professor Marshall Lippelb after the Faculty Tenure Committee had voted her tenure. I was so shocked that it seemed beyond belief, and I was paralyzed. I thought that, if it had happened, it would surely not happen again.

What has happened this year seems to demonstrate that one must never except wrong actions without protest. This year, I read in EQUITAS, the Board has denied tenure to three professors who were recommended for tenure by the Faculty Rank and Tenure Committee.

I have three degrees myself, the first earned over a quarter century ago. My husband has three degrees, all earned over a quarter century ago. We know, as do our daughters, that degrees mean nothing to those who have five degrees among them; the third will earn her Yale degree in a yest. My son-in-law have three degrees among the two others. My husband is executive vice president and provost of a college. It is to say that academic freedom is one of the freedoms and one of the guarantees of an intellectual community. We desire a community in which we may learn, teach, and practice and in which we may express free speech and speech of all kinds. We believe that students must be enlightened, if need be, to keep alive their spirit of academic freedom though, which one might as well get his degree from a correspondence school.
Faculty Forum

Plea Bargaining: An Analysis

By Prof. Bostjan Zupancic and John Barth

Plea bargaining is generally condemned because it is unjust. Critics charge that bargaining subordinates the search for truth to the logistics of relieving the burden on overcrowded courts, and they assert that the laws and their protections are used as chips in a jump-fork-broker, a game whose stakes are conviction or acquittal of a crime with which the defendant is not even charged. Therefore, the critics say, a mortal stroke is directed to the very heart of justice because the bargained punishment does not fit the charged crime.

The injustice argument is valid only if we assume that the ordinary criminal process is substantially fairer for the individual defendant. But if we examine criminal law as a system of individual justice, this basic assumption does not stand up.

The law requires that a decision be made based on the facts the legislature deemed essential when it defined a given crime. The judge must decide guilt or innocence only in terms of these legal criteria. Any facts that do not fit within the narrow strictures of the law are rigorously excluded, although they may tell more about the crime or the criminal and his blame-worthiness than the legally relevant facts that serve as the basis for decision. Such a system, based on rules of law, is formal justice.

In Crime and Punishment, Dostoevski undertook an exhaustive psychological and social study of Raskolnikov, the murderer of an old, poor-brake woman. By the end of the novel we become so familiar with Raskolnikov, his motives and intentions, his philosophy and his religious beliefs, his conscience and, indeed, his entire consciousness, that we are willing to forgive his acts of killing. If every defendant could be examined and understood as thoroughly as Raskolnikov, we would have a system of substantive justice that leaves the door open to any relevant facts that might help to explain or clarify a given act. However, we, like the police detective who arrested Raskolnikov, must blind ourselves to all those factors that can be important to a novel but that are not legally relevant. In a system of law, then, Crime and Punishment would be reduced to a simple verdict, guilty of first degree murder, because only the homicide with premeditation is legally important. Thus, substantive justice is reduced to formal justice, the whole truth of the novel to the partial truth of the jurist.

If we recognize that formal justice cannot be totally fair to the individual because societal interests other than individual justice are weighed in the legislative balances when laws are drafted, and if we recognize that substantive justice must be reduced to rules of law in order to be workable, then plea bargaining is not the monstrous creature it first appears to be. Its effects are more insidious than overtly hideous.

Formal justice "works" because the public perceives it to be fair. As long as the system sticks to the application of intrinsic criteria that are related to the purposes of the laws, and as long as cases are adjudicated fairly according to the laws, the non-criminal members of society will be more likely to accept the propriety of the legal norms and introject the laws' underlying values into their own psyches. This is the process of normative integration.

Indeed, criminal law is most important for its contribution to normative integration. It is obvious that criminal law has little direct effect on individual offenders. In fact, it is axiomatic that criminal law and its accompanying penal system have been unable to deter offenders from future acts of crime except by freely using capital punishment to keep down recidivism rates. Imposition of less-than-capital criminal sanctions often contributes more to individual criminality by labelling the offender a "criminal," and thereby convincing the stigmatized individual that he is, indeed, a criminal. Since criminal sanctioning in general has little direct effect on individuals, plea bargaining must be assessed as a part of the criminal justice system that seeks to further normative integration.

The Importance of Faith in the System

Criminal law can be an effective integrator only when there is faith in the system. Even though criminal law is not totally fair since it is formal and not substantive justice, the search for the partial truth of criminal law can be enough to satisfy the public that the law is just. As long as the public has enough faith in the law to justify its belief in the efficacy and justice of its legal norms, most individuals in society will be able to accept the legal norms as their own.

Plea bargaining, though, undermines the entire structure of criminal law because it shows that the institutions charged with enforcing the law do not take the underlying values, those that the law seeks to internalize in society, seriously. Since it is the public's perception of justice that gives meaning to the legal norms and permits them to be internalized, a perception that the formal justice system, the cornerstone of our jurisprudential structure, is not valid as a source of values because the courts themselves act outside the formal system, is fatal to normative integration.

Criminal law, as a system of formal justice, presupposes an impartial adjudication of guilt based on the criteria that are set out in rules of law. Without impartial adjudication the formal justice system becomes superfluous since factors other than those deemed legally relevant will be controlling, and without formal justice the legal norms will become ineffective since there is no legal expression of their value. Thus, for normative in-

(continued on page 9)
The Tenure Letters

"Quality of Tenure Decisions Will Determine Reputation of the School"

(Continued from page 6)

I was taught by three of the four teachers so cavalierly and shamefully treated by the Board; Professors Erickson, Godbie, and Lippman. All three were among the best teachers I had, as good as the average of those who already have tenure. I am extremely unpersuaded by the arguments attributed to you and the Dean, in the **EQUITAS** account of this matter. While it may be unfair to treat you sternly, my heart hurts too much to reveal your statements just yet and sort them out. You are saying, in effect, that you will not give tenure to young professors when you do not consider ready today to be hired by Harvard or Yale because they have a long way to go till they reach the age of 66. This is blatant age discrimination, on a par with the school's sex discrimination in granting tenure to only one woman (tolerating). I do not consider the excellence and prestige of our commencement speakers proof that we are reaching the level of the best schools. I listened to Solomentz in my daughter's commencement; I did not think his presence is what made her education there superlative. I feel that you and the Dean seem to be saying that you don't know how to judge the excellence of our professors. Our students, who now are, for the most part, academically superior, from a wide array of schools, including some of the best, do seem to know how.

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Letters poured into the **EQUITAS** office on the tenure issue.

There has always been the split between outgoing teachers and the Board, and those who publish much. It is rare to find a combination in which each of these gifts is highly developed. It should also be apparent that young professors cannot be written as much as older professors.

The least our school can do, if its graduates are among the best, is to inform the Board that I do now, is to tell the teachers it hires what the standards are that they will have to meet, and not use them as expendables while the school is short on teachers and has no bootstraps, but by them. In this way we met the AALS recommendation that the average age of our professors was too high. By hiring young professors and then throwing them out without the ability to discriminate (in the good sense; in the bad sense we do very well) among them, only to replace them with other temporaries.

Have we no regard for our reputation in the marketplace? No one is going to ask President Ford what kind of school we are. They'll know we have influence if our speakers are distinguished. But President Ford isn't going to hire our graduates, and be certainly isn't going to teach here.

For three or four years I have heard students talk to the effect that tenure criteria were based not on excellent teaching or much publication but on obedience to the Dean's wishes. Blind as I usually am where my loyalties are involved, I put these stories aside a hundred times. I could not bear to think of my school as an obedience school; that's about the lowest relation of self-respecting persons can assume. Obviously, anyone who is not hiding guilty secrets, or mediocrity, has no need to earn tenure except by the excellence of his work.

I had hoped when new Trustees of such promise joined you on the Board that a new day would dawn for our school, and that it would truly join the greats. For is it not through the integrity, idealism, and high-mindedness of the Trustees that a school gains among its peers?

I hope that you will lead the Board to reconsider its shocking and unprecedented Among the best schools action of overturning the recommendations of the Faculty Rank and Tenure Committee. Such action is excusable only if dishonesty or the equivalent has been discovered after their vote. I feel deeply shame now as a full how to be freed from that feeling. That can happen only if the Board of Trustees takes the step that will truly make it fit to aspire to the highest rungs and reverses all tenure actions taken by the Faculty Rank and Tenure Committee, including last year's action.

Sincerely,

Francis B. Salten '72

To The Editor:

Your recent letter takes issue with the decisions of the Board of Trustees in denying tenure to Professors Hartshorne and Lippman. I appreciate your advising me of your disagreement with the Board's decisions and I shall call to its attention your stated reasons for doing so. So far as Prof. Erickson is concerned, I would point out that, although she was not granted tenure at this time, she was granted the leave of absence which the Harvard Professor is studying for her master's degree at Yale; she will be considered for tenure upon her return from Yale and completion of the normal probationary period which, for professors in her category, involves one more year of teaching after returning from Yale.

The main thrust of your letter deals with the case of Prof. Lippman. I state at the outset that, although I disagree with your ultimate conclusion with respect to his case, many of the favorable sentiments expressed by you concerning Dean Lippman are shared by me.

I am not, of course, at liberty to go into detail concerning the considerations involved in any particular tenure case. I assure you, however, that the Board of Trustees does its utmost in each case to arrive at the right answer, recognizing, as you do, that the quality of tenure decisions will determine the external reputation and the internal quality of the School, for better or worse, for a generation or more. I would also note that the Board has in each case the benefit of extensive input from the Tenure Committee of the faculty and from the Dean, although there is not in all cases full agreement among all parties as to what is the appropriate disposition of a case.

In assessing the actions of the Board of Trustees with respect to tenure and, in general, your statement concerning the tenure decisions, I think you should bear in mind that a primary objective of the Board during the approximately five years Dean Shapiro has been Dean and I have been associated with the School has been to overcome the negative academic image which the School had unfortunately acquired in the educational establishment and to upgrade the School's standing. I may add because it was before you entered law school, but it was not many years ago that the Deputy Commissioner for Higher and Professional Education of New York stated publicly that, in his judgment, New York Law School "barely exceeded our minimum standards of quality" — a judgment which was emphatically completed by the advances which have occurred under Dean Shapiro.

We have in the past five years been building slowly towards the vestiges of the post negative image and achieving the appearance and the reality of a top-notch school. Among other ways, this has been done by the admission to the Association of American Law Schools, by its selection as a host school for the visit of foreign law school deans sponsored by the State Department, and by the appearances as Jeffords Lecturers or at our commencements of such luminaries as a former President of the United States, the present Chief Justice, and General of the United States, a former Solicitor General of the United States who is also a former Dean of Harvard Law School, the President, University of London Law School, and the daughter of Chief Justice Charles Evans Hughes who is also the President of the Supreme Court Historical Society. At least one of these eminent persons was an absolute critic of New York Law School in past years, largely because of what he regarded as the lack of scholarly character of the faculty and its contributions to the Law at Harvard, and has now completely changed his opinion. The increasing stature of the School has also been evidenced by the fact that distinguished members of the profession are now willing to come here for a year or more as visiting professors, including Prof. McDougall of Yale — one of the world's preeminent jurists, and Prof. Foster, the former Dean of the University of South Carolina Law School.

To be a great law school, New York Law School must act like one, even under circumstances where doing may not be the popular or the easy course and may alienate some of its friends. Turning down a tenure candidate is rarely the popular thing to do. But, whether, one agrees with it or not, the simple and indisputable fact is that the School's standing and the quality of any great school is a tenured faculty which is a community of scholars, i.e., the tenured professors are not simply competent teachers — although this is, in my judgment, a most important thing; but all (or at least most) of them are leading scholars in particular fields of law. That is the kind of faculty one finds at Yale or Harvard or any other of the nation's leading law schools. I am a history fan of The Law at Harvard, "The School's greatly enlarged faculty is busy... with many types of research and scholarship which have no result from the teaching. The products of a teacher's studies appear at once in his seminar and (continued on page 10)
Plea Bargaining and Justice

(continued from page 7)

that the administration of criminal law.

Adjudication itself requires a conflict between two parties that cannot be settled amicably and that presupposes the adjudicator's ability to decide that either party A is right or party B is right. Without a conflict the adjudicator does not make a choice and thereby, does not adjudicate.

An impartial adjudication goes one step further. Impartiality presupposes two factors: first, that the judge can disclaim committing himself to a determination until both parties have been heard, and second, that the judge will use the intrinsic legal criteria to make his decision and not rely on extrinsic factors when deciding which party is legally correct. Thus, an impartial decision can be made only after both parties have presented their hypotheses to the judge who must decide guilt or innocence based on the law.

Plea bargaining is impossible to reconcile with a system of formal justice because it is directly antithetical to an impartial adjudication. Since adjudication requires conflict, the presentation of contradictory hypotheses to the decision-maker, a bargain based on the relative power of the parties at a negotiating session, that is then presented to a judge, cannot be an adjudication of guilt at all. Plea bargaining is, in this sense, a collapse of conflict into consensus.

Derivatively, since there is no adjudication there can be no impartiality. Extraneous factors are used to determine the outcome. Plea bargaining permits the parties to use whatever bargaining assets they choose, as long as they can reach an agreement and avoid trial. The prosecutor's key determinants are the evidentiary strength of his case, the ease of conviction, and the institutional pressures to dispose of cases quickly. The defendant's, on the other hand, are the value of delay and the substantive and procedural protections available to him that would make a conviction more or less likely after a long and expensive trial. Very simply, the foundation of bargaining is the realization of the bargaining powers between the parties, a factor that is extrinsic to guilt and innocence. In effect, the judge in plea bargaining cases is reduced to a referee who watches for illegal punches and declares the winner of the contest. He does not actually decide the case as an adjudicator. The actual legal guilt or innocence of the defendant is, to that extent, immaterial.

Plea bargaining...a parody of formal justice

Ultimately, then, we must conclude that plea bargaining is but a parody of formal justice, where rules of law are not used as rules of law but as the simulated weapons of combatting parties to reach a point where both can agree on a disposition of the case. The entire system of formal justice, with its careful balancing of interests and its determination of the essential factors is guilt and innocence, is reduced to a bargaining session that concentrates on factors that have nothing to do with the goals and norms that are embodied in the law.

Since plea bargaining does not even reach the level of formal justice, the public recognizes that the administration of criminal law is becoming divorced from the values that give it its societal worth. As the criminal justice institutions become less concerned with justice, and more concerned with locking up criminals, the public's acceptance of legal norms as accurate reflections of social values will decline. The result will be an absence of normative integration, the violation of the most important goal of criminal law.

If plea loses its normative role, it will become only an instrument for mechanical social control. Its impact will be reduced to the punishment it imposes on individual offenders, and, in view of our penological failures, criminal law will become almost totally ineffective. The abolition of plea bargaining would be one small, but necessary, step toward making criminal law a contribution to normative integration instead of a silent observer of social malaise.

Judge Wright Addresses BALSA

On August 16, 1978 the NYLS chapter of BALSA held its Second Annual Orientation for incoming minority students. This year's program was particularly noteworthy, because the minority NYLS alumni were BALSA's invited guests. On hand to greet the distinguished alumni and the incoming students were Deans Margaret Bearn and T. Donald Shapiro, Secretary Tony Scanlon and several members of the NYLS faculty.

The honorable Bruce Wright, a NYLS alumnus, was the guest speaker. Judge Wright lived up to his reputation by delivering a speech which angered some and was thought provoking to others. The speech was so controversial that tongues are still wagging around the school. Some of the points of controversy included an attack on the school for failing to have an affirmative action program, and its adherence to the "one or none theory" with reference to the hiring of minority faculty members. The one or none theory has been described as the practice of hiring one black or minority professor, while never making any attempt to recruit others, and of course the none is self-explanatory.

Moot Court Plans Active Semester

The fact pattern for the Fall Moot Court competition concerns the dismissal of a Junior High School teacher pursuant to the enactment of a local ordinance which prohibits homosexuals from teaching within the school system. Briefs entered in the competition are due Sept. 26 at 11:00 P.M. with preliminary rounds scheduled for Oct. 5-8. Semifinal rounds will be held the following week; Oct. 12-15, and final rounds the week of Oct. 16. Stimulating Constitutional issues are expected to be argued and all students are encouraged to attend.

Students who excel in the Fall Competition will be asked to join the Moot Court Association and from that, the Executive Board of the association, and eventually, to participate in national and regional competitions. These will include the Jessup International Law Competition, the Kaufman Corporate Law Moot Court Competition, and the A.B.A. Oral, all to be held in the spring.

The NYLS's National Team is currently preparing for the Regional rounds of the ABA National Moot Court Competition. The Constitutional and Administrative law questions at issue in these arguments will be presented to the hiring of minority faculty, while never making any attempt to recruit others, and of course the none is self-explanatory.

SBA-LSD Report

As your SBA representative, I attended the ABA convention at the Americas Hotel from August 3-8. It was very informative, interesting and fun! For every lecture or seminar that took place, there was a social event at which people actually discussed things other than law! Since I was one of the natives at the convention I made a lot of friends from out of town and I'm looking forward to staying in touch with them about places to see, etc.

Some resolutions that were passed by the LSD were a resolution to advise lawyers to spend mandatory time aiding those who cannot usually afford legal advice, a resolution promoting an effort to end discrimination in the legal profession, and a resolution to reprimand last year's division president, Michael Holits, for unethical behavior. Justice, equal protection and keeping the legal profession moral seemed to be themes this year's convention.

I would advise anyone who has not joined an ABA section to do so as soon as possible. I was very impressed by the LSD, they are working hard for law students.

Good luck to all the incoming freshmen. If you have any first-year problems do not hesitate to ask any SBA member for help.
It's Always Something

-Chairman of the Board

Certainly one of the great skills any law school can hope to impart to its students is the ability to approach language in a precise and analytical manner. Through these delicate mental dissections the student is able to pry those essentials, if subtle, nuances from seemingly inconsequential passages. Such treasured insight may spell the difference between success and failure when dealing with the linguistic treachery of the I.R.C., the U.C.C., or Professor Koffler.

Like any great talent, however, the potential for abuse is great and the temptation compelling. Regrettably, casual conversation often becomes the subject of the law student's newly found avocation of linguistic perfection. Once embarked on this never ending road of "you mean to say?" the results can be disastrous. The unsuspecting layman, often astonished to hear what he has really said, soon becomes gun shy and is reduced to communicating in hand gestures reminiscent of a cross between Harpo Marx and Nelson Rockefeller.

Often the technique backfires completely and it is the student who finds himself yearning for the bliss of ignorance. I learned this painful lesson one evening on the Jersey Turnpike while battling my wife, the traffic and the noisome odors of Elizabeth, N.J. After a somewhat heated personal argument I decided that the merits of my case were dubious and out with the assistance of the Police U. C. C., or Professor Koffler.

I thought for a moment, that not only was I the bastard, it makes me a stupid bastard. The implication is, of course, that someone must be the bastard, and since it was not she, it must be I.

Clever, I thought, a truly ingenious manner in which to call someone a bastard. Quickly, however, I realized there was more to it than that. According to my wife, not only was I the bastard, but all the while I was suffering under the delusion that it was she and not I that was in fact the bastard. I thought for a moment, that not only makes me the bastard, it makes me a stupid bastard. In one hell swipe my wife had insulted my intelligence, my powers of perception and my ignorance.

I looked over at my wife and noted something of a dirty smirk on her pretty little face. I wondered if she realized the implications of her offhanded remark. While I was delighted at my ability to break down her vicious attack to its rotten core, I was appalled at the thought of all the other assorted slurs she might have slipped by. Unable to contain myself any longer I confronted her with my devastating bit of analysis.

"A stupid bastard", she replied, "no, more like a crazy bastard".

I should have listened to my uncle and become an accountant.

More Tenure Letters...

(Continued from page 8)

Chairman of the Board

In the past several years...
Inside the Wine Cork

by Leon Yankwich

You are dining with a refined yet impressive companion. You have made a great show of perusing the extensive wine list and have tactfully ordered the second most expensive wine — knowing that to order the most expensive would be a dead giveaway of your underlying egotistical ignorance. The choice has elicited a favorable response, but as the wine is opened you, believe it or not, realize you have again ordered the wine which is, in effect, your worst enemy. You have ordered the Counterfeit Cork.

The Bottle Opening Ritual

When the steward shows you the bottle, what are you supposed to look at? What are you supposed to do when it’s handed to you, sniff it? Hit it? What if you can’t tell the taste of the stuff you ordered? Can you send it back, or must you bear it?

Basically, there are two things accomplished by the opening ritual: You discover whether the steward has brought the wine you expected, and you find out whether the wine has been properly stored or spoiled.

When the bottle arrives, the first thing a wine steward will do is hold the bottle so that you may read the label. Perhaps the waiter forgot what you ordered and chose a wine at random, or perhaps the cellar has run out of the wine by the bottle whose name appeared on the wine list and substituted the same wine by a different bottler. In any case, you are entitled to the exact wine you ordered, so this is your opportunity to make sure what you ordered is what is poured. Its there is a discrepancy, ask the steward what went wrong. If the substitution or explanation doesn’t satisfy you, ask for the wine list again and select another wine.

If the steward leaves the bottle presented, the steward will open it. The opening will usually be carried out on the spot. If the steward walks off with the bottle and returns it opened, or if the bottle is placed on the table, you can rarely, if ever, be sure what wine you got. These practices occur because there are minor breaches of opening etiquette. It is obvious that the stewards are not to open a wine with an already-opened bottle that was rejected at another table. Even if there is no surreptitious substitution, you at least have missed the actual opening, which may be important. If, for example, the restaurant is in the habit of using a compressed-air opener to open the air of its guests, you may or may not be aware that a new cork has been inserted.

Once opened, and cork will glow near you if you pour a small sample of wine in your glass. Examining the cork is important when you consider that wine is an excellent medium for bacterial growth. If exposed to air, wine will spoil just like exposed milk or juice. Glass being largely impervious to air, the cork will become artificial, or, as the bottle itself will be cracked, to the complete ignorance of the customer. Witnessing the moment of the cork’s first exit from the bottle can tell you, by the sound, whether the wine has undergone a second fermentation and become badly spoiled.

Using your table to support the bottle is also considered by many to be poor taste.

The steward should be able to hold and open the bottle without invading the guest’s private space. There are many cork-screw design for one-handed use (most notably the "mallet" type). They are unfamiliar to the uninitiated and also make an already-opened bottle that was rejected at another table. Even if there is no surreptitious substitution, you at least have missed the actual opening, which may be important. If, for example, the restaurant is in the habit of using a compressed-air opener to open the air of its guests, you may or may not be aware that a new cork has been inserted.

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The cork may also bear a stamp which repeats some of the information found on the label, but not in an enlarged or printed form. The cork may be easily or simply be made out of cork, etc., or it is an indifferent cork, which stands between it and the wine. If you pick up the cork and it turns to dust, you know that it has dried out and probably shrunk, exposing the wine to the air. The cork may be crushed or channeled from a previous attempt at opening or corking, or it may be simply worn out. If you have a tester or feeler, buy a fortune cookie-like message reiterating what he already knows, it should not cause alarm if the cork is silent or even contains information. The label is what is carefully controlled by law, and buyers should rely on it in the face of a contrary cork.

The Art of Tasting Wine

The art of tasting is subject enough for a separate article, but briefly you employ all your senses to acquaint yourself with the characteristics of the wine. While you were poring over the wine, the wine steward was pouring you a taste of the wine. You might wish the liquid in the wine glass to be released into the bowl before sipping, or note the wine’s color, clarity, and the way it coats the sides of the glass; sniff the bouquet; and finally taste the wine. If the wine meets your expectation, you ask the steward to pour away. If the wine is cloudy, smelly sour, and tastes like vinegar (or worse) the wine may have spoiled. If the cork is dry, you must say to taste; if the steward agrees, there is no problem and a new bottle will be produced; if the steward disagrees you must discuss or take it to a higher authority (e.g., the manager) or leave, depending on what course of action gratifies your personal sense of justice. Remember, however, that you may have played a role in the wine’s punishment, as one does with the wine list. Presumably you knew the wine when you ordered it and should not be surprised by its flavor.

Remember also that the taste of a wine may be altered for other reasons than spoilage. A common example is when wine glasses are cleaned as ordinary dishes. A detergent residue is deposited on plates or water tubs that can degrade the flavor of a wine.

Now that you know the sensible procedures for serving wines in a restaurant, you can diagnose your iniquity with the wine you ordered by avoiding the above procedures and adding them up. If you are a frequent wine drinker, you should be able to see that the wine you ordered is the wine you received. It is certain that your wine has not been substituted by the wine you ordered. You should be able to see that the wine you ordered is the wine you received.

The Wine Cork

The wine cork is a very important element of the wine bottle. It is used to seal the bottle and to prevent the wine from being exposed to the air. The cork is made from cork oak, which is traditionally a hardwood from the Mediterranean region. Cork is harvested by cutting the bark of the tree, and the cork is then removed and dried. Cork is a very porous material, which allows it to absorb moisture and release it slowly. This makes it an ideal material for sealing wine bottles, as it helps to maintain the wine’s flavor and character.

The cork is also important for the wine’s aging process. As the wine ages, it can develop new and interesting flavors and aromas. Cork allows the wine to age in a controlled environment, helping to preserve its quality.

To open a wine bottle, the cork is removed using a corkscrew or similar tool. The cork is then inserted back into the bottle, and the wine is poured into a glass. The cork is not consumed; it is simply removed and discarded.

The cork is also an important symbol of the wine’s origin. Cork is often used as a decorative element on wine bottles, and it can indicate the region where the wine was produced. Cork is also used as a marketing tool, as it is associated with the quality and authenticity of the wine.

In conclusion, the wine cork is an important element of the wine bottle. It is used to seal the bottle and to prevent the wine from being exposed to the air. Cork is a very porous material, which allows it to absorb moisture and release it slowly. This makes it an ideal material for sealing wine bottles, as it helps to maintain the wine’s flavor and character. Cork is also important for the wine’s aging process, as it allows the wine to age in a controlled environment, helping to preserve its quality. Cork is also used as a decorative element on wine bottles, and it can indicate the region where the wine was produced. Cork is also used as a marketing tool, as it is associated with the quality and authenticity of the wine.
The ABA Convention in New York

by Dennis Stukelbroeker

The American Bar Association Convention started on Tuesday, August 1, with the first of the meetings, conferences, symposia, assemblies, cocktail receptions, dinners and dances held by the various divisions, sections and committees of the ABA. It finally wound to a halt, August 10.

Headquartered in the Hilton, it spread over most of the expensive hotels in midtown Manhattan. The Law Student Division was in the Shelburne Hotel, and the Young Lawyers Second Shoe Fair. The Division of Young Lawyers operated out of the Plaza. The Section of Patent, Trademark and Copyright Law seemed to have seized every seminar, cocktail and luncheons at the Waldorf-Astoria.

Various other happenings occurred at the St. Regis, Pierre, Essex House, Waldorf-Astoria and the Americana with the National Law Students and the Section of International Law and Foreign Law.

The convention operated on four levels, bureaucratic, educational, commercial and social. It was possible to spend two hours, even on three levels and be tied up most of the time. In fact, it was often impossible to cover very much. In the Calendar of Events, the list of things that started at the same time often went on for over a page.

The bureaucracy had to do with the ABA itself. This is when those Martindale-Hubbell catalogues of titles come to life.

There are the business meetings, committee meetings, council meetings, assemblies and elections. The education policies were unnoticed by most of the conventioners. This was a centennial, not a controversial year. No Young Turks. No Commies. Truth. The hottest issue was lawyers' advertising on television.

The ABA, which had opposed all advertising pre-Bates and O’Stein, approved it.

The most boring debate I heard was about whether Young Lawyers attempted to set up a combined Young Lawyers/General Practice Section Committee on Judging and Ranking, which was debated on budgetary grounds.

Most lawyers, bless them, did come for the educational side. Over 600 papers were delivered at the convention. Members of several sections found full programs in their specialties (if you want to see how specialized the law business has become, go to an ABA convention). It was a chance for regional practitioners to hear what is new in the field and talk shop for a few days.

However, the inevitable tedium involved in panel discussions, and the conflicting demands on everybody’s time often reduced attendance to a few people in a large room. As the possible extent of a recent FTC ruling was rooted about, the air conditioning tinkled the glass pendants on the light fixtures and the pattern in the carpet became more interesting.

The commercial side (ignoring, in the interest of space, the Young Lawyers attempt to set up a combined Young Lawyers/General Practice Section Committee on Judging and Ranking) was dominated by advertisers.

Three new legal periodicals, NYLS Trustee Jerry Finkelstein’s The National Law Journal, Legal Times, and a more pop The American Lawyer, were handed out to anyone who would take one.

Whooped! ran from the cocktail receptions, hospitality suites and banquettes, to the activities organized mainly for the spouses and children of conventioners. Those who like to be organized, there were tours of museums and the UN, baseball games and the Circle Line. For the disorganized there was, well, New York.

The Establishment Critic...

by Dennis Stukelbroeker

Stopped in at the American on Sunday afternoon to hear Ralph Nader. Introduced as “the best lawyer in the world,” he addressed an audience of 300, dressed better than you used to, is still a halting and undynamic speaker.

His topic was access to justice, or rathe the lack of it. “Most people are shut out of the legal system,” he said. “The affluent can afford it, but it usually costs more than they get.”

He attacked “crime in the suites” and condemned law schools for charging exorbitant rates and creating a lawyer bred corporate point of view. He wants to “redistribute the money in law schools,” but he didn’t spell out how.

He was also pushing a new outfit of his called the Equal Justice Foundation. Nader wants to find it by identifying on per cent of law students’ income. This sounds like asking the dead to pay for better health care.

They went to lunch and I went upstairs to a Section on General Practice program — “Energy — where do we go from here?” It was scheduled at the same time as several lunches. After a half hour they had still only filled up 15 of 75 seats.

2:30 P.M. To the Americans by Jay G. Fornberg, a California lawyer, shows his film of the major points he made in his ABA book of the same name and answers questions from the 90 people in the small direction meetings. After a half hour they had still only filled up 15 of 75 seats.

Of all people, he was the most practical about how to help the little people. “Don’t charge for the initial consultation. This gives everybody access to a lawyer without worrying about money.”

4:00 P.M. stopped in at “Skokie and the Holocaust.” A panel discussion moderated by Dean E. Donald Shapiro for the Section of Individual Rights and Responsibilities, which was in progress. With over 200 people, it was crowded. Several meetings I attended. Also, the only one with any real difference of opinion.

Archie Nier, executive director of the ACLU, tried to explain how defending the nuisance of a handful of communist storm troopers was a cheap way to defend the first amendment.

Bennie Pettier, National Director of the JD’s, tried to make the Nazi threat alive.

6:00 P.M. Up to the fifth floor of the Hilton for an incredibly hot and crowded NYLS alumni reception. Name tags were given out, but people were packed so tight together you weren’t sure who’s were who.

For some reason the suites on the fifth floor are named after 1950’s New York writers. NYLS was in the F. P. Adams suite. After a half hour of trying to get to the bar and back, I retreated to the Robert Benchley Suite down the hall where all the air hadn’t been breathed yet. Goes to show the lengths to which NYLS students and alumni will go for a free drink.

2:00 P.M. Ballroom of the Americana Law Student Division Annual Banquet. Over 500 at a guess, very hard to tell. Across of people eating. Very noisy. Manhattan clam chowder quite good, even for one who prefers the New England variety. Even the hotel chicken is pretty good. The local New York wine could have been done without.

Awards and toasts, chaired by the LSD head, another Georgian. NYLS wins an honorable mention for its Rosenberg articles.

NYLS at the ABA

Dean E. Donald Shapiro, moderator

“Skokie and the Holocaust.”

Prof. Joel Martel, moderator

“Government Patronage and the Law.”

Prof. Myres S. McDougall, speaker

Joint Breakfast Section of International Law and American Foreign Law Association

Prof. Peter Schruth, speaker

Committee on Environmental Law

Vera Sullivan, Placement Director

LSD Job Information Fair

The British Attorney General, Samuel Silken addresses the ABA.

Just One Day

by Dennis Stukelbroeker

MONDAY, AUGUST 7

8:30 A.M. Stopped by the news center for a sticky bun and coffee, and to pick up a copy of Kennedy’s speech.

9:00 A.M. Grand Ballroom at the Hilton for, after days of convention, the first meeting of the whole ABA. It started at 8:30, but I want to get a seat in the press section of the Cowell Ballroom. It was to vote to get rid of the trooping the color. National anthem. British national anthem (a surprising number of people know the words). First time I’ve said the pledge of allegiance since junior high school.

William Spann, the ABA president, introduced Chief Justice Warren Burger, Associate Justice Powell, Lord Wilgberg, and the top British contingent (the British legal profession has been leaderless for a week). Spann is from Georgia. Even the minister who gives the invocation is from Georgia. There are a lot of Georgia name tags around.

Governor Carey says a few welcoming words, including that the big issue of the day is the proposed constitutional amendment.

LSD Job Information Fair

12:10 P.M. Supreme Court of the Waldorf-Astoria. Availed myself of the cocktail hospitality of the Section of Patent, Trademark and Copyright. The best section to belong to, the ABA’s editor of the Patent and Trademark Quarterly tells me. A quick chat with him and a British patent solicitor who was a speaker at the luncheon.

Stop by the news center for a cup of coffee and a sticky bun. Start the day out with a bang and a buzz. The British Attorney General, Samuel Silken, addresses the ABA.

For some reason the suites on the fifth floor are named after 1950’s New York writers. NYLS was in the F. P. Adams suite. After a half hour of trying to get to the bar and back, I retreated to the Robert Benchley Suite down the hall where all the air hadn’t been breathed yet. Goes to show the lengths to which NYLS students and alumni will go for a free drink.

2:00 P.M. Ballroom of the Americana Law Student Division Annual Banquet. Over 500 at a guess, very hard to tell. Across of people eating. Very noisy. Manhattan clam chowder quite good, even for one who prefers the New England variety.

Even the hotel chicken is pretty good. The local New York wine could have been done without.

Awards and toasts, chaired by the LSD head, another Georgian. NYLS wins an honorable mention for its Rosenberg articles.

NYLS at the ABA

Dean E. Donald Shapiro, moderator

“Skokie and the Holocaust.”

Prof. Joel Martel, moderator

“Government Patronage and the Law.”

Prof. Myres S. McDougall, speaker

Joint Breakfast Section of International Law and American Foreign Law Association

Prof. Peter Schruth, speaker

Committee on Environmental Law

Vera Sullivan, Placement Director

LSD Job Information Fair
From Here to Antiquity

by Hammarobi

On the morning of the test, I awoke to the penetrating intrusion of an incessant alarm-buzz. This was the day of my first exam. It was a national holiday, and an eight-inch snow had blanketed the Northeast, with the result that nothing but the trusty Midnight Rider Limited was available. It was a frantic ride, a marathon, and I boarded the bus with remnants of the merrymaking which had taken place a short time before on New Year’s Day and headed for the deserted city now occupied only by some of the Bowery’s Best and frustrated NYLS test-takers.

During the long ride past flat, landscape-painted, ugly cities we glimpsed each other on our conversation. After the test, I learned that Professor Lexass had drilled us into depth on 501 of these unimportant legal maxims and said we forgot the other 500. But we were wise to this old trick and riveted all of our attention on those 500.

We knew the exam would be based on large part on material glossed over, characterized as obtuse if disfigured in the minority rule, or contained in those 500 points.

Students were scurrying about looking for last minute answers to questions crucial to the course. “What is Point 501?” “I think. It’s that lobstermen working out of Kennebunkport, Maine, have a 212 mile limit instead of 950.”

“Does 950 have something to do with the right of way of Pony Express routes?” “Yes, but remember that of the 501 Indian tribes of the West, only 501 recognized the right of way and they were tobogganin’ in Northwest Washington State.”

Much to our collective dismay, no treatise or text contained Point 501. Rumors were running rife that the text of that point was either posted on one of the School’s 23 bulletin boards, which last contain, contained over 5,000 notables, or was scratched as graffiti in one of the WCs. Who the hell had time to research this? We’d have 950 hours after fifteen years of having no student answer Point 501, ole Lexass would give up asking about it.

While the exam was “open book” and all of us brought everything we were capable of carrying, we were wise to this rather than to the fact that on the first the Scholastic Writing Exam, we were allowed to communicate with other students, she was forced to read the Daily News, and given one hour to arrive for the test.

(Continued from page 1)

The early signs indicate that this academic year promises to be unique. During the first few weeks the tone of the student body seems to reflect disenchantment with the current state of the law school. Our early start — it is an experimental calendar change and hopefully its advantages will be realized during the three week Christmas recess. As for registration, it should be noted that those people involved with the Administration’s procedures, especially Bruce Dukh, worked endless hours and that much of the fault lies with an outside computer-data service. Nevertheless, there still exists an efficiency problem and it needs to be solved. It is the Administration’s responsibility to study this problem now, in order that the second semester registration can run smoothly.

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On Your Mark! Get Set! GO!
Run in the NYLS Five Mile Minimarathon.
10 a.m. Sunday September 24, 1978
Starting line at NYLS
Entry Forms Available at Gil’s and the SBA Office 47 Worth Street
Deadline for entries: Sept. 21, 1978
All Students and Alumni are Invited!!

Students to Receive Courtroom Training

Responding to growing national concern over the competence of trial lawyers, Chief Justice David N. Edelstein of the U.S. District Court for the Southern District of New York has announced a new training program for law students and lawyers inexperienced in trial work.

The program, first of its kind in the country, has received the very strong approval and support of Chief Justice Warren E. Burger of the U.S. Supreme Court, long an outspoken critic of the quality of trial advocacy.

"This is directly the kind of program I have been seeking," the Chief Justice wrote to Judge Edelstein. "I hope it will lead other courts to study the program and to consider programs of their own."

The program, drawn up by Chief Judge Edelstein and a committee of leaders of the bar, has the approval and cooperation of NYLS Dean E. Donald Shapiro, other federal judges, and law firms engaged in the field of litigation. The Special Training Program consists of four parts.

Night Court: Where the Law Student Meets Reality

by Joseph Stavola

I'll admit it, I was proud to have been in law school my first year — so proud that I must have read the school catalog several hundred times. A unique urban law school experience enabling students to "observe and participate in the daily functioning of the courts."

Not one to pass up unique experiences then, I headed for Night Criminal Court one evening with two first year friends. The walk through the deserted, orange-bered streets was awe-inspiring and commanding in respect. I remember going at "The True Administration of Justice is the Fairest Pillar of Good Government" chiseled into one building. "Jack Webb would be proud," I thought. I asked my two wide-eyed friends whether the phrase was a holding or a radio decidu.

"Here," I thought, "is where it all started, where Clarence Gideon and Danny Eadesbud trumped their captors with the Bill of Rights and slammed their way into legal history." The leftness of the moment was tempered by a sign near the court entrance that read "Use revolving door." "Pretty ironic," I commented.

Asorted seedy characters wandered around inside, some with briefcases. The physical layout of the courtroom reminded me of a church, sans candles, but with a hint of 42nd Street. The frontmost "pew" (there were nine along mass cards attached) was reserved for police officers. There was a crowd around the judge, and everyone was talking. I decided to sit back and watch for a bit. Only after a gruff clerk shouted "Next Case" and read off some numbers and a charge did I realize that in fact I was watching business as usual. I leaned forward so as not to miss a word, but despite my straining, I couldn't catch half of it. The friend on my right said he could have sworn he had just heard someone say "You picked door number two."

The next case proved more exciting. The defendant was "up for" possession of stolen property (to wit, jewelry) and assaulting a police officer. The friend on my left observed that the defendant stood like a "real wise guy." After arguing for a while with both the judge and his own lawyer, the defendant was removed for psychiatric evaluation. Not at all pleased, the accused gave the D.A. a sharp right cross to the back of the head. In a matter of seconds, a dozen cops jumped over the "communion rail" and gang-tackled the defendant to the floor. "Hit me some more," he managed to cry out. He was duly obliged. Finally subdued, he was carried away. A small pool of blood was on the floor. The clerk covered it with a desk and a "Next Case." The wheels of justice could not be stopped, nor made less swiftly by such a display.

I left with a perspective different from the one I had been getting from my Criminal Law casebook. On the way home, my friends and I predicted that the "mistake of fact, mistake of law" classroom puzzle was just the tip of the iceberg.
Columbia Dumps Gunther

by Leonard Ross


Gunther's text has been the subject of substantial criticism. Prof. Abraham Soffer, chairman of the Curriculum Committee at Columbia which had made the decision, commented that although some still think the Gunther casebook is "the best available," the book has too many questions, too few cases and heavily edits the included cases. Soffer added, "It is a basic decision to use a new set of materials." Columbia Law professor Joseph Schmidt declined to comment; citing his personal friendship with Gunther.

A review of the Lockhart text indicates that it places a heavy emphasis on both amendment rights in line with the present direction of the Supreme Court. It stresses problems of judicial review and federalism and provides introductory notes to overview the topic and to provide the student with background on the material.

When Prof. Catherine Sullivan of NYLS was asked about the Columbia decision, she expressed surprise, saying that the Gunther text is generally regarded as the best casebook in the field. She is unfamiliar with the Lockhart book. On the criticisms of Gunther, Sullivan agreed that it is a difficult book for students, however she prefers Gunther's concern to develop a way of reasoning, which requires line by line analysis, without imposing his Constitutional philosophy on the student. Sullivan expressed a belief that Gunther's open questions make it intellectually honest by alerting the student to a problem without textbookly implying a "constitutional truth".

NYLS Prof. to keep Gunther Textbook

Asked to comment on the Columbia decision, Prof. Lian Chu Chen said that it would not be fair for him to state an opinion, as this year is his first for use of the Gunther casebook and he thus far has not made a final decision on its merits. The bottom line appears to be that NYLS professors will continue to use the Gunther text, which is good news for resale value.

Convention Job Hunting Hints

by Dennis Stakenbrook

The word from the Law Student Division's Job Information Fair is — the disparity in starting salaries is getting bigger, and corporations are cutting their legal highs by hiring more house counsel.

The LSD sponsored the lightly attended job fair at the Americana Hotel during the ABA convention. The Fair consisted of a three-hour program with a chance for informal chats with over 30 representatives of firms, government, and corporations, and workshops covering resume writing and interviewing techniques.

The workshops included one on "career self-analysis," conducted by the Placement Officer of NYLS, Vera Sullivan.

The stereotyped nine-person speakers panel ranged from a solo practitioner to representatives of the Department of Justice, the Legal Aid Society, Wall Street, and corporations.

Alvin Taylor of Aetna Life and Casualty and Robert M. Herch of Equitable Life both said outside counsel was being dropped in the insurance industry in favor of in-house lawyers handling the companies business. Aetna is increasing its 60 lawyers by 20 by 1980.

Although Equitable Life handles all its own New York litigation, most lawyers in both companies don't handle civils. They occupy themselves with placing the billions of other people's money, and the tax, real estate and mortgage problems of any big corporation.

Equitable Life's legal department is divided into eight divisions and has a two year training program designed to rotate recruits through half the divisions.

Says lawyer or five lawyers out of law school every year, reversing the tradition of corporations looking for firm experience when hiring house counsel.

When Prof. Etta Aetna plans on paying $19,000 to start in 1979 and Equitable Life is paying $23,500 this year.

The top is cash, not surprisingly, as the very large Wall Street firms, Ellen Putter, an associate at Milband, Tweed, Hadley & McCoy, told the group the current range is $25,000-35,000 a year.

The federal government has 19,000 lawyers, said William R. Robble to the Associate Attorney General for Attorney Personnel, which is one percent of all federal employees. It also hires between 2,000-3,000 a year, with 30 to 60 more applications for every available position. Lawyers do not have to take the civil service exam.

Most government attorneys are not in the Department of Justice, but in the many regulatory agencies, dealing with administrative law and litigation. Some agencies use the open question to be intellectually honest by alerting the student to a problem without textbookly implying a "constitutional truth".

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Poet's Corner

The Ragvanes of Age

The caricature of time

The hairline, the sole vestige

The beauty upon which perma

Once gazed in awe.

Chronicling in the cranium.

The infant sea

In the face of youth.

Arnold H. Graham

New Pros Profiled...

(continued from page 1)

taught Civils of Law and Secured Transactions at the University of San Fernando Valley College of Law.

Perry S. Reich received his B.A. from State University of New York at Stony Brook and a J.D. from Hofstra University School of Law in 1974. He was a student law clerk to the Hon. Jack B. Weinstein, U.S. District Court Judge, and a summer associate in the Office of the U.S. Attorney, Southern District of New York. After a year's association with the firm of Win- dels & Marx, he became a Law Assistant to the Hon. Jacob D. Fischberg of the New York State Court of Appeals in 1975.

David M. Rice, Visiting Professor, is an Assistant Professor of Law at Brooklyn Law School. He received his LL.B. in 1967 from Iowa University School of Law where he was an editor of the Law Review. He is a co-author of 101 Mathematical Puzzles and How to solve them, Prof. Rice was also an Associate with the firm of Botkin, Hays, Sklar & Herzberg. His pro bono publico service includes broadcasting law clerk in FCC proceedings for Classical Radio for Connecticut Inc.

Barbara C. Schwartzbbaum, visiting Professor, was a law Review member at Harvard Law School and received a L.L.M. from Harvard Law School. For three years she was a free-lance consultant, she was previously a Deputy Regional Counsel and Acting General Counsel in the Office of Economic Opportunity for the New England States, and Assistant Professor at Suffolk Law School. She has seven years experience in legal management, liaison, training and program development, and resolved a potential Boston crisis by proposing and having adopted a ruling by the Office of General Counsel which prevented the firing of 7,000 Community Action Agency employees.

A profile of our new Dean William L. Bruce will be published in the next issue, with a list and description of the new adjunct faculty.

Financial Aid: TAP Award Deadlines

TAP:
1) Submit the school copy of your 1978-79 TAP Award Certificate to your assistant in 47 Worth Street, Room 105.
2) If you are still experiencing difficulties with your 1977-78 TAP award, jot down the specific problems you may have.
3) All procedures regarding 1978-79 TAP awards should be submitted as well.

We will answer (or attempt to get an answer for) every question we receive.

We know that many of you have experienced numerous frustrations over your TAP awards, but please try to be patient.

— Merrill E. Feinberg
Directo of Financial Aid
NOW THERE IS ONLY ONE ALTERNATIVE

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Q: Which course prepared more people for the Summer 1978 New York Bar Exam than any other course?

A: BAR/BRI

Q: Which course prepared more people for the Summer 1978 Multistate Bar Exam than any other course?

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