

11-1978

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New York Law School

EQUITAS

New York Law School

Third year student Michael Stanton and his wife Joan announce the birth of a daughter, Jessica Allison. The 8 pound 11 ounce girl was born October 31 at St. Peter's Hospital, New Brunswick, New Jersey. The Stantons are residents of New Brunswick. Joan teaches special education in East Brunswick, New Jersey.

EQUITAS extends its heartiest congratulations to the happy family.

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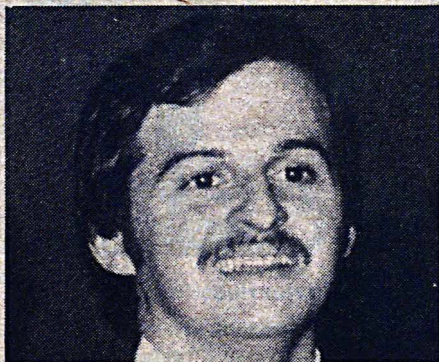
Graham, Scanlon and Hillman Promoted

by Scott Batterman

The NYLS Board of Trustees has promoted three members of the administration. Now holding the titles of Dean are Anthony J. Scanlon, Assistant Dean of Admissions and Placement, and Lucille M. Hillman, Assistant Dean of Alumni Affairs. Promoted to the rank of Vice Dean for Finance was former Assistant Dean Arnold H. Graham (who is also the NYLS Treasurer).

When asked to comment on his promotion, Dean Graham replied, "I always wanted to get involved with vice, and I finally did it, the hard way." Dean Graham is a NYLS graduate, Class of '52, and has been associated with the school, either as a consultant or an employee, since 1950 when he became the school's accountant. His current duties involve "everything...the only thing I'm not doing is admissions, placement and development." His duties keep him so busy, he confessed, that he really does not have the time he would like to devote to teaching his course on accounting. "The only reason I am teaching is so I can have rapport with the faculty," he explained.

When asked why he was promoted, he stated there was no single reason. "Apparently I was doing a fine job. I got congratulations from all over." The change in titles has not produced a change in income, though, as he informed **EQUITAS** that it was a "promotion without money."



Asst. Dean Anthony Scanlon

Newly appointed Assistant Dean Scanlon echoed Dean Graham's comments that there was "no change in the salary." He expressed no opinion on the reason for the promotion, but suggested that the change in titles might enable him to function more effectively in the areas of admissions and placement, when dealing with other schools.

Questioned as to whether he would now be taking part in the academic affairs of the school as a Dean, he replied, "no, but every member of the law school community is involved in discussing it, but not in the decision-making process, no." He did suggest, though, that as the officer in charge of admissions, he has already been making decisions of a quasi-academic nature.

Assistant Dean for Alumni Affairs Lucille M. Hillman was of the opinion that



Asst. Dean Lucille Hillman

her promotion was a "recognition of the importance of this administrative area of the law school, the relationship with the alumni, as a very important constituency of the law school."

She noted that she was the first full-time administrator that the school has hired to oversee alumni affairs, and reiterated that her promotion "was another manifestation that New York Law School cares about its alumni."

As further indication of the concern of NYLS in this area, she informed **EQUITAS** of two recent developments. The Board of Directors of the Alumni Association has voted a change in their by-laws, to permit three voting student directors to serve one-year terms on the board, a change in which she was "strongly involved." And the Board of Trustees has also made a change in its bylaws, such that the immediate past president and current president of the Alumni Association will serve on the Board of Trustees of NYLS.

(please turn to page fifteen)

Student's Killer Convicted

by James Gelb

Glenn Fisher, a 29 year old mime, was convicted in September of the brutal slaying of NYLS evening student Fred Fuller. The murder occurred in June 1977 at Fuller's Manhattan apartment. Sentencing was on October 20, by Judge Denzen, but the murder conviction in New York carries a mandatory life sentence. Defense attorney Marvin Segal has promised to appeal.

Fred Fuller was apparently the unwitting victim of a "lovers triangle." Marie Edwards, 26, had just ended a long term affair with Glen Fisher and had moved in with Fuller. Ms. Edwards' testimony was pivotal in convicting Fisher.



Fred Fuller

Assistant District Attorney John Mullady, a five year veteran at the Manhattan District Attorney's office, was able to piece together the events which resulted in the law student's death. Ms. Edwards and Fisher had met in Florida where they both attended school. They moved to Brooklyn where they lived together until Ms. Edwards decided to leave Fisher for Fuller.

Fisher moved back to Florida where he was visited by Ms. Edwards only days before the murder occurred. Fisher, apparently seething with jealousy, drove to New York, entered Fuller's apartment and waited for him to arrive. To hide his identity Fisher wore a mask of heavy gauze and gloves. He also attempted to disguise his voice.

Fisher tied Edwards up, then brutally crushed Fuller's skull with repeated blows of a lead pipe. He then shot Fuller twice in the head at point blank range.

Ms. Edwards was able to detect the true identity of the assailant despite Fisher's attempts at disguise. She was able to recognize his voice and the expressive movements of the professional mime. Also aiding in detection of Fisher's identity was the fact that throughout the episode Fisher treated his terrified ex-girlfriend with exceptional care and politeness. Further, although there was expensive stereo equipment and other valuables in the apartment, all Fisher took was \$14 in cash, (apparently he needed gas money for the trip back to Florida), a bottle of Ms. Edwards' perfume, and a key ring he had once given her.

At first Ms. Edwards was unable to give the police any evidence due to repression caused by the trauma of the incident. Only after psychiatric help was she able to recall the event. Assistant D.A. Mullady says that this often occurs in victims of especially frightening crimes.

Fisher tried to convince the court that he was in Georgia, looking for used cars to purchase and refurbish when the killing occurred, but witnesses testified that he could not have been where he claimed at the time of the killing.

BULLETIN

As we went to press, **EQUITAS** reporters were investigating the developing story regarding the American Association of Law Schools' recent visit to New York Law School.

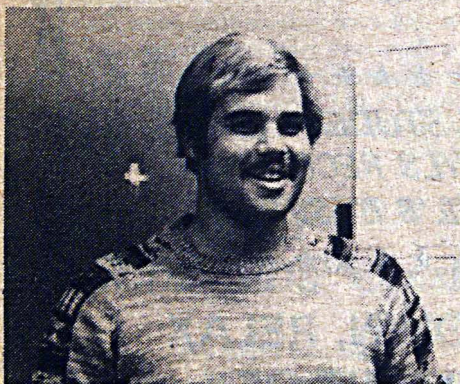
Rather than print an incomplete or one-sided story based upon rumor and unsubstantiated accusation, we have chosen to wait until all sides (including the official AALS report) can be heard from.

Look to future issues of **EQUITAS** for further information on this story.

Student Breaks Record

by Sharon Kelly

Philip Ross, a 21-year-old first year NYLS student has gained national recognition for his marathon swim around Manhattan. Ross' time of seven hours and 44 minutes broke world marathon champion Diana Nyad's October 1975 record by 13 minutes. With the exception of the CBS news media, however, metropolitan papers and local TV networks reported incorrectly that Ross attended NYU Law School.



Philip Ross

Shortly before noon on a brisk October day, Ross began his feat at Hellgate in the East River, a site notorious for its powerful currents. Struggling against the tides and 15-mile-per-hour winds, he negotiated the

murky Harlem River, crossed the island's northern tip at Spuyten Duyvil, battled down the Hudson's choppy waters, rounded the Battery, and swam back up the East River. Having alternated between the breast stroke and the crawl for the 28 mile course, Ross conceded that he managed the final three miles on "sheer guts alone."

Although he competed in sprint races as a member of the varsity swimming teams at the Lomis Chaffee School and at Tufts University, Ross is a newcomer in the field of marathon swimming. His Manhattan triumph is his second endurance swim and represented a month of intense physical training, special protein and carbohydrate dieting, and careful examination of Manhattan's waterways.

Asked to explain his reasons for undertaking this ordeal, Ross recalled his friendship as a New London lifeguard with William Kiley, a 51-year-old amateur marathon swimmer. "This past September, Kiley swam around Manhattan, and I was present in the accompanying boat. I was inspired by the marathon's mental and physical challenge. Also, I am impressed with this city and such a swim was a way of celebrating Manhattan's greatness."

Ross noted that the publicity aroused by his record-breaking swim hasn't significantly affected his life. "I'm a law student first though I would like to swim the English Channel after graduating."

NYLS Media Center Hosts Conference

by Scott Batterman

Communications lawyers, public interest groups, network representatives, FCC and FTC officials, law professors and journalism professors from all over the country gathered at New York Law School this past October to attend a conference hosted by The Media Communications Center of NYLS and the Edison Electric Institute. The Conference was entitled "Network Television and the Public Interest: A Preliminary Inquiry" and over the course of two days of panel discussions and informal talks over lunch and dinner, people on all sides of the issues involved in mass communication and government regulation had the opportunity to exchange views, share ideas, and engage in lively debate.

The Conference was kicked off October 19th at a luncheon on the 5th floor of 47 Worth Street. Speaking for the school, Associate Dean Margaret S. Bearn talked of the issues that had prompted the conference. "Twenty-five years ago, we encouraged the networks, as the best way to exploit the new communications technology. Now, they are firmly established, and we worry about network dominance. The FCC, the FTC and a House Subcommittee are involved in the problem. New technology has changed the forecasts for the future — cable, satellite, optic fibers. This is a time for serious evaluation and re-evaluation." Discussion and debate on emerging issues, she continued, "are important for a law school, especially New York Law School in New York City, center of media activity."

Jack Young of the Edison Electric Institute, a national association of electric light and power companies, explained that the Institute was involved in this conference because "it's in the public interest to promote responsible discussion of who says what on television and why. It is in our corporate self-interest as well."

He explained that the Institute had been given the assignment of communicating the industry's views and ideas on the energy issue to the public, that the country would "need more energy in the future, which would require more plants, which would mean that electric rates would go up. The idea seemed straightforward to us."



Periods of informal discussion highlighted the conference.

But when they tried to fit these ideas into the commercial format of television, they were "not allowed to talk about rates or nuclear plants. The energy issue, one of continuing broad public concern, will bring with it many choices, and people need information to make intelligent choices." The Institute hoped to learn from the conference what the communication media's future holds in terms of gaining access to the channels of communication.

There followed two days of discussion and panels on network economics, program control, network/affiliate relations and First Amendment issues. At times the conversations became extremely heated. As Prof. Michael Botein of NYLS, Director of the Communications Media Center, described it, "David Blank, chief economist of CBS, was on a panel and responded to the claim... that networks only try to maximize revenue through reaching the largest audience. He said they were trying to present what the viewers want, by seeing the ratings. Renee Anselmo, President of the Spanish Television Network, then 'unloaded' on Blank. 'Your ratings screw the UHF operators, the Spanish language operators,' and so on. They went at it hammer and tongs," a description corroborated by other witnesses.

Prof. Botein also noted the fortuitous timing of the conference. "We began with lunch at 12:30 on the 19th. At 11:00, the

FCC voted unanimously to continue the network inquiry they had begun — I don't think we could have picked a better time."

From all indications, the conference was a total success. Bertrand Fainberg, Director of Business Affairs for ABC, termed it "very exciting." He felt he had learned more from the "questions asked, and the personal interchanges, the different attitudes of people," than from anything else.

Gene A. Bechtel, of the Washington law firm of Arent, Fox, Kinter Plotkin & Kahn, said he had attended because he felt that the "mix of the academic community, the network community and legal profession would give me a different insight into my work. I realize now, even more forcefully, the strength, the feeling, of those who contest the existing system, the stance of the networks and the traditional stance of the Communications Bureau."

David Hawthorne of the Jamaica NAACP Employment Development Program had come to the conference to explore employment opportunities for minorities. "I've gotten a tremendous understanding of the numerous factors which influence the broadcast industry. It's very complex, but there's enough of the pie for everyone."

As Prof. Botein summed it all up, "the important thing is that it appears that people did exchange a lot of ideas, and did talk to each other, both at the conference and over dinner."

School Budget Tops \$4 Million

by Jonah Triebwasser

The New York Law School budget for fiscal year 1978-1979 will top four million dollars, according to Chairman of the Board of Trustees Dr. John V. Thornton.

Thornton estimates that revenues from student tuition fees for this period will level off at approximately 4.3 million dollars, while expenditures will be 4.1 million dollars.



(photo/D. Gagnon)

John V. Thornton

Of this total 4.1 million dollars, approximately 58% or 2,378,000 dollars will go for payroll and fringe benefits, approximately 24 percent or 984,000 dollars for educational, general and administrative purposes, and approximately 18 percent or 738,000 dollars for building operation, maintenance and minor rehabilitation.

In commenting on the budget figures, Thornton said, "Because of our dependence upon student tuition and fees we endeavor to keep anticipated expenditures within the bounds of anticipated revenues from such tuition and fees. That policy has required substantial tuition increases in recent years in order to meet the greatly increased costs required to bring the School to the high level of educational excellence to which we have aspired."

Thornton went on to say, "We have some funds in the nature of endowment and quasi-endowment funds but these are for the most part being held and invested for the purpose of funding the planned new law center. Substantial further donations from alumni and others will be needed to make this law center a reality."

The remaining \$200,000 will be placed in the fund for the projected law center.

(please turn to page fourteen)

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Law School Run-Around

by Cecilia Blau

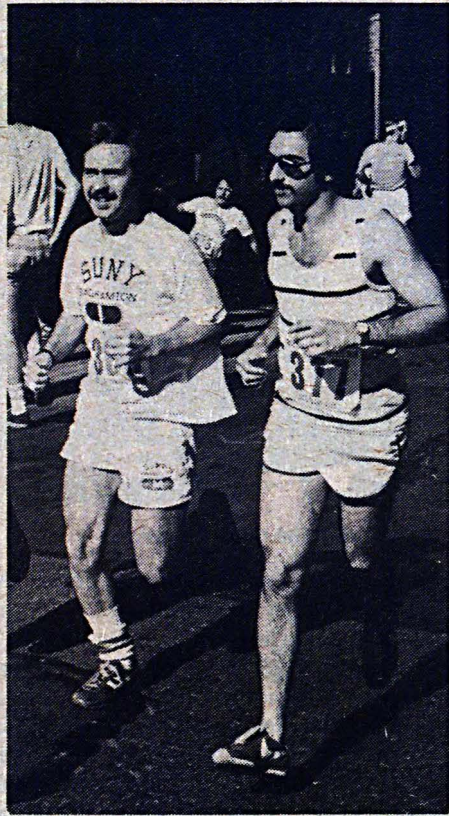
Did you ever feel like you're running an uphill race and your feet are slipping? (Not you, Bubele, you're too young.) Like you're hearing about a comprehensive configurative policy-oriented approach for the first time and wondering if there's a plaintiff hidden in there somewhere? When, after carefully counting each day of school since the new semester started, you suddenly realize that a whole pile of days have nevertheless slipped by you, and you had better see what the past final exams look like? When you've decided to start reviewing early this term, only to discover that the pink, yellow and blue material you've highlighted in the text is news to you?

Well, instead of having another anxiety attack, why not get some good, old-fashioned physical exercise?

You might start by placing a casebook on your head and walking across the library with it. You won't get very far. Months of slouching in classrooms and libraries will have ruined your posture, and it will fall immediately. But you will be so disgusted with this effort, you will slink back to a cubby and resume exercising those mental muscles which have to be more responsive.

But if that doesn't work, take up tennis immediately — especially if you've never played tennis before. Of course, everyone you know plays a mean game already. In no time at all, you'll be shamed off the tennis courts back into the library.

Finally, if you still don't feel the renewed vigor that comes with physical ex-



(photo/J. Triebwasser)

Joe Renna and Gary Reiner show their form.

ercise, try jogging around Park Row and back to Galways. The jogging may not help, but your guilt feelings the next morning with a hangover will keep you rooted to your books for a nice, long time.



Members of the International Law Society in our nation's capital.

Int'l Law Society Visits the Capital

by Bill Holm

A group of five members of the New York Law School International Law Society attended the International Law Weekend sponsored by the Law Student Division and the ABA Section of International Law in Washington, D.C. last month. Two hundred law students representing over 20 law schools attended. The program was designed to introduce career opportunities in international practice to students. Besides learning that it's pretty hard to get away from lawyers in Washington, we also learned that the field of international practice is highly competitive.

Nevertheless, Washington offers a wide array of opportunities in both public and private international law. Besides career opportunities in the State Department, there are others in government agencies such as the Agency for International Development, the Department of Commerce and the Department of the Treasury, all of which deal extensively with public international law. There are also quasi-governmental agencies such as the Overseas Private Investment Corporation and the Export-Import Bank.

In general, government agencies seek to promote the establishment of international law. They seek the settlement of controversies on judicial grounds and support the development objectives of developing nations. The current forums and

procedures in the international system are inadequate to achieve these goals and one can see there is a great deal of work to be done in this field.

The Washington trip included visits to private firms. The clients of these large and prestigious firms are generally large corporations. Thus, much of the aura and mystique of international law is dispelled since protection of these clients' interests demands a thorough knowledge of substantive areas of corporate and commercial law. It was reassuring to note that Washington firms start their associates at the same level as New York firms, about \$28,000. The visits were followed by a reception for the aspiring international lawyers.

The following day was devoted to exercises of a more academic nature. In the morning, students could choose between a tour of Capitol Hill or a workshop in international legal research at the Library of Congress. The workshop was well attended.

Saturday afternoon consisted of a panel discussion on Transborder Data Barriers.

The weekend wound up with a gala banquet with speakers and applause by all for the general success of the program. Credit is due to the international law societies of Georgetown and George Washington Universities which were instrumental in organizing the visits and programs.

Alumni News

by Marie Richardson

George Hart (Class of '63) was the Republican-Conservative candidate for the New York State Supreme Court. Mr. Hart is a graduate of Wagner College. He has been a practicing attorney on Staten Island for 15 years, and he has been admitted to practice before the Federal District Court, the U.S. Court of Appeals, and the U.S. Supreme Court. He has also served as Counsel to the State Senate Judiciary Committee.

Another NYLS alumnus who ran for public office in the last election was **Alexander Graves**, (Class of '52.) Mr. Graves was the Republican candidate for Judge of the Civil Court in Staten Island. Since graduating from our law school, Mr. Graves has practiced on Staten Island for over 25 years and is the former legal assistant to the Honorable Frank S. Gannon, Judge of the Civil Court and the Honorable John A. Garbarino, Justice of the Supreme Court.

Robert Gaulin (Class of '76) is now associated with the firm of Friend Perles Dorman and Kleeffeld. Mr. Gaulin joined the firm in September 1978 and is reportedly very excited about his job. The firm has a general practice and also specializes in entertainment law. Mr. Gaulin's work involves representing notable figures in the fields of entertainment and sports.

Mr. Gaulin was previously associated with the firm of Popt and Estrin.

Martin Greenberg (Class of '69) wrote an article entitled "The Police Role in Foster Care: A Lesson Plan." The article appeared in the August issue of *Police Chief* magazine, the official publication of the International Association of Chiefs of Police. Mr. Greenberg is currently the coordinator of the Political Science program

at Hawaii Community College, University of Hawaii at Hilo. Greenberg served in the New York City Auxiliary Police Force from 1965-1977. He was President of the Auxiliary Police Benevolent Association of the City of New York from 1973 to 1974. Mr. Greenberg was employed as a Court Officer in the New York State Supreme Court from 1970-1977.

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L.R., Behind Closed Doors

by Susan Werther

Not many students are aware of the purpose and activities of our school's law review. What is done in Room 605, and why? What is the function of this prestigious organization?

Our school's contribution to the nation's law reviews is entitled **New York Law School Law Review**, formerly known as **New York Law Forum**. It is published quarterly by members of the Law Review with faculty advisement. Each issue typically contains articles written by experts in the field: notes, which are the equivalent of articles but written by students; comments, which are analyses by students of recently decided cases or enacted statutes; and book reviews written by professors and members of the profession. There are two types of Law Review issues. The "regular" issue is a collection of unrelated articles, notes, comments and book reviews. The "symposium" offers a collection of related articles and possibly also notes, comments and book reviews, all of which discuss various problems within the same topic, thus giving an encompassing perspective of one field of law. The **New York Law School Law Review's** Symposium on Copyright (Vol. XXII, No. 2, 1976) has been one of the most heavily subscribed to law reviews in the country. The Law Review has plans to issue a three-volume set on antitrust law in the near future. The **New York Law School Law Review** is distributed nationwide, and, with the country's other law reviews, serves the legal profession and the academic community by providing practical and scholarly analyses of important areas of the law.

Membership on the Law Review is offered to those who have obtained academic distinction in their first year of law school by ranking top in their class. A writing competition is also held whereby students who excel in research, writing and analytic skills may be invited to join. The Law Review is the "honor society" of the law school. Membership on Law Review is usually quite advantageous not only because it encourages intellectual development, but because it opens doors to many job opportunities.

15 hours a week

Students have a vital role in the publication of the **NYLS Law Review**. New candidates must work fifteen hours per week and write a publishable comment. Normally one starts by checking all the cites in an article for accuracy of cite and substance (does the author cite the case for what it stands for). This is a formidable task as the average article may contain 100 to 300 citations. Once the student has submitted a publishable comment, he becomes a staff member of the Law Review. The Law Review is run by a Board of Editors composed of third year day and fourth year evening students who have been elected to their various positions by a vote of the preceding Editorial Board. Articles for possible publication in the Review are solicited by the Topics Editor, or are gotten through various faculty "connections" with experts in the field. Occasionally a potential author will contact the Law Review regarding possible publication of his work in the NYLS publication. Topics are chosen which will appeal to the practitioner as well as the theorist. In recent years, the **New York Law School Law Review** has emerged as a major source of timely legal commentary.

30-30-30-30-30-30-30

There it is, a "30-" at the top of the page! I never thought I'd see it, but there it is. For those of you who are unfamiliar with newspaper jargon, "30-" means the end, and this is my "30-" column, my swan song, the last column I will write for **EQUITAS**. It is also the last of many I never thought I'd write since my association with **EQUITAS** was not to include writing — just an hour or two of copy reading each month, or so the smooth-talking Editor-in-Chief led me to believe. Then **EQUITAS** needed an alumni reporter. No one wanted the job so I took it and later became the Alumni Editor.

Those of you who have never been down to the **EQUITAS** office — the first dungeon to the left of the locker room in 47 — or met our staff, are missing a great deal. **EQUITAS** is put out by a hardworking bunch who give a lot of their time and themselves to keep the law school community well informed.

Imperceptibly, insidiously, the paper began to absorb more and more of my time and energy. When I was in undergraduate and graduate school I never had the time to participate in any extracurricular activities. This was a new experience for me, and it added a new dimension to life at NYLS. I now knew what was "going on," though there were times when I would have preferred not to, since, as we all know, life at NYLS is a bed of roses — with all the thorns.



(photo/D. Gagnon)

Judith Waldman

I'm sure everyone will understand that I could not write this without expressing some of the anger I felt last spring when I learned of the denial of tenure to three of the best professors I have ever had, Richard Harbus, Nancy Erickson and Marshall Lippman. These three share a fairly unique quality (unique at NYLS that is). They have the ability to teach! If teaching is an art, and it is, then they are the Michelangelos of NYLS. And how does the school — via the Board of Trustees — reward people with such unique talents? They deny them tenure! When I think of the many courses I've taken here that were a complete waste of time because of incompetent turkeys at the podium, it makes my blood boil!

We often criticize the school, the administration and the Board of Trustees for the variety of ills that is visited upon us. We complain about the apparent lack of concern on the part of the administration for the student body, the bungling at registration and the untimely publication of school calendars and exam schedules, not to mention grades. I can accept all these things — but incompetent teaching I cannot tolerate! We deserve — and have the right to — better treatment than that!

Sure, professors are "observed" occasionally (at least once a term, I've been told), but is there ever a post-observation critique of the lesson so that the professor can be made aware of what his or her strengths or weaknesses were? And how many of us, with the threat of a final grade hanging over our heads and our unanonymous "anonymous grading system" affording us little protection, have gone up to a professor and said, "Your teaching stinks! Clean up your act! Answer some questions! Give us the benefit of your experience and expertise. Show us some insight into the law so we can make some sense out of our reading, or I'm not coming back to class because my time is better spent in the library reading a hornbook!"? Not many, I'll wager, not even me!

We're all afraid of that final grade which will determine our rank and therefore the amount of help we'll get from the placement office.

Fortunately, the last two and a half years at NYLS were not all bad. There were Marshall Lippman (to whom I will always be indebted: I consider myself lucky indeed to have made his acquaintance), Alice Newman and the Client Counseling Competition, *Human Rights* and, of course, **EQUITAS**. Then there are Antonio, and Vinnie the elevator operator, rays of sunshine in the morning. Who knows, if I stayed till June I might have figured out what Vinnie says to me in Italian every morning. And, of course, there's Carmello, who can pack more people into his phone booth than any college frat in the country, Prof. Tracy, who is always smiling, and Prof. Silverman, to whom I'll probably always be "Miss Bone."

There are so many good friends that have made the last two and a half years pleasurable. At the risk of leaving out a few I'd like to name some like Bella Weiss-Duckman, Jo Schneider, Andrew Davie's mother Carole, Kay Burns, Marie Richardson, Linda Rawson, Sue Werther, Renee Libin, Rita Stein, Fran Betteridge, Elaine Reiss, Jonah Triebwasser, Peter Scheschuk, Jerry Weiss, Lenny Ross, Maryjane Sclafani and the rest of "C" Section, class of '79.

Here it is folks, 36 days to my last law school exam (that is, if the schedule hasn't been changed again), and I still haven't been to Galway's or the "Roof Garden" — I feel deprived! But law school has been like that! Oh, I have my "To Do" list a la Prof. Schain, but I never seem to get to "cross stuff off." I'm always too busy with other things, so I save them. My desk is buried in "To Do" lists! As Jonah tells me, I brought it all on myself, which is true. I could have taken a more leisurely route to my J.D. and finished next June with the rest of my class. But for me, time is of the essence and I opted to accelerate to graduate with the first MYA graduating class. Actually, the administration tells me that I'm not officially ranked with them yet and won't be until a month after graduation. So right now, I'm in a class by myself — number ONE out of one. To those of you I leave behind, keep in touch, and especially to "Battling" Section C, save a purple heart for me — I'll be there in June.

— Judith Waldman
Alumni Editor Emerita

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The new Asst. Dean for Vertical Motion assisting students to meet and know their faculty.

Editorials

Deanflation

We question the wisdom of the recent appointment of two new Assistant Deans, one an Assistant Dean for Admissions and the second an Assistant Dean for Alumni Relations and Development. We question these choices not because of who or what the new Deans are, but because of what they are not. Specifically, they are neither members of the bar nor teachers of the law.

It has also come to our attention that yet another Assistant Dean will soon be appointed to work in the office of our new Associate Dean William Bruce. We can envision in the near future that the Placement and Financial Aids offices, in an effort to "keep up with the Joneses," will also demand an Assistant Dean at their head. Where, oh where, does the ever-burgeoning and more expensive bureaucracy of New York Law School come to a halt? Will each little fiefdom of this school soon be headed by an Assistant Dean? Will these Assistant Deans become involved in the academic affairs of this law school without the prerequisites of having either teaching experience or being a member of the bar? Will we allow laymen in the law to guide the future of this law school?

Some will answer that other law schools have non-attorneys in academic and administrative positions on the decanal level. We say that it is time that New York Law School stopped playing follow-the-leader. It's time New York Law School created standards of its own that others should follow instead of blindly following the mistakes of the discredited past.

As more and more Assistant Deans are appointed, with greater expense, greater overhead, and the inevitable increased tuition, we wonder if the Assistant Deans of New York Law School will become as common, and as meaningless, as Vice-Presidents are in banks and public utilities.

This is it...

...for the Fall, 1978 semester. Because of the change in academic calendar, this is our last issue for Fall, 1978. This is a sad occasion for *EQUITAS* because we are losing our graduating Alumni Editor, Judy Waldman. We wish Judy, and all the members of the January, 1979 class, all the best, and hope they will remain active in the law school community as alumni.

On behalf of the entire staff of *EQUITAS*, I would like to wish all the students, faculty, alumni, administrators and friends of New York Law School a happy and healthy Thanksgiving and a joyous Christmas/Chanukah/New Year's season.

Jonah Triebwasser
Editor-in-Chief

Faculty Forum

The \$40,000 Visa



by Prof. Bernard Schwarz

Mexican migrants, Colombians, Dominicans with assumed identities, Haitian refugees, and Chinese and Greek crewmen who jump ship are old immigration problems. But what about the flip side? Before we get there, a brief background is necessary.

The immigration laws of the United States seek a compromise between essentially three basic interests: family unity, protection of the U.S. labor force, and the legitimate needs of business. In the immigration context, this means that unless the prospective alien has a sufficiently close relative, he will have to obtain labor clearance, which is a determination that U.S. labor is not available, willing, or able to fill a job offered to an otherwise able and available alien and that the wage offered is the prevailing union wage for the job. Exemption from this clearance is provided for when a necessary close relative exists. Thus an accommodation between competing interests is theoretically resolved. However, there are aliens who do not fit precisely into this scheme, the wealthy foreigner, as well as the foreign industrial giant, for example. A method American business has always protected itself with is use of the import tariff, but foreign business as an entity needs no visa from the Immigration Service except for its employees. By setting up affiliates or subsidiaries in the U.S., such entities are in one sense better able to compete with U.S. business interests, by avoiding import tariffs as well as shipping costs. Securing permanent visas for its necessary employees and executives becomes a relatively simple matter since the entity is the sponsor. But what about the alien who is not in business overseas? For him, a forty thousand dollar investment may be the only answer. The "investor" exception to the Labor Certification requirements of the Immigration Laws is this type of immigration case.

The requirements are: a minimum capital investment of forty thousand dollars, or proof that the investor is "actively in the process of investing that amount," and an employee who is a U.S. citizen or lawful alien resident. This category is not statutory but regulatory. It was created on the theory that one going into business for himself is not a threat to the union worker's negotiated wage (unions fear cheap foreign labor and are thus protected by the labor clearance statute). Thus, the alien who has no close relative and cannot secure labor clearance because his work experience is not, relatively speaking, in great need here, but has accumulated at least 40,000 dollars in capital can, if living in this country is important enough to him, risk this capital in a business venture he has never otherwise been in, and thus achieve lawful residence. Does it matter if he borrows the money? Apparently not, says the State Department. But the road is not an easy one to travel. Because of quota exigencies, there is at present a two to three year wait for a visa in this category. Business failure is not unusual in such a time span and the alien must still be exempt from labor clearance at the time he receives his visa or residence. The absence of this business will bring the applicant back to square one, labor clearance. More importantly, how will the alien work his business in the U.S. while he is waiting for his visa? After all, he is deportable and if arrested by Immigration and forced to leave, who will tend to his business?

Thus, the attorney would do well to consider other alternatives. The investor exception in this author's opinion is a last resort, and may become a 40,000 dollar loss. However, if a treaty exists between the U.S. and the foreign country of the alien, for purpose of trade and/or investment, then the case can be processed with relative safety by securing an appropriate interim visa while the quota catches up.

Handicapped Student Files HEW Complaint

by Ken Small and Gene Szuflika

A complaint has been filed with the U.S. Department of Health, Education and Welfare alleging that New York Law School has discriminated against a handicapped person in its admissions process. The complaint, filed by Judith Turkel, alleges that Ms. Turkel was denied admission to NYLS because of a visual handicap known as "Duane's Syndrome."

In a telephone interview, Ms. Turkel stated that she had applied for admission to the law school and had taken the LSAT in February 1978. Ms. Turkel stated that she received a letter from the then Director of Admissions, Anthony J. Scanlon, stating that while the Admissions Committee found her undergraduate record to be "a fine one", the Committee decided to postpone a decision on her application because her LSAT score was below standard. Ms. Turkel also stated that the letter suggested that she take the LSAT again at its next administration.

Ms. Turkel then wrote a letter to Mr. Scanlon advising him of the fact that she suffers from a congenital condition known as "Duane's Syndrome" and that she felt that this condition had caused her not to perform as well on the LSAT as she might otherwise have done. Ms. Turkel stated that this condition results in limited lateral eye movement and that it would therefore diminish her ability to perform on a strenuous exam such as the LSAT. She further indicated that in order to compensate for this condition she had to move her head laterally while reading the exam and that this procedure was more time-consuming than scanning the exam with her eyes. Ms. Turkel's letter was accompanied by a doctor's statement verifying the existence of her condition and the effect that it would have upon her performance on the LSAT.

Student Says Scanlon Unreachable

After Ms. Turkel received no response

from Mr. Scanlon, she attempted to contact him by telephone but was unsuccessful. Eventually she was able to talk to a staff member in Mr. Scanlon's office who informed her that Mr. Scanlon was under the impression that Ms. Turkel was planning to take the LSAT again. After having advised the unidentified staff member that she would not take the LSAT over, Ms. Turkel received a rejection letter from Mr. Scanlon. She then wrote Mr. Scanlon asking that the Admissions Committee reconsider her case. Her request for reconsideration was followed by a letter from a second doctor to Mr. Scanlon which reportedly verified the existence of her condition.

After she received no response from Mr. Scanlon, she met him at his office. At this meeting Ms. Turkel alleges that she demonstrated her condition to Mr. Scanlon and she felt that Mr. Scanlon appeared to be unsympathetic with the nature of her problem, allegedly informing her that if she were unable to withstand the rigors of the LSAT, she might similarly be unable to meet the demands of law school. Mr. Scanlon was also alleged to have said that the Admissions Committee had taken all factors into consideration in making its decision.

Large Print LSAT Suggested

After this meeting and several phone calls, Mr. Scanlon suggested that Ms. Turkel take the large print version of the LSAT. Ms. Turkel informed Mr. Scanlon that this would be of little benefit to her since her disease affected her eye movement and not her visual acuity. Mr. Scanlon is then said to have suggested that Ms. Turkel write a letter to the Admissions Committee explaining why she had taken the LSAT exam in light of her condition and why the Committee was not informed of her condition from the very beginning. Ms. Turkel delivered this letter and informed the Committee that her reason for

not informing them initially of her condition was because she "didn't wish to be stigmatized as a handicapped person."

Her letter asked that she be allowed to personally present her case before the Admissions Committee. She was reportedly informed by Mr. Scanlon some hours later that he had spoken to several members of the Admissions Committee and that her request for a hearing was denied. After several unsuccessful attempts to resolve this problem, Ms. Turkel filed a complaint with H.E.W. alleging that the Admissions Committee's failure to take her handicap into account in its use of her LSAT scores constituted discrimination against the handicap. Ms. Turkel has since been accepted at another law school.

Scanlon Declines Comment

When interviewed, Mr. Scanlon declined to comment on Ms. Turkel's allegations. Mr. Scanlon, however, did state that "simply because a person is handicapped does not guarantee a position in the law school." He noted that while NYLS was "anxious to have applicants from various backgrounds, the applicant must still meet the standards for admission." In discussing the use of test

(please turn to page 12)

Prof. Named to Treaty Panel

NYLS Professor Edward Samuels has recently been appointed by Ambassador Richard D. Kearney to the United States Secretary of State's Advisory Committee on Private International Law. Professor Samuels and this committee will advise the Secretary of State during the negotiation of a bankruptcy treaty between the United States and the Dominion of Canada.

The work of the group consists primarily of meetings in Washington to consider and improve drafts of the treaty which are being prepared by negotiating teams of both countries. If such a treaty results from the negotiations, it will be the first international bankruptcy treaty to

which the United States is a party. Samuels told *EQUITAS* that the primary purpose of the treaty is to achieve a single administration of bankruptcy for corporate and individual debtors owning property in both the United States and Canada, and to provide for the enforcement of bankruptcy determinations in both countries.

Professor Samuels is no stranger to bankruptcy law as he recently wrote an article entitled "Unregulated Foreign Banks in Bankruptcy: Section 4 of the Bankruptcy Act and the Proposed Bankruptcy Act" for Volume 23 of the *New York Law School Law Review*.

— Jonah Triebwasser

Answers and Counterclaims

(Editor's note: This letter was submitted to *EQUITAS* as a letter to the editor.)

Daniel M. Chavez
Vice President
Student Bar Association
Dear Mr. Chavez:

Thank you for your letter of 14 September and the sentiments expressed therein with respect to evening students. I quite agree that evening students offer a wealth of experience, maturity and dedication. As an evening student myself, I know of the contributions that students in this division have made and are making to this law school.

I can certainly understand your concern with regard to the selection of Law Review candidates. Membership on Review continues to be an invaluable academic experience. The fact remains, however, that while the Review attempts to extend invitations to a significant number of qualified people, uniform criteria must be established.

Since the law school maintains a standardized first year curriculum and faculty exposure is substantially the same for day and evening students, our policy of establishing a grade point average cut-off point seems eminently fair. To select on the basis of percentiles, as you suggest, would be to deny candidacy to those with higher averages simply because of their division. This, to me, would be "patently unfair and discriminatory." Your ratio and percentage analyses are simply without merit because they would serve to exclude a significant

number of people with higher averages.

The basic thrust of your letter is that the school is, in fact, two separate institutions — one day and one night. I must respectfully reject this characterization. We view the day and night divisions as one class and select accordingly. To base evening student selection upon three semesters of work, as you suggest, would be to fragment the selection process, delay the invitation of qualified evening students and generate disorientation in the middle of an academic year.

With regard to your "input" analysis, I believe that this is something that should be the concern of the editorial board of the Law Review, and not the SBA. While the SBA is certainly justified in expressing its concern over the selection process, it is simply not justified in attempting to dictate internal time commitment, or as you describe them, "input" policies.

In passing, I might also mention that any person desiring to join Review who is not selected on the basis of grades, is welcome to enter the writing competition which we hold twice a year. Indeed, several of our editors are the product of this competition.

While I appreciate your comments and understand your concern, I resent your characterization of evening students as "the victims of an arbitrary and discriminatory selection process,..." I would be pleased to further discuss this with you.

Very truly yours,
Martin S. Hyman
Editor-in-Chief

Legal Lifestyles

by Scott Batterman

The office of Career Counseling and Placement is sponsoring a series of panel discussions on legal lifestyles. This program has been established to assist students in planning the direction of their legal careers and all students are urged to attend.

The first panel was held November 9th, from 4:30 to 6:00, in the 5th floor conference room of 47 Worth Street. The topic was the practice of law in six settings, and had speakers from large and medium sized law firms, the Attorney General's office, the Internal Revenue Service and the Legal Aid Society.

The second panel discussion will be held November 13th, from 5:00 to 7:00 on the 5th floor of 47 Worth, and the topic will be legal practice in a large corporation.

The third panel will be held on November 16th, from 4:30-6:00, on the 5th floor of 47 Worth. The panel will discuss six legal specialties including tax, litigation, labor, anti-trust and corporate law.

Why Not Teach Lawyers Lawyering?

by Susan Werther



Teachers-to-be must student teach, doctors-to-be must intern, but lawyers-to-be are just let loose. It seems incredible to me that given the prodigious responsibility placed in attorneys' hands, our legal education does not include at least a year of required legal experience. Not only would a practicum insure minimum competency in a practical setting, but it would allow students to learn by doing and observing, a most potent form of learning. Furthermore, the opportunity to rotate through various fields of law would aid the student considerably in making career choices.

The recent uncomplimentary words of the Chief Justice of the United States regarding the incompetence of many lawyers stung sorely. His remarks should inspire educators to re-evaluate the present system of educating lawyers. I suggest we learn from the medical model of education wherein the student usually studies basic sciences for two years, then undertakes one year of clinical internships and then takes the fourth year in a track exploring in detail the theory and practice of a medical specialty. After a medical student graduates, but before he can be licensed as a physician, he must complete one year of internship and pass a national exam. To specialize in any one branch of medicine requires further training in a residency program.

A law school program could easily be based on this model. The first two years would be similar, with each student learning the basics in each area of law. The third year would find each student rotating through major areas of the law. After exposure to many different areas, the student would then be able to choose a field he would like to study in the fourth year. A typical fourth year track might be called "Property Law — Theory and Practice" and include courses on land use regulation, real estate transactions, estate planning, copyrights, etc. This fourth year would combine classroom and clinical work.

Experiencing law instead of just hearing about it has a myriad of advantages. How many of us remember the wealth of information we learned as summer or part-time clerks? Having the chance to discuss real cases with practicing attorneys would be a much more fruitful exercise than writing an exam and getting no feedback other than a grade. By observing the varied practice of law, each of us could make a more informed career choice. Ultimately, our clients would be served more skillfully.

Practical experience is too important an element in a law school education to be left up to the possibility that a student will take a clinical course some time in school, or will clerk in a law office. Practical experience should be a required part of our education.

It's Always Something

Trick or Treat!

by Mauro Minervini



It's Halloween night and I've got this little matter of an appellate brief to write and argue before Judge Re in a few weeks. So instead of going out Trick-or-Treating I'm walking to the corner to catch a bus to the city. A few steps in front of me the kid who usually makes fun of me for carrying a shoulder bag is dressed up as Darth Vader: His little companion just got caught in a cross fire of eggs; got shelled you might say. At any rate, he looks like the preliminary stages of an omelet. On the other side of the street, a bunch of Hispanic neighborhood kids have dressed up in little toreador pants, shiny shirts, and sombreros. If one of them were only carrying a trumpet they'd look like a miniature version of Herb Albert and the Tijuana Brass.

"Hey Mikey," yells a plump little toreador whose one white sock is rolled down around his ankle. "Any luck?"

"Yeah," says Mike. "The old lady on the second floor of 315 just gave me fifty cents." The little fat kid was flabbergasted. "Really?"

"Ay," says Mike; "Is the Pope Polish?"

A wave of excitement runs through the group and the cry goes up, "All right man, lets go." Bags jostling, they tighten their sombreros and scurry down the block.

Mikey now turns to his friend who is still picking eggs shells out of his hair and says: "They ain't gonna get no money, just junk, candy."

"How come man, howdya know," comes the reply.

"Cause the old lady told me she only gave me the fifty cents because she loved Star Wars and saw it three times, besides she's my aunt."

"It figures." I thought. "Even in Trick-or-Treat its who you know."

As the bus pulls into Port Authority I'm slightly nauseous from having read the paper during the ride. I hold the banister real tight on my way down the stairs. In the depths below Eighth Avenue the A train grinds to a halt, and I pass up several empty cars to sit in one with about a dozen people. At the next stop, 34th Street, they all get out. Suddenly, through the middle door, comes this hobo who looks like Quasimodo auditioning for the rock group Kiss. He sits right across from me and between swigs on a bottle of Four Roses he sings "My Old Kentucky Home". I start getting nauseous again.

At West 4th Street the old man looks up and notices me. He asks me what I do for a living. "I'm a law student," I tell him. He laughs all the way to Spring Steet. When he regains his composure he tells me if I have trouble finding work he'll take me in with him washing windshields at red lights on the corner of Broadway and Houston. He didn't have a card.

Finally comes Canal Street and I quickly walk the few blocks to NYLS. As I enter the building I'm thinking of arguing in front of Judge Re, the only man I know that can cut you up in 13 different languages and three dialects of Serbo-Croatian without hurting your feelings. Still in a daze I get in the elevator, "Nine, please".

"Seven," says the guy behind me.

Suddenly another student pops into the elevator in a very classy Brooks Brothers suit.

"Dave," says the guy going to Seven, "nice suit, whadja have, an interview?"

"No," says Dave, "I have to go to a wake after Wills, Trusts and Future Interests."

"Wow, I'm sorry," says Seven. "How's the job hunt coming, anyway?"

"Well," says Dave, "I sent out 232 resumes and I got one reply."

"An offer?"

"No," says Dave, "I mentioned on my resume that I worked as a security guard at the Meadowlands and this guy wanted to know if I could help him get season tickets for the Giants."

Suddenly the guy behind me starts yelling, "Seven, seven." The elevator stops at seven and a half and my stomach stops at eight. I've been close twice already tonight but I feel sure that this time I'm about to be reintroduced to my dinner. Finally on nine and about to take a seat I'm accosted by two of my buddies on the way out.

"Where you guys going?" I ask.

"We're going crazy...you wanna come?"

I peek down the aisle only to catch a dirty look from the N. Y. Supp.

"I wrote the book," I tell them, and we trudge off...three ghosts on the Halloween night.

Internships Available Now

The New York Public Interest Research Group, Inc. (NYPIRG) has announced that it is accepting applications for internships during the Spring semester. "Over fifty full and part time positions are open," Donald Ross, director of NYPIRG said.

"Because of past successes, we've decided to enlarge our Albany Legislative Program from ten to fifteen positions and to add a five person media internship," Ross explained. "The media interns will cover the legislature and report on developments for college and commercial radio stations across the state."

NYPIRG also has New York City and Buffalo internships available to monitor the City Council and to work with senior citizens; Syracuse and Binghamton internships to work on food co-ops; and a

Poughkeepsie based program to help organize support for measures to insure pure drinking water.

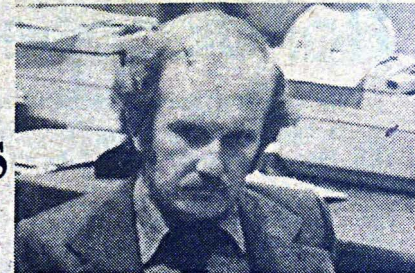
Special internships for creative students interested in helping design posters, leaflets and other graphics projects are available in New York City.

Students should apply for internships to NYPIRG Internship Program, One Columbia Place, Albany, New York 12207. The application letter should list school major and any relevant extracurricular or work experience.

The New York State Public Interest Research Group, Inc. is New York State's largest student/citizen action group. NYPIRG's staff of attorneys, scientists, organizers and lobbyists works with students to create learning opportunities and bring about social change.

Job Seekers Helpful Hints

by Stukenbroeker



115. Wear shoes. All lawyers in the big Wall Street firms, whether partners or associates, wear shoes, and many of the smaller firms follow this example. This should apply both to men and women.

116. Don't spit on the floor. While most firms do not actually object to this practice and it is true many senior partners in big firms are famous for it, this is a privilege of experience. Firms think about the impression you will make on future clients and may be reluctant to take on a young spitter. If the interviewer makes it obvious the job will be a "back room" one, it is proper to inquire about spittoons.

117. Show up at the right place. Going to the wrong office not only creates confusion but also gives an unprofessional impression. The interviewer at the proper place, not having you to interview, may be prejudiced against you, particularly if there are other applicants who do go to the right place. Also, it may be difficult to persuade the person where you do show up to interview you, particularly if there are no jobs available there.

118. While the interviewer is important, don't forget the impression you make on the other members of the staff. If you get the job these are the people you will be working with. If they remember seeing you in the reception area chewing on the magazines and wetting yourself, this will be difficult to overcome once you start giving orders. Most large firms hire attractive female receptionists for obvious reasons. Men should avoid saying things like, "Hey, Cookie, how about you and I having a tumble in the stationery closet until the old geezer gets off the phone?" This will be deeply resented. This woman considers herself a professional, too.

Resume Tips

54. Read over your resume and make sure it is really appropriate for the firm that is going to receive it. That part about spending a summer doing volunteer research for the House Committee on Impeachment in Washington may sound fine for some places, but is that what you really want to send to a firm like Mudge, Rose, Guthrie & Alexander?

55. How about when you flunked out of college and spent a year sleeping on the floor and panhandling in the Village? Most career counselors would say you should put down, "Pursued nonstructured individual study relating to economically based urban interpersonal relationships." An interviewer reading this will say to himself, "probably flunked out and wound up panhandling in the Village." A more positive approach would be to characterize this period in your life as "hustled for bucks." This will strike a deeper, more responsive chord than most placement officers realize.



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Through the Wine Cork

Beyond Chianti

by Leon Yankwich



You are a third-year student, and now that you are an instant authority on the legal aspects of *everything*, you spend less and less time studying, if indeed you study at all. Instead you are absorbed in pursuits more challenging. You send out fifty resumes a week. You enter writing competitions. You join *EQUITAS* at the last hour. You say "hello" to professors in elevators.

Your dues will soon be paid, your career launched, and as you turn over NYLS adventures in your mind, you admit that you're going to miss all those plucky advocates who were in there floundering with you and who will share your triumph in May. And who stands out? Is it your drinking accomplice who you could always dunk over in a basketball game or "dump the bitch" on in Hearts? Naw. The savior whose raised hand in class signified an automatic five minutes of wasted time which gave you a chance to read the next case? No. It's the Disarming Stranger who remains about the only person in your class you didn't meet. The one you were always on the verge of speaking to but didn't. The one who would always sit across from you in the library when you had a memo due the next day and disrupt your studies with his/her presence alone.

Your mind drifts and you recreate Stranger's image: Those long legs. Those sculpturesque shoulders. That olive skin. That acquiline nose, shining brown hair, and those sparkling dark eyes.

A musical laugh dissipates the reverie and your vision focuses on the very inspiration for the dream: Disarming Stranger has once again positioned him/herself disruptively across from you and chuckles at an article in *EQUITAS*. "This Yankwich guy slays me," s/he explains.

Your moment has come. Grasping the bull firmly by the horns, you blurt, "Instead of reading about wine, why don't we get out of here and share a bottle. I've wanted to meet you for a while, anyway."

Your honesty has extinguished the skeptical expression that was forming on his/her brow and has made up for the desperation in your voice. Your invitation is accepted.

Fighting off nightmarish memories of past wine-buying fiascos witnessed by Impressionable Companion, you mentally try to settle on a wine you're sure Stranger will like. Appraising his/her Michelangelian features once again, it suddenly hits you that your guest must be Italian. Surely an Italian wine is the choice.

This makes your task simple, because as long as you have lived there has been only one Italian wine that you know of: Chianti. This means you can forget all the rules that clown, Yankwich, wrote down about French wines and thus avoid being humiliated again if Stranger knows France as well as Companion did.

"How about some Italian wine?" you ask confidently.

Stranger smiles enthusiastically. "Marvellous. Which one?"

"Chianti, of course."

"How about Valpolicella or Bardolino?"

"Uh..."

"Or a white: Orvieto? Soave?"

"Et..."

"But Chianti is fine. Let's get a *riserva*."

You poor, ignorant wretch. You have just jumped from the comparatively controlled frying pan of French wines into the roiling inferno of Italian wines. Where French wines are generally named after the smallest areas within which they were made, Italian wines are named for towns, vineyards and regions which often have nothing to do with the wine. Others are named after the species of grape used, some have nonsense names ("Barbacario" = "Charlie's beard"), and still others are sold under more than one name.

There seem to be no unifying principles and few national controls, although within a single district a wine may be very strictly regulated. The only comfort to American consumers is that the Italian wines sold internationally are also the most controlled, and they are few enough in number to be memorized. Because I can't teach you a label-reading system for learning something about the origin and quality of Italian wines, I'll simply discuss the several wines you are most likely to run across on your maiden encounter with Disarming Stranger.

First, Chianti. You are not alone in believing that "Chianti" and "Italian wine" are synonymous, but Italy in fact produces hundreds of fine red and white wines of which Chianti is simply the most familiar. Chianti is produced in central Italy just south of Florence and has a heritage dating back to the 13th century. Originally made in only three small districts, neighboring winemakers adopted the name as demand jumped. The production zone spread until a governmental decree in 1967 clearly defined the Chianti area, and the use of *Dinominazione di Origine Controllata (D.O.C.)*, similar to the French *Appellation Controllee (A.O.C.)*, has been instituted to protect the true Chiantis.

This, however, is only the beginning. In 1924, the producers of the innermost six Chianti-producing districts formed a *consorzio* ("committee") to distinguish their Chianti from the outlying districts' wine. They created the famous neck band showing the *gallo nero*, or black rooster, which may still be seen today. The decree of 1967 gave the *consorzio* districts the right to name their wines "Chianti Classico," but most of the producers still apply the *gallo nero* band as an extra guarantee of the authenticity of their Chianti Classico wine. Chianti changes drastically when aged in casks before bottling. A young Chianti is ready to drink with a year or less in the cask. Here it has a characteristic tang which Florentines say "kisses and bites" the drinker. The flavor and texture mellow quickly, however. A two-year-old Chianti is a totally different wine, and by law the distinction *vecchio* ("old") may be added to its label. All *Classicos* must be two years old at least. A Chianti that has aged three years has gone from bright ruby in color to almost purple, the taste strong and dry to delicate and velvety. Three-year-old Chiantis may use the description *riserva*, and this is what Stranger referred to.

Barolo is another red wine that you are likely to encounter. Referred to as both "the king of wines" (for its quality) and the "wine of kings" (for its popularity with the 19th century House of Savoy), Barolo is produced by 13 districts midway between Genoa and

Torino in northwestern Italy. Its high (13-14%) alcohol content dictates a long aging process to harmonize its qualities, so by law the Barolo name may be given only to wine kept at least three years in oaken casks. Like most northern-Italian red wines, Barolo is a *da arrostato* wine, one that goes well with roasted or grilled meats, but Barolo has the added distinction of complimenting truffles, for no explainable reason.

Bardolino and *Valpolicella* are a village and surrounding district, respectively, directly west of Verona. The red wines of the same names produced there have the opposite aging characteristics of Barolo. They are ready to be drunk after only a few months of fermentation, and although Valpolicella is capable of developing some fine points with age, the freshness that is solely a quality of Bardolino's and Valpolicella's youth makes a three-year-old wine from this area rare.

Bardolino is in most respects a light weight version of Valpolicella. Both are made from the same grapes, but Valpolicella vineyards are planted differently to produce a higher sugar content, which in turn leads to the higher alcohol content required of Valpolicella by law. There are two distinctions Bardolino and Valpolicella can achieve: *Classico* may be added to the label if the wine is made from grapes from small *Classico* sub-areas within their respective production zones, and *Superiore* may be added when the alcohol content surpasses a statutory minimum.

If Stranger prefers a white Italian wine, you are working with definite limitations. *Soave*, *Frascati*, and *Verdicchio* are the three most common imports, and although produced in three distinct corners of Italy, are almost indistinguishable in flavor. All are very light-bodied, pale and dry, and have so little flavor that this is cited as a virtue in Italian white wines.

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Castellina in Chianti - Italia

Soave, the best-selling, is produced on the other side of Verona from Bardolino. Economics and mass marketing have had a lot to do with the quality of the Soaves you will choose from. Because aging gives Soave a little fullness and color, it used to be a common practice to blend about 15% over-aged Soave with new Soave so that it would compete favorably with fuller-bodied wines. When mass marketing firms (e.g., Bolla, Ruffino, Bertani) created a sufficient demand for the cleaner, unblended Soave, the practice was discontinued, but the price of Soave still had to stay low enough to keep consumers from forsaking it for more full-bodied wines. Smaller firms now compete in the unblended Soave market by using production shortcuts which yield weaker, if not inferior quality wines. You must buy famous-brand, top-price Soave, therefore, to be assured of quality; but at this price you will be passing up many more flavorful and complex wines.

Verdicchio is produced on the Adriatic (eastern) coast of Italy and may be slightly more flavorful than Soave, or more bitter, or both. Their prices are as close as their tastes.

Frascati is interesting because it is often singled out as the classic example of a "homesick" wine. Very pleasant and versatile in its native foothills south of Rome, Frascati does not travel well, and imported samples may be too flavorless or too bitter.

With this triumvirate, Italy's contribution to white wine would be rather forgettable but for a fourth white wine, Orvieto, which makes up for all that its brothers lack. There are two Orvietos, *abboccato* (semi-sweet) and *secco* (dry). The *abboccato*, produced in special deep caves from almost rotten grapes, has received raves since the sixteenth century. More of the *secco* is produced today, however, in response to consumer preference. The rich golden color and complex flavor of Orvieto are in sharp contrast to, and perhaps a welcome deliverance from the pale, featherweight Soave.

Okay. If your Disarming Stranger hasn't detected your lapse, you may still be able to pull this off. I've loaded you with anecdotal ammunition. Toss out a few bits of Chianti history, temper this with a few Bardolino/Valpolicella distinctions, snub a few bottles of Soave and Frascati, then drive hard for an Orvieto. Your guest cannot help but be impressed, and a new friendship, irrigated by the delightful Italian wines, will surely blossom.



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(photo of class of 1978 shown as sample)

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Community-Oriented B.J. George, Jr. Elected Trustee

by Cecilia Blau

Professor B.J. George, Jr., President of the Southwestern Legal Foundation, was recently elected to the NYLS Board of Trustees. Prof. George has been Dean of Wayne State University School of Law, Associate Director of the Practising Law Institute, and has taught at the University of Michigan School of Law, N.Y.U. School of Law, Yale Law School, Tokyo University and Kyoto University, and was a Fulbright lecturer and translator of Japanese in comparative law and criminal procedure.

How does one assess this new trustee who arrives 35 minutes early for the interview and waits quietly and patiently in the reception area for the reporter to show up? Easygoing? Agreeable? Not necessarily, if one sees the fire in his eyes when he talks about where responsibility for decision rests.

What becomes increasingly apparent, however, is that with over 25 years experience in legal education, this man has vision and biases, but his feet are planted firmly in reality.

Supports Evening Division

Prof. George feels that particularly in urban areas, "legal education should be available quite flexibly to qualified people," providing evening programs, extended programs and the like. A law school should be sympathetic to "people who are compelled to earn a living while going to law school...within the limits of the accreditation standards." He deplores the movement away from having evening divisions in a number of schools.

Prof. George comes with a bias in favor of continuing legal education involvement. He thinks it's "advantageous when there are continuing legal education programs sponsored by a school, to open them up to students, within limits of available space — which is a good opportunity for students interested in the subject matter of a particular course to see how the practicing profession views current problems and how they react to current problems." He thinks law schools should encourage such attendance by students.

Favors Clinics

Furthermore, Prof. George favors more attention to clinical education. He sees "an obvious falling away of interest in the traditional case system of courses in the second year, and it may even rise to the level of epidemic nausea by the time of the final year." He sees no difference between medical and dental clinical education and legal clinical education: "If it's going to be true education, it's got to involve a very small trainee-faculty or supervisor ratio, and a close working relationship on every



Trustee B.J. George, Jr.
case that the intern is assigned."

He blames lack of funds and insufficient interest on the part of the legal community for the paucity of clinical programs in this country. He compares the U.S. to Germany and Japan where they have good programs for people holding law degrees who want to go on to the practice of law.

Prof. George thinks it's the responsibility of the organized bar to "include an adequate period of transitional training, a period in which law schools are involved but not in control." To some extent, private law firms and public law agencies devote time to training the people they add to their staffs. "But that still leaves a great many law graduates who want to practice law who get no help in the transition period."

This problem, Prof. George feels, "may possibly emerge more forcefully if we find that the law schools of the country indeed turn out more J.D. degree holders than the practicing profession can absorb."

He doubts that efforts on the part of

the organized bar to limit admissions to law school are going to be successful. "I'm essentially a free enterpriser in that regard," he stated. "We don't tell people that because we're not hiring any elementary school teachers, or journalists are very hard to place, we're going to let in say one and a half times the number of first year students, the base being the number we can place four years later, and I don't know why we should purport as universities or law schools to say we're only going to take a set number of students plus the percentage representing attrition."

Prof. George would like to see the transition for those who want to become practicing attorneys brought out in the open and regulated effectively, as, for example in the English Law Society. He wants to reevaluate the assumption, "for probably over a hundred years now, since the Langdellian system got started at Harvard, that we'll put people through three years of law school and they'll come out, take a pro forma examination, and they're all qualified — basically fit to handle clients' affairs."

What he would like to see evolve over the years would be "a recognition that legal education has many justifications, and, in effect, begin to recognize, to a degree, tracts within law school or in cooperation with other branches of a university." This would be to tie a legal program with an M.B.A. program, a public administration combined curriculum, a scientific research administration program, or other educational program.

Prof. George Compares the U.S. with Europe and Japan

Again, Prof. George feels, "A com-

parison with other countries can be instructive." He says that "in Japan and Western Europe, and I suspect, it's true in other parts of the world, perhaps only a minority of persons who graduate with what appears to be a law degree expect to practice, or are expected to practice. That legal education is viewed as excellent education *qua* education." Germans "who are not interested in law practice as Americans view it simply go out for placement in corporations or government. In Japan, it's exactly the same thing."

With regard to career counseling, he feels that "in law schools today, you probably ought to look more at counseling law faculties themselves and law school administration would have to come to accept the idea that everybody coming out of the law program is not going to be a lawyer in the classical sense."

Prof. George believes it would be useful for law schools to conduct a form of market survey to find out what happens to their graduates 1, 3, 5, 10 or 20 years later, in order to improve current placement services, but this would have a considerable price tag attached. Again, a problem would be the allocation of scarce resources.

When asked about student input regarding decisions of the Board, Prof. George answered that as a newcomer, he could not speak for what the Board would or would not do, but "as an individual, I have always tried to operate on the premise that before making a decision, it's well to know the reactions and feelings of those who may be directly or indirectly affected by a pending decision or policy of some sort. My own preference is to play things pretty much out in the open rather than close to the vest."

With regard to his new appointment as trustee, Prof. George stated, "If I have one overriding ambition, it's toward excellence of undergraduate legal education, and therefore, I would expect to back anything that moves toward that goal whether it's library resources, or whether it's standards for faculty employment and promotion, or whether it's the adoption of new programs, or counseling, or anything else."

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Reviewer's Roundtable

Would You Make a Good TV Series?

by Dennis Stukenbroeker

OK, so you were never a cop, private eye, doctor, soldier or cowboy. Now you have a TV series about you, law student. It is called *Paper Chase*.

From the movie of the same name, from the book of the same name, by Miami law prof John Jay Osborn, Jr., the saga of the first year law student finally comes to the living rooms of America. Or does it?

Hailed before its debut as an intellectual bombshell, its demise has been predicted since the season opened. At least the thirteen episodes scheduled to be filmed will probably be shown.

Since law students do very little except study and bitch, it's difficult to guess what the creators thought they could make a series out of. The first episode was basically the movie without the naughty bits.

Since then, Student Hart (James Stephens) has been run over by the president of law review, defended a fellow student at a disciplinary hearing using contract law and become involved with a mob lawyer's daughter, among other things.

The hub of the show is Student Hart's desperate desire to please the austere and intractable Professor Kingsfield (John Houseman, recreating his Academy Award winning movie role). The Kingsfield character is obviously sociopathic, but apparently this is considered acceptable within the context of a law school. The show also struggles to project an Ivy League mentality while filming on location in Southern California.

The producers state they hope to impart a little law to the audience. The writers have been issued copies of Fuller



(photo/CBS)

In a dream sequence the TV Contracts Prof. (John Houseman) explains Hawkins vs. McGee.

and Eisenberg, but students should be wary of citing the show. In at least one instance, the case in class was rewritten to fit the plot.

But in fact, there may be darker forces at work here. We're led to believe this is an intellectual show about Hart's relationship with Kingsfield in the quest for the law and social status. However, remove the law facade and Hart's groveling obsession becomes less like that of student to mentor than one of sado-masochism. Is the real message of *Paper Chase* subliminal?

CBS' other law show this season, *Kaz*, doesn't pretend to drag its anchor too deeply in reality. There's this con, see, who studies law by correspondence school while he's in the slammer. When he gets out he

passes the bar and gets a job in this really posh L.A. law firm, right? From there you can go anywhere.

He handles evidence in court as well as some real lawyers but takes the worst depositions you've ever seen. He also wears godawful suits.

Kaz is Ron Leibman, a lean, manic actor with eyes like ball bearings. Leibman helped create the series, and is able to bend it to his advantage, allowing him to create one of the most individualistic characters on prime time.

Kaz, like most TV lawyers, only has one client at a time and still seems to make a living, but Leibman is funnier than Raymond Burr.

Truman and the Steel Seizure Case. The Limits of Presidential Power. By Maeva Marcus (Columbia University Press, \$14.95). This is the story behind *Youngstown Sheet & Tube Co. v. Sawyer*, the culmination of Harry Truman's unsuccessful, and, as it turned out, unconstitutional, attempt to stop a strike and get steel to our boys in Korea.

Truman's seizure, under the banner of war necessity, had a good measure of public support for a wide variety of political reasons. He did not expect that it would be shot down by the Supreme Court. The court had been created entirely by himself and his predecessor, Franklin D. Roosevelt.

But the court, a curious mixture of professors and politicians, decided the president was exceeding his authority in attempting to legislate.

The steel seizure case is basically a problem of what happens when the three powers of government don't remain separate but start colliding with each other. Ms. Marcus accepts the traditional premise that this is "one of the 'great' constitutional law cases," which has had a "significant influence on the development of constitutional law." But her book points out that it was a peculiar product of its own time, place and people.

Ms. Marcus attempts to trace all the various forces, historical, individual, political and legal, that led up to this Supreme Court case dealing with the limits of presidential power. While the research is extensive, she is not a dynamic writer and an adequate synthesis is missing in the narrative. The background of the union trouble, which precipitated the attempted nationalization, is the most readable part.

— Dennis Stukenbroeker

Handicapped Student...

(continued from page seven)

scores of handicapped individuals, Mr. Scanlon said that the law school adheres to the procedures set forth in the Law School Admissions Bulletin which requires an individual with a handicap to notify both the school and the officials at the Educational Testing System before taking the LSAT. Mr. Scanlon further stated that if ETS decides to accommodate the handicapped individual, the law school will usually abide by it. Such arrangements, Mr. Scanlon noted, must be "worked out with ETS."

NYLS's admissions policy for handicapped persons, Mr. Scanlon noted, is that "the school is always interested in having interesting persons and that it would be happy to recruit handicapped students." He further stated that the Admissions Committee attempts to make the admissions process "as humane as possible" and that while the Committee was not in favor

of granting individual interviews it would not attempt "to stop someone from appearing before it."

HEW Refuses Comment

Officials at H.E.W. refused to comment on Ms. Turkel's complaint or any of the investigatory procedures that H.E.W. might take in assessing it. Another source, however, did indicate that in cases alleging discrimination against the handicapped, H.E.W. will investigate to determine whether the complaining party is in fact handicapped and whether the respondent did discriminate against that individual because of the handicap. The source further indicated that if a violation were found, H.E.W. could order compliance with federal guidelines pertaining to handicapped persons and that failure to comply with this order might result in the withholding of federal educational grants and federally-financed loans.

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ULS College/Law School Combo Finally Arrives

by Jerome Lee and Priscilla Marco

Three years after its conception the Program in Urban Legal Studies has finally arrived at NYLS. Fifteen students comprising the joint venture between the law school and the City College of New York are part of the first year entering class.

There are many different views as to its purpose, but all who are involved in it realize that the program has enormous potential for the law school and the legal community.

The Urban Legal Studies Program began as part of the Urban Educational Model of Robert Marshak, President of City College. NYLS Dean E. Donald Shapiro and the law school became involved at the outset. The project was designed to combine a liberal arts education with a legal education, the objective being a more humane approach to the study of law. As a six year program it eliminates the senior year of college, giving students committed to practicing in legally under-served urban communities a chance to follow a specialized course of study.

In order to enter the program at City College students must have an average of 80 in high school. Students who are currently attending college and have fewer than 32 credits and a B average are also eligible. Candidates are required to submit three letters of recommendation, go through a battery of exams, and entertain a personal interview conducted by teachers and students in the program. An agreement between Urban Legal Studies and NYLS, approved by the New York Court of Appeals, enables students to take law school courses as undergraduates and exempts them from taking them at the law school. This seems natural as most of the law professors at Urban Legal Studies are members of the NYLS faculty.

First year students take Legal Writing and Analysis, second year students take Constitutional Law and Legal Research, and third year students take Criminal Law and Criminal Procedure. Some time after the first year of the program each student is required to complete a legal internship with a lawyer or judge. Past interns have worked with the Prisoner's Rights Organization, National Conference of Black Lawyers and Legal Aid. As a result, U.L.S. students have done very practical legal work before beginning NYLS with other entering students. Interviewing clients, legal research and preparing files for appellate court briefs are examples of the skills that Urban Legal Studies members bring to law school as first year students.

Students who maintain an undergraduate grade point average of 3.0 and a 2.0 in their law courses are considered for admission to NYLS after completion of 96 credits at City College. The LSAT is required as well, and students are automatically admitted to the law school if they score within the median range of all admittees. However, this is not an absolute requirement. All facets of a candidate's background are considered in the admissions process. One of the advantages of the program is that students who demonstrate ability to perform in legal coursework but do less than spectacularly on the LSAT are not eliminated from consideration on that basis.

After successful completion of the first year at NYLS, students are awarded the B.A. degree. Although an undeveloped part of the complete program, U.L.S. students will take graduate courses in liberal arts courses relating to law during

their second and third years at the law school.

Although the objectives of the program were well-founded, the day to day operations were not. There was a need for academic guidance, fund raising and overall direction. It appears that this need was met with the appointment, last year, of Haywood Burns as Chairman of the program and a generous bequest of 1.5 million dollars by CCNY alumnus Max Greenberg will help in alleviating some of the financial worries of the program.

NYLS's continuing commitment to the success and development of the program has been of concern to participants. Of the 26 who applied from the first class, five went to other law schools and six were rejected. One individual who was rejected was successfully placed in another law school.

Dean Margaret Bearn, who represents NYLS on the Executive Committee, feels that "the program is attracting better and better students who will be able to keep pace with NYLS's rising standards and will turn out superior lawyers."

Professor James Simon, a NYLS



(photo/M. Hofer)

Prof. Simon

faculty member who has taught three successive classes of students in the program, said "I feel that students coming into the law school with a commitment to urban communities add variety in terms of background and ideas. It could be a model urban

legal studies program for the country, although it's too early to tell if the hope will be realized."

Members of the program who are now NYLS students have expressed satisfaction with the courses and teachers but feel they are far from perfect. Aaron Frischberg, a first year student, said, "NYLS has good clinical programs, but in order to be an urban law school it has to be committed to changing the powerless position of people in the urban ghetto. We need more courses which address such change strategies."

Janet Albano feels that "results of the program are going to take a long time. I wonder if it is possible, by becoming urban lawyers, to improve people's lives and change the power structure."

Urban Legal Studies students appear to feel more comfortable in law school than the average entering student. Mike Coritsidis, a first year student at NYLS, feels that a lot of the pressure is taken off, although, "I think there is a big difference between being a full-time law school student and just taking law courses."

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New SBA Sec'y

by Michael Coneys

After the final tally of ballots for the October 31 election for Student Bar Association Secretary, Palma Patti, a second-year day student, assumed the position by a comfortable margin. The election itself was not heralded with much excitement: only two hundred of the more than twelve hundred registered New York Law School students participated in the event, which occurred in the lounge of 47 Worth Street.

Patti collected ninety-nine votes to give her nearly 50% of the electorate. Robert Simon's campaign posters solicited forty-five ballots (22.5%) with the theme of the old children's game, "Simon Sez." Mark Trenton placed a distant third with twenty-nine supporters (14.5%), followed closely by John Selden, with twenty-seven (13.5%).

"Energy and vitality — two key words to involvement." With these words Patti summarizes her sentiments regarding the importance of student participation in extra-curricular activities. "Each student owes it to himself to become involved; each student should feel free to participate in offering his views..." Patti, in her new position, will serve as combined recording/corresponding secretary.

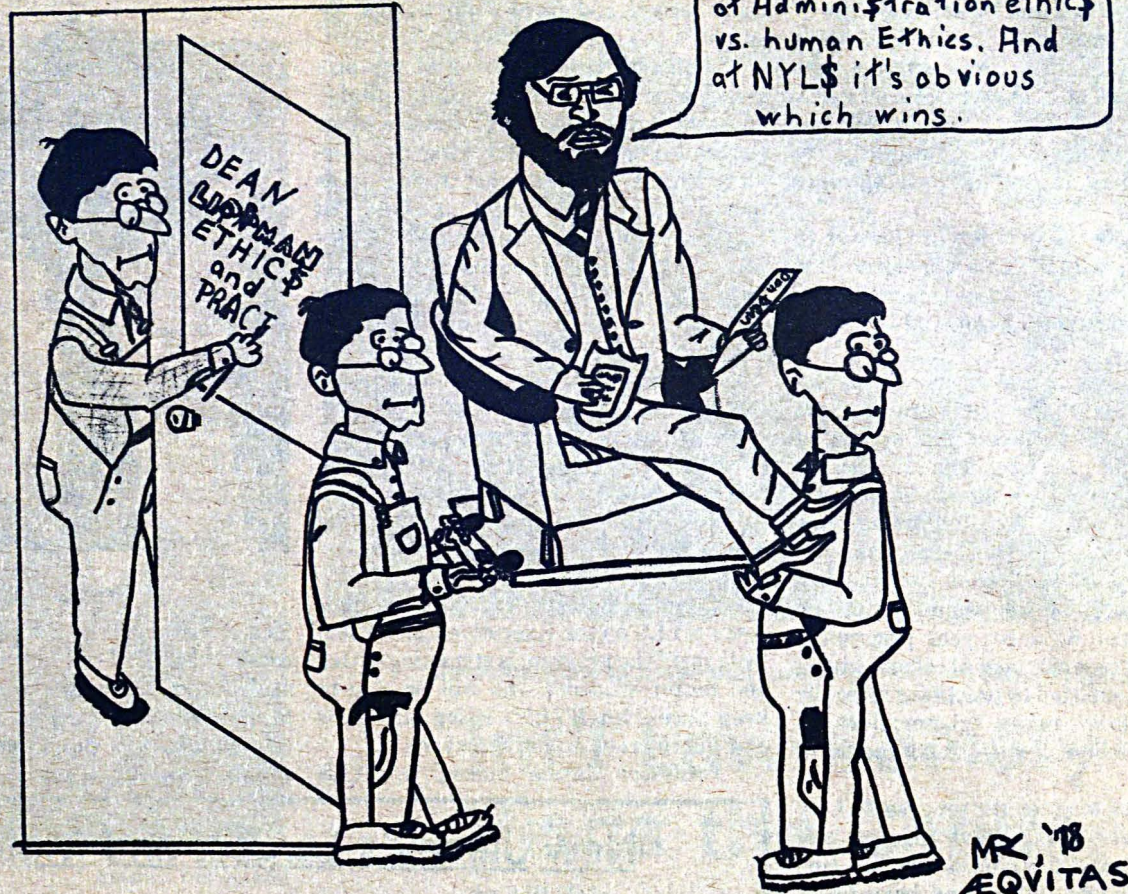
Budget . . .

(continued from page three)

According to Thornton, however, "if, on the other hand, the revenue projection falls short or if actual expenditures exceed those projected, or if both such contingencies occur, there could be little or no increment to the fund from tuition and fee

income. In such event any growth in the law center fund in 1978-'79 will have to be dependent upon other possible revenue sources, such as donations, income from investment of building and endowment funds, government grants, etc."

"I guess it's just a case of Admini\$tration ethic\$ vs. human ethics. And at NYL\$ it's obvious which wins."



Women's Caucus

Women in Law

by Betty Walrond



"The sole women's issue in the area of law relates to being an adversary." So says Leona Mosston, who was the guest speaker for a program on women in litigation sponsored by the Women's Caucus. Ms. Mosston is an experienced litigator. She is currently Associate Director of the Center for Legal Education at City College, and is also in private practice doing mostly affirmative litigation, particularly pro bono constitutional issues. She has been Director of the Prisoners' Rights Project of the Civil Liberties Union of New Jersey and a professor at Seton Hall Law School.

Ms. Mosston is "not sure what law school is for. It is certainly not a community of scholars struggling down the road together looking for answers. Law school is survival." While she was professor of law, she ran a mock trial clinic which illustrated the difficulties women often have with the adversarial process. While men in the clinic looked comfortable being assertive, women, who were theoretically prepared, were reluctant to speak and when they did say something they apologized for disagreeing with opposing counsel.

To be an adversary seems "violative of what women are required to do: to be acceptable babies, girls, lovers, to be nurturing." To be an adversary is not to be loving and gentle. A woman who practices in the same court frequently will discover that she is not "one of the guys"; that is, one of the male judges, prosecutors, defense attorneys and police officers, all of whom seem to know and be friendly with one another. If she wins frequently, "they're going to be mad at her." If she loses, particularly representing unpopular defendants, they will be equally unsupportive and unaccepting.

At the same time, however, "the courtroom is not the place to be gratuitous about politics." An attorney does not separate her issue from the issue before the court. When her client is a battered woman, for example, it is not the attorney's oppression that has to be demonstrated, it is the client's oppression. Even in the matter of dress in the courtroom, her own identity is the last thing an attorney should think of. Clothes have connotations, and she will "play into every preconception," will wear what the occasion requires, because she is usually trying to persuade a jury. Although the nature of juries changes, at present many jurors will be women from more "traditional" jobs who do not want to see feminism asserted.

At the office, on the other hand, a lawyer who is working as a lawyer "has to set the rules right away: I do not make coffee." At the same time, it may also be important to an attorney to be aware of "the secret underbelly of the practice, the underpaid women workers who keep the office running," and not to "set herself apart" from them.

Ms. Mosston does "not think sex is dispositive of one's political and social posture in the world." Women are a "mixed bag" just as men are. "Law is the most exact mirror of society." Even given that primarily men have decided the purposes to be served by that law, women who accept men's purposes are what those men are. "As attorneys, as advocates (not as women), women have to run the risk of being disliked and sneered at." Women have to learn to "put value on the winning of the game. In law, it's not how you play the game. Ask Sybil Moses."

National Lawyers' Guild

Affirmative Activities

by Sam Himmelstein



The NYLS Coalition for Affirmative Action, active last year during the controversy surrounding the *Bakke* case, has reorganized and is currently planning its activities for the remainder of the year. Comprised of delegates from BALSAs, the National Lawyers Guild, the Urban League Studies Program and the Women's Caucus, the Coalition last year published a fact sheet and presented a forum and debate on the *Bakke* case which attracted an audience of over 150 participants.

This year, the group plans to shift its focus towards internal matters, zeroing in on law school admission and retention policies in general, and the situation at NYLS in particular. After their meeting of October 30th, I spoke to several of the delegates. Jim White, a first year student and NLG representative, commented on the group's direction for 1978-79:

"In addition to assuring many more minority and women attorneys, we want to focus on the content and quality of legal education. We feel that the question of who is admitted to law school has a direct bearing on the direction that legal studies takes. One point we will raise is why affirmative action is in the interest of all law students, men or women, black, white, Hispanic or Asian. Due to the affirmative action fights of the Sixties, more positions in professional schools were opened for both minority and white applicants.

"Our first activity will be a discussion of what valid criteria for admission should be: work experience, community involvement, race and class background, etc. Included will be an examination of the validity of the LSAT. This forum will be held on Thursday, Nov. 16 at 4:00. Haywood Burns, director of the Urban Legal Studies Program and adjunct professor at NYLS will be among the speakers."

Janet Albano, also a first year student, and part of the first group of Urban Legal Studies students admitted to NYLS, added the following:

"In the Urban Legal Studies Program, we haven't yet reached our goal regarding minority admissions, although the program now in effect and the current class composition indicate that this is improving. It is important that the law school, because of the additional pressures often placed on minority students, take steps to insure that they remain here. The Coalition's first step will be to bring these problems out into the open, and to eventually work towards the implementation of a more effective affirmative action program."

Adrian Maduro, a third year student and delegate from BALSAs summed up:

"Although we label ourselves the Coalition for Affirmative Action, our scope is really much broader. The Coalition intends to study and evaluate the validity of current law school admissions criteria, including the LSAT as it effects all students. Eventually, we plan to examine the whole law school career, from admissions procedure through the Bar Exam, and its relationship to the practice of law."

* * *

Guild Notes: Our most recent budget request was for 545 dollars, to be increased if the student activity fee goes into effect...A new steering committee was elected on October 25. New members are Jamie Fishman, 3-1-D; Aaron Frischberg, 1-1-D (Urban Legal Studies); Sam Himmelstein, 3-1-D; Priscilla Marco, 1-1-D (Urban Legal Studies) and David Pyle, 1-2-D (MYA)...Remember, meetings are held every Wednesday at 4:30 in Room 702...Our newsletter is now in the planning stage and contributions are welcome; see Bridgitte Schwartz.

Does He Have A Real Chance?



—by Ronny Green—

On August 19, 1978, I became a father of a baby boy in the Bronx, N. Y. The two and a half months since then have profoundly changed my life. Suddenly, I was no longer the free wheeling-and-dealing young spirit so many knew prior to the arrival of my son; I could no longer concern myself primarily with my personal affairs. I now had someone else's thoughts to consider. For a short-lived moment, I dreaded having to relinquish the free-spirited life I clung to for so many years. Far outweighing any desire to remain in that state was the joy of welcoming a new life into being. With that joy of course comes the realization that my son will live in a world which has not yet reached its pinnacle. I guess it is fruitless to continue dreaming that in my lifetime I may one day see a completely equal and limitless society for all. That desire grows deeper each day while the reality of that dream seems to become more impossible all the time.

My son will have to face reality the same way as I, only he'll have to do it a lot sooner than I did. If he has the tools necessary for battle, he will be much more equipped to handle whatever comes his way in terms of doors closing, opportunities always seeming to pass by, someone else always seeming to be chosen for a specific position instead of him, and the everyday run-of-the-mill, subtle discrimination that permeates this society. Irrespective of how high up the social or economic ladder he may reach, in the eyes of many he will always be a second class citizen.

"Making it" is not easily achieved by anyone, but the child of a racial minority will have to go a few lengths farther to reach that goal. His achievements will be measured by how well he fares against others in his peer group; not by how well he will actually perform.

I began noting possible paths down which I may attempt to steer him. I watched television and used that medium as a reflection of our society and wondered where my son would fit in. After many hours of viewing, I toyed with the idea of making choices.

Unfortunately, there did not appear to be many desirable slots for minorities. There were no Black game show hosts; no Black variety show hosts; no Black talk show hosts; no Black anchormen or women on local or national news programs; and relatively few Blacks or Hispanics in any of television's lucrative money-making leadership positions. It seemed as though the only "big time" positions that Blacks were in were on sports or entertainment programs. The big stars who attracted the attention of the public at large were Muhammad Ali, Reggie Jackson, Sammy Davis, Jr., Charo, Richard Pryor, O.J. Simpson and others of the same caliber. Granted, they are extremely talented men and women, but if I have a choice, I would prefer that my son be known for what is in his head; not how many home runs and RBIs he has, not for how many times he has won the boxing title, not for how well he can sing and dance, not for how many "cuchi cuchi" he can do, not for how many laughs he can get, and not for how many yards he can run in one season.

I came to the realization that television reflects the world in which we live, not so much by what the screen projects, but because so many people watch certain programs. The top programs are what some people hope their lives to be. It is hard to believe that a large percentage of the American population fantasizes with "Mork and Mindy", "Three's Company", "Happy Days", "Laverne and Shirley", and simplistic shows similar to the above. It would be safe to assume that the public desires a simplistic, unreal society devoid of minorities, or if minorities have to be accepted, they are only permitted to entertain, leaving all the important positions to the White majority. Television is deeply embedded in our society and what the public watches is often indicative of what the public thinks. Television is only an extension of reality. If television is in fact reality, then my son will have to arm himself at a very early age with that knowledge in order to compete. He will know that regardless of what the public may think of him, personal pride and the will to succeed will enable him to escape unharmed.

Blacks and Hispanics are slowly moving into leadership positions in all fields and soon television will have to reflect this. Rarely is it evident by watching television that minorities have love lives. Rarely is it evident that minorities are interested in things other than telling jokes, acting silly, or hitting home runs. Eventually, America will have to come to grips with itself and realize that those are not the only things in life that minorities consist of. Blacks and Hispanics and other minorities must be taken seriously by the public. Sooner or later, the majority will begin to see more minority attorneys, doctors, engineers, corporate managers, businessmen, stock brokers, politicians and other top positions; television will have to reflect this. My son will be introduced to all aspects of life and not just those minorities are customarily seen in. Because he is Black, most of those who will come into contact with him will expect him to be a good dancer or a good basketball player. He may very well one day possess those talents, but they will be secondary to anything else he can obtain from life. Life is often unfair and we're usually shaped by our surroundings, but if I have my choice, my son will be exposed to a different type of atmosphere than the one displayed by television, which is only a mirror of the real world.

Don't Complain About Commuting to School, You Could Come from Phila.

—by Susan Werther—

When people hear I commute to NYLS daily from Philadelphia, they grab their heads in horror and exclaim, "Oh, you poor thing, how do you do that?" I answer, rationalizing as best I can, "It's really not that bad — I study on the way up and nap on the way back." As they walk away in disbelieving pity, I secretly slip into the same state of disbelief and pity. "How can I sound so cheery?" I ask myself. It's no fun to leave home in the dark and return in the dark (I haven't seen Philly in the light for two years). It's no fun to stumble off the train half-dazed by the engine's fumes, or to arrive home cross-eyed from reading on the train. But then I wisely remind myself of all the wonderful things Philadelphia has to offer — Mayor Rizzo, Legionnaire's Disease, the Philadelphia lawyers, and the fighting Phillies and Flyers. And I'm comforted again. Commuting back home is worth it after all.

Some Thinking About Thinking Like a Lawyer

—by Cecilia Blau—

How often have we heard it said that in law school we learn nothing more than how to "think like a lawyer?" The truth of this is evidenced by what we don't know when we graduate: how to pass a state bar exam without taking a \$300 to \$400 bar review course, or how to handle a legal matter without instruction from the particular law firm we may work for. We certainly could not hang out a shingle upon graduation and expect to do a competent job for our client — if we could find that client.

The only thing we can be sure of, therefore, when we graduate, is that we can "think like a lawyer." But what does that mean? One professor, upon being asked this question, said that doctors think this way too; it's unfortunate that law school is necessarily a selecting and proving ground for law firms in the recruitment process, however, a law school has an obligation to law firms at large to be fair with them. He added that lawyers are not necessarily nice people. But what is this lawyer like, the one we will presumably be thinking like?

Another professor relates a case where an impressive article was written by another well known professor describing the law in a particular area. Our professor pointed out some points to be made for the other side, and Prof. Well Known Authority confessed: "Of course I know it, but let the other side discover it for themselves." Prof. W.K. Authority was handsomely treated by the party his article favored. Lesson learned: a professor who thinks like a lawyer does not starve.

But exactly what is "thinking like a lawyer?" Is it something we glean from our courses in Contracts and Torts? Then why can't we have a chock-full of on-point material course called "Thinking Like a Lawyer?" Our courses give us definitions for crimes, torts, adverse possession and riparian rights, but in over a year of law school, we still haven't been told exactly what "thinking like a lawyer" means.

I thought the obvious person to give me the answer would be a successfully practicing lawyer.

In the office of an attorney friend to whom I had recommended a case, his partner kidded me that it would be illegal to give me a ten percent commission. I kidded back, "Is that because I am entitled to no less than twenty percent?" He yelled out, "My God, she thinks like a lawyer!"

But I still don't know what that means. Perhaps my enlightenment will come when I am wearing a black cap and gown, in a magnificent rented hall, walking down the aisle with hundreds of other graduates, and a deep voice booms out setting the chandeliers and mirrored hallways to vibrating: "Thinking like a lawyer is..."

Prof. P.S. Reich Named Editor

Professor Perry S. Reich has been named Contributing Editor to the new publication "Notes and Decisions." Prof. Reich, who joined the faculty of NYLS this year, will be working in the area of indemnity and contribution.

The journal, which is a publication of the New York State Trial Lawyers Association, will see print some time early in November.

—Scott Batterman

Three Promoted by School...

(continued from page one)

Dean Hillman stated that her promotion had not resulted in a change in her salary. As to any involvement in academic affairs, she said that she has "never been involved, and I doubt that I ever shall."

Dean E. Donald Shapiro, when reached for comment, stated that the promotions had been recommended by him, because "I feel that they deserve the titles because of the way they perform their functions, and they need the titles to effectively perform their functions." Asked to expand upon that last comment, he said that as other law schools give the administrators who hold these positions the title of "Dean", it will enable our administrators to deal with them on the same level. He emphasized that this does not mean that they will become involved in academic affairs, since "A Dean title is an administrative one only." He also felt that the fact that neither Dean Hillman nor Dean Scanlon holds law degrees was not of any relevance. "I do not subscribe to the theory that lawyers can do all things better than all people."

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**NYLS Student Swims
Around New York
see page one**

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