

digitalcommons.nyls.edu

NYLS Publications Student Newspapers

6-1979

Equitas, vol. X, no. 7. Summer 1979

New York Law School

Follow this and additional works at: https://digitalcommons.nyls.edu/newspapers

New York Law School

On the Inside:

Class of 1979 Commencement **Photos**

see pages 6 6 7

Volume X, Number 7

© EQUITAS, 1979

Summer 1979

NYLS Celebrates 87th Commencement

by James Gelb

Despite the gray clouds and occasional drizzle of rain outside, the mood inside spacious Avery Fisher Hall on June 3rd, was joyous. The occasion was the 87th commencement exercises of New York Law School.

The vast hall was filled with the relatives and friends of the 354 graduates, NYLS's largest graduating class. Wade H. McCree, Jr. delivered the Commencement address and six honorary degrees were conferred. (Recipients included Senator Jacob Javits (R-NY) and Supreme Court Justice Potter Stewart.)

After an invocation by Sister Colette Mahoney, President of Marymount Manhattan College, the National Anthem was sung by soloist Elaine Knowles. This was followed by brief introductory remarks by Dr. John V. Thorton, Chairman of the Board of NYLS. Dr. Thorton set the pace for the graduation exercises by emphasizing the "joy and celebration" of graduation. He remarked that the graduating class, "the finest we have ever graduated" had paid for their degrees with "blood, sweat and tears." Dr. Thorton also found the increase in women graduates very encouraging. "More power to them," he remarked.



Wade McCree, Jr. Addressing Graduates

Dean E. Donald Shapiro. The Dean received many laughs when, referring to Felix Frankfurter, who attended NYLS for only one year but did not graduate, he stated, "He must have been a member of Section C." Section C of the Class of '79 has repeatedly complained that it had been singled out for unfair treatment. At gradu-

Thorton then turned the stage over to ation Section C members wore "Purple Heart" buttons on their gowns.

Solicitor General Speaks

Shapiro then called to the podium Wade H. McCree, Jr., Solicitor General of the United States. McCree, a former U.S. Court of Appeals judge (6th circuit), gave the commencement address. His remarks of the Class of 1910, then received the were addressed to the growing criticism of

lawyers and the law profession, and the role of legal education in preparing lawyers. Chief Justice Warren Burger remarked earlier this year that an ineffectual lawyer "is a walking sixth amendment violation."

However, Judge McCree rejected the idea that law school trains one for a trade. He feels law school's purpose is one of liberal arts; one which teaches intellectual skills. For this purpose he approves of the Langdell method of teaching law. McCree commented that the reading and rigorous analysis of appellate decisions shows we are dealing with human problems; serving human needs is the ultimate prupose of

McCree concluded that law schools "are doing well." But as one of his law clerks commented, "law school should leave you with both wonder and nagging doubts." The speaker left the graduates with this final piece of wisdom, "Don't complain if you leave law school with many questions and few answers. That only means law school has done a good job."

Awards Presented

Dean F. Campbell Jeffery, a graduate (please turn to page eleven)

Faculty Forms FGO

by Dennis T. Gagnon

Prof. Jackie Kleiner, together with a group of other faculty members, has announced the formation of the Faculty Government Organization (FGO) to promote faculty rights in the governance of New York Law School. The FGO has become the school's official chapter of the American Association of University Professors (AAUP), which comprises more than 1300 local chapters at more than 2200 institutions across the country. The AAUP is the nation's largest and most influential organization fostering and protecting the academic rights and freedoms of professors.

Elected to serve as officers of the newly formed FGO are Prof. Jackie Kleiner as President, Prof. Richard Harbus as Vice President, Prof. Nancy Erickson as Treasurer, and Prof. James Brook as Secretary.

Shared Governance

Asked what the primary objective of the FGO would be, Kleiner, its founder, emphasized the importance of the faculty with the Board of Trustees. He explained that this sharing of power must be conducted in a democratic fashion in accordance with the faculty government rules of the Association of American Law Schools. (The AALS is the official accreditation organization among law schools.) He stressed that the objectives of the FGO, such as promotions, salaries, and general educanegative.



Shapiro with Kleiner

The AAUP chapter was not formed. according to Kleiner, with the intention of a faculty takeover of the school, nor to organize the faculty for an NLRB election or for collective bargaining at this time.

Kleiner suggested that a primary attaining a shared governance of the school cause leading to the formation of the FGO is the critical difference of opinion as to the proper roles of the Faculty and the Administration at NYLS. In his personal opinion, the administration is content to accept the faculty as employees, with itself, naturally, as the employer. The FGO hopes to reverse this attitude, since, according to Kleiner, the administration exists not to be served but to serve the law tional policy, were positive rather than school constituency - the faculty, stu-

(please turn to page five)

Zupancic to Leave Faculty Cites "Atmosphere of Fear"

by Scott Batterman

After serving two years as a professor of criminal law and criminal procedure, Professor Bostjan Zupancic has decided to leave New York Law School and the United States, choosing to return home to Yugoslavia. The Professor's decision was prompted by a dispute over salary, and a philosophical disagreement over the manner in which NYLS is run by the administration and board of trustees.

Professor Zupancic first arrived in America in 1972. A graduate of the University of Ljubljana in 1970, he had already served as an assistant professor even before graduation, an appointment made by faculty. "There are no trustees to appoint you," he explained. After spending one year working on his masters degree at the University of Zagreb, and another at the University of Montreal School of Criminology, he received a scholarship from Harvard to work on his L.L.M.

He then commenced work on his S.J.D. at Harvard, a task which was interrupted by a year's service in the Yugoslavian army and a 9 month clerkship for the Circuit Court in Ljubljana. His career at NYLS began in the summer of 1977. He accepted the offer from NYLS partly because it was an offer for two years of work: "I couldn't bring my family over without some security." He thus became one of the few foreigners in America who teaches criminal law, not international or comparative law.

Speaking of his two years at NYLS, Zupancic declared, "I loved it, for reasons which have nothing to do with 57, insofar as 57 is the administration. I loved the teaching process and the interaction with the students."

Reasons Cited

Turning to the reason for his departure, the professor said that he was leaving "for different reasons, some more interesting than others, some more tangible than others."

"I could simply say," he continued, "I was leaving because they wouldn't pay me (please turn to page five)



Prof. Bostjan Zupancic

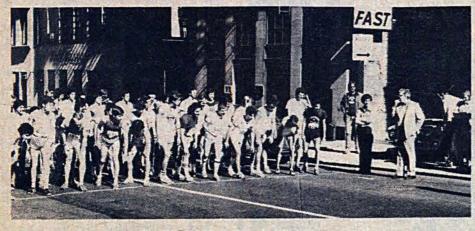
NEWS IN BRIEF

Italy Knights Shapiro

Shapiro by the Italian government. In a ceremony at the Italian Consulate here in New York City, Dean Shapiro was officially made a Knight of the Order of Merit of the Italian Republic.

A rare and highly prestigious honor driving forces behind the establishment of has been bestowed upon Dean E. Donald the New York Law School-University of Bologna Center for Legal Studies, was knighted in recognition of his outstanding contributions to fostering the educational and cultural ties between Italy and the United States. Shapiro becomes one of the very few Americans to be knighted by the Dean Shapiro, who was one of the Italian Republic in the 20th century.

On Your Mark! Get Set! Go!



The Start of Last Year's Mini-Marathon

The second annual NYLS Five Mile Mini-marathon will be held on Sunday, October 7, 1979, at 10 a.m. The race, sponsored again this year by Gil Hollander, will begin at NYLS and then tour the sites of lower Manhattan.

The entire NYLS community is invited and urged to participate in this test of endurance and determination. Students, faculty, alumni and administrators from other law schools are also cordially invited. Entry forms are available at Gil's and the SBA office in 47 Worth. The deadline for entries is September 21, 1979.

Remember, the 1980 Olympics are just around the corner! Sign up now!

1979 Jeffords Lecture



Mr. Civiletti Delivers Lecture

by Dennis T. Gagnon

The Honorable Benjamin R. Civiletti, judges, witnesses and jurors." Deputy Attorney General, United States Department of Justice, honored New York Law School through his appearance as this year's Walter M. Jeffords, Jr. Distinguished Visiting Lecturer. The lecture, held before a capacity crowd in the school's Moot Court room, dealt with the prosecutor's role both in the grand jury and in pre-trial discovery.

Mr. Civiletti noted that the prosecutor is often faced with a conflict between "...public institutional values and the advocate's duty of zealous representation." He stated further that, "Ideally, these two duties should not conflict: an advocate's effectiveness depends upon his being perceived as fair, and thus credible...A prosecutor faces unique problems in this regard. Like other attorneys, he must merit the trust of

To achieve the high standards set for the Justice Department, Mr. Civiletti emphasized that the Department tries, "by selecting able lawyers, providing them with the best available training, offering the guidance of institutional policy and the models of outstanding career prosecutors, and requiring adherence to the highest standards of professional responsibiliy, to insure that the Department of Justice merits both our pride and your trust."

Following the lecture, Mr. Civiletti was awarded an honorary degree from NYLS. A reception was then held in the Froessel Library.

Mr. Civiletti's appearance marks the continuing success of the Jeffords Lectureship in presenting outstanding and distinguished lecturers in the legal profession.

and our reasonable prices haven't changed in 2 years

continental cuisine cocktail lounge



BEST PRIME RIBS in town FRESH EXCELLENT Fish & Seafood STEAK DIANE **CLAMS CASINO** and much more.

Sit and relax in our beautiful sidewalk cafe.

137 FRANKLIN ST.

corner West Broadway

925-7822

11:30 am to 10:30 pm mon-fri FREE PARKING AFTER 6 PM 5 pm to 11 pm on saturdays 10% off with NYLS ID card (5:00 P.M. 'till closing)

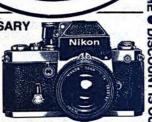


PRICE **EVERYONE** CAN **AFFORD**

WITH INTERCHANGEABLE \$239.89 NIKON 50mm F1.8 SERIES E LENS ON SALE



ANNIVERSARY MODEL NIKON F2A F2AS IN STOCK INQUIRE



Amazingly light and

ultra compact

OUR NAME • DISCOUNT IS OUR NAME • DISCOUNT IS OUR NAME •

TEL. 212 226-1014 CAMERA DISCOUNT CENTER INC.



BANK AMERICARD & MASTER CHARGE -No extra charge for credit cards 89A WORTH STREET, NEW YORK, N.Y. 10013 Between Broadway & Church Street, 5 blocks from City Hall MONDAY THROUGH FRIDAY 8:30 A.M. TO 5:30 P.M.; SUNDAY 10 A.M. to 3 P.M. CLOSED SATURDAY

Big Discounts - Fast Service Trade-ins - Develping & Printing



Press Award Comes to Equitas Another First Place!!

by Michael Coneys

Columbia University's Scholastic Press Association has conferred its 1979 First Place Award upon EQUITAS for its outstanding contribution to student journalism is a specialized school. This is the second consecutive year in which EQUITAS has placed in the top honors as an academic newspaper. The Association bestowed its award upon Jonah Triebwasser, Editor-in-Chief emeritus, on March 16, 1979, and the official plaque arrived shortly after the semester's end.

The competition included entries from 1021 various school newspapers and magazines, ranging from public and private high schools to specialized schools (law, medical, business schools, etc.). The performance of a newspaper is judged on the basis of four separate criteria — Content and Coverage, Writing and Editing, Design and Display, and Special Credit — each of which is broken into smaller areas with a total maximum score of 1,000 points.

EQUITAS received 874.9 points out of the total 1,000. Content and Coverage accumulated 194.3 out of 225; Writing and Editing, 370.9 points out of 425; Design and Display, 259.7 out of 300; and a perfect score of 50 for Special Credit.

Praise and Criticism for Coverage and Editing

News Editor Scott Batterman's article concerning Professor Solomon and Professor Schroth's work in Comparative Law received considerable applause from the Association Judges. "EQUITAS" in-depth pieces are indeed a worthy contribution. Writers do attempt to get testimony from both sides, and go into details and extenuating circumstances." However, the judges opined that EQUITAS was topheavy in the subject areas of faculty, administration, alumni, and general interest news. They feel that more energy should be spent covering student activities.

The editing and writing staff of the newspaper was highly praised for its careful exercise of correct grammar, punctuation, syntax and good style.

Improvement Needed in Layout

Association judges questioned a number of issues in the *EQUITAS* layout procedure. Improper placing of lead stories on the front page, stationary masthead, seldom use of centerfold for lengthy stories, and frequent "head-and-shoulder" photographs were the chief complaints regarding the technical style of the newspaper.

However, in summing its opinion, the Association judges gave the newspaper a glowing report. "EQUITAS well merits its First Place rating. It performs in sum as we would expect a law school publication of popular interest to perform, providing provocative, thoughtful material beyond the pedestrian variety. We like its ability to translate difficult concepts into meaningful articles and its intellectual alertness in keeping up on current issues needing interpretation."

Gil's The Official Bookstore of NYLS

- CASEBOOKS
- TEXTBOOKS
- DICTIONARIES
- LAW CASSETTES
- RESTATEMENTS
- REVIEW BOOKS
- AND ALL OTHER SCHOOL NEEDS
- ** NOW AVAILABLE **

NYLS T-Shirts

ASSOCIATION OF NYLS RECEIVES A
PERCENTAGE OF GIL'S BUSINESS

COME IN, SIT DOWN, RELAX
IN THE BASEMENT OF

47 WORTH STREET

M, J & K COMPANY - 57 Worth Street

New Placement Director

by JoAnne Celusak

Ms. Lynn Strudler has begun her work as the new Career Placement Director of New York Law School. Prior to her appointment, she was the Director of Placement and Career Planning at Barnard College. In addition to her experience in the placement field, Ms. Strudler received a law degree from NYU Law School. A clear understanding of the students' training and talents is a significant factor, she feels, in being able to direct students in their career choices. An extensive project, she explained, is already underway which aims at establishing a broader base of potential employers for NYLS students.

Her office is presently contacting firms and agencies to have them either participate in on-campus recruiting or become part of a system whereby NYLS students will be directly referred for various positions. The strategy of developing specific sources of employment will depend largely upon the interests expressed by students. Where a greater demand for a certain field of law is indicated, those firms within that area will be contacted and explored for potential openings. Ms. Strudler stressed, therefore, that students come to speak to her early in the semester so that she will be better able to assist them. It is never too early to be preparing for next summers employment opportunities.

Large Job Base Sought

At this time, it is most important that all seniors contact Ms. Strudler as soon as possible regarding job placement. She is enthusiastic about the possibilities of a large job base in the foreseeable future to which many students will be directly referred, as many firms will not be able to send a recruiter. Ms. Strudler's motivation in the development of this system is the desire to work for the students to help them achieve their career goals. Ms. Strudler expressed a concern for the great majority who are not among the top 10% but who are also seeking challenging employment. She hopes through her referral system to offer them more assistance.

Francis Friedman, who acts as Special Consultant in preparing the recruitment schedule for NYLS, is continuing her contacts with corporations, firms and governments agencies. An as yet tentative schedule of on campus recruiters has been



Ms. Lynn Strudler

released, although Friedman and Strudler are "adding to the list as fast as we can." Ms. Friedman can provide interested students with additional information.

Optimistic Future

During the interim between the resignation of Vera Sullivan and the appointment of Lynn Strudler, Kukla Broekman, Assistant Placement Director served as a very capable temporary director. Dean Margaret Bearn explained that the search for the best qualified applicant was lengthy because of the great importance of a careful decision for the NYLS community. The time spent in choosing a new Director was beneficial, she feels, because the quality of the NYLS PLacement Office is vital. In Dean Bearn's opinion a hasty decision would have defeated the goal of providing an excellent placement office. Many applicants applied but most did not have the background to meet the special needs of the school. Dean Bearn is optimistic about the future of the NYLS Placement Office.

Because of the great enthusiasm Ms. Strudler expressed concerning her role in forming plans and new ideas to be implemented, it appears that new opportunities will be visible shortly. Everyone's cooperation will lighten the task of organizing a coherent program, so students are urged to contact the Career Placement Office and work together with Ms. Strudler to improve their chances of success.

FREE PARKING AFTER 6 • 1876 LANDMARK



Featuring Italian American Cooking and Italian Seafood in a turn of the Century atmosphere

Open for breakfast, lunch and dinner

8 Thomas St., 1 Block South of Worth St.
off 300 Broadway 962-8316

Mon - Fri

7:30 - 9:00

Winner 1979 First Place — Columbia Scholastic Press Association

DENNIS T. GAGNON

Editor in Chief SCOTT BATTERMAN **JAMES GELB News Editor MICHAEL CONEYS** Copy Editor **GERALD GROW Advertising Manager**

Senior Editor

JEROME LEE

Feature Editor

CHRIS GOBAN

Production Editor

SHARON KELLY **News Editor ROBERT McQUEEN** Copy Editor **KENT TERCHUNIAN Business Manager**

Staff: Anthony Belkowski, Cecilia Blau, Jo Anne Celusak, Mark Conrad, John Durst, Aaron Frishberg, Ronny Green, Bob Hicks, Bill Holm, Joyce Meisner, Peggy Rawitt, Robert F. Salvia, Carol Schlein, Martha Suhayda, Photographers: Ira Abel, Mark Hofer

JANE DILLOF

Alumni Correspondent

EQUITAS is printed monthly during the school year by and for the students, faculty and alumni of New York Law School. Signed articles represent the views of the authors. Unsigned articles represent the views of the editorial board. Although EQUITAS strives to have a policy of responsible advertising, we do not vouch for the accuracy of our advertisements.

Letters and other correspondence should be addressed to: The Editor, EQUITAS, 57 Worth Street, New York, N.Y. 10013. Telephone: (212) 966-3500, ext. 747 or 846. EQUITAS reserves the right to edit letters to the editor for space requiremen

Entire contents © 1979 by EQUITAS. All rights of republication reserved. For reprint permission, write to the editor at the above address

Editorials

Reasons to Worry?

New York Law School is faced with the loss of one of its most talented, scholarly, and well liked professors - Prof. Bostjan Zupancic. His decision to leave the faculty of NYLS and the reasons behind that decision (see story-page one) are very disturbing. They strike at the very heart of the serious ideological conflicts existing between many faculty members and those people who "run" the school. If what Prof. Zupancic has stated is true, or only partly true, it is illogical and incomprehensible that such circumstances are permitted to exist.

NYLS is a fine school with an outstanding future. To insure that future, every effort must be made to seek qualified instructors and encourage those already on the faculty to stay. We have many outstanding young faculty members with a great potential; we cannot afford to let them go. If we do, then where do their replacements come from? With an apparent lack of qualified law teachers on the market, isn't it better to find every reasonable means available to keep our fine faculty here at NYLS — whether that means increasing salaries or allowing more faculty participation in the "running" of our school?

The problems expressed by Prof. Zupancic do not only involve the faculty, the administration, and the Board of Trustees but also the students of NYLS. It is we who suffer from the loss of professors such as Prof. Zupancic.

Needless to say, we, the students, have a vested interest in the quality of our education and must protect that interest. EQUITAS strongly proposes that meetings be arranged in which the students, faculty, and the administration may exchange ideas and solutions. Only when our voice is heard, can we truly protect our education.

Compliments to ...

EQUITAS extends its compliments to Bruce Dulak and all those people who neiped to make this year's registration as smooth as possible. We only ask that the fine work be maintained in the future. EQUITAS also thanks Dean Bruce and his staff for providing a tentative draft of next fall's exam schedule. Such consideration sure makes a student's life much easier.

In Memorium

The entire staff and editorial board of EQUITAS would like to express its deepest sympathies to Dean E. Donald Shapiro and his family on the death of his mother Sarah. We are sure that we speak on behalf of the entire New York Law School community.

Answers & Counterclaims



1979 Editors Emeriti

TO THE EDITOR:

In Re: Photo of Editors Emeriti, and their

What a picture in the April Aequitas! Now there are some truly "beautiful people" - who can think & who can write! And who certainly look like they could change the world. God bless you all. Never

to put down having a legal education, I think it's a must, but somehow I wish you were all going to be journalists. Now think that over. Your "thinking" reads pretty damn good to this old timer. Best wishes! Hang in! - Veritas-

Most sincerely, John M. Lamphear N.Y.L.S. 1939

Labor Law

Good Faith Bargaining

by Mike Soltis*

At the heart of this country's labor laws is the principle that employees may select or reject representation by a labor organization. Employees generally make this determination in a secret ballot election. For them, the campaign presents a "yes or no" issue - for or against union representation. A majority of valid "yes" votes gives the union one right the right to sit across the bargaining table from the employer and demand that the employer bargain "in good faith."

The meaning of "good faith bargaining", like that of such terms as "probable cause" and "reasonableness," is deliberately vague. Its ambiguity is its value — it leaves room to encompass every conceivable situation.

The National Labor Relations Board decided early on that the duty to bargain in good faith includes, among other things, the duty to furnish information to the other side. Because of the relative positions of the parties, the more common situation is that the union asks for production of information and the employer is ordered to produce. The Board's maxim to order disclosure is that the union is entitled to receive that information which is necessary to enable it "to service and police the contract." Viewlex, Inc., 204 NLRB 1080 (1973). Like "good faith," the Viewlex criterion is deliberately vague.

Detroit Edison Co. v. NLRB

Very recently, in Detroit Edison Co. v. NLRB, No. 77-968 (March 5, 1979), the Supreme Court placed a narrower construction than that of the National Labor Relations Board on the employer's obligations to meet the good faith requirement. In Detroit Edison, the employer refused to disclose to the union certain information concerning employee aptitude tests. The information withheld included the test questions, the employee answer sheets and the scores, linked with the names of the employees who received them. The union claimed it needed this information to arbitrate grievances of employees who were denied promotions based on their individual scores.

The Board had ordered the employer to disclose all of this information. To hold otherwise, the Board said, would:

[deprive the union] of any occasion to check the tests for built-in bias, or discriminatory tendency, or an opportunity to argue that the tests or test questions are not well suited to protect the employees' right, or to check the accuracy of the scoring

Supreme Court Opinion

The Sixth Circuit ordered enforcement of the Board's order. 560 F. 2d 722 (6th Cir. 1977). The Supreme Court, however, held that the "good faith" obligation did not require disclosure. The Court held that even if the requested information was relevant to the union's duty to police the contract, the employer's and employees' interests in withholding disclosure outweighed the value of giving the information to the union. These interests, the Court noted, related to the confidentiality promised by the employer to the testkers. The Court stated:

The sensitivity of any human being to disclosure of information that may be taken to bear on his or her basic competence is sufficiently well known to be an appropriate subject of judicial notice.

The Court held that the employer met its good faith obligation by conditioning disclosure upon the written consent of the employees who were challenging the test.

Thus, the Court held that while employees may have selected the union as their bargaining representative, their decision did not automatically surrender wholesale control of every employment-related matter to the union. Some degree of privacy remains; its extent is to be defined by subsequent interpretations of Detroit Edison.

*Mr. Soltis graduated last year from New York Law School. He is an associate at the firm of Jackson, Lewis, Schnitzler & Krupman.

Zupancic on NYLS: More Business than Academic

(continued from page one)

\$30,000 a year. The salaries are too low at New York Law School. I requested \$30,000 because I learned that a guy at Hofstra, a person with no advanced degrees, was offered that to start." Zupancic did not know whether this was the customary starting salary for professors at Hofstra; he merely indicated that he was aware that this particular law professor had received such a salary. He did state, however, that, on the basis of information received from another member of the faculty, "New York Law School has the lowest paid faculty in the whole New York area.'

Further Reasons

His other reasons for leaving, though, were based on matters even more fundamental to the NYLS community. "If one wants to start an academic career in the United States, you have to know where you're starting from; and I did not consider, were I to stay in the U.S., that my start from New York Law School would be successful."

"Assume my ambition is to be a tenured professor at New York and spend my whole life here. One goes into an academic career because one likes not only to teach, but to do a different kind of intellectual work. I am used to different academic attitudes than those present here. At New York Law School, a faculty member is treated as an employee - he can be hired, fired and summarily dismissed. They have little or no input into how the school is run."

'I think it is outrageous that the school is run by people who are not themselves teaching at the school. This is the problem of trusteeship, the problem of existing without a university setting. The whole New York Law School situation is an example of what capitalism does to education it is run as a business, by businessmen, and for businessmen."

"The proof of that," he asserted, "is that the major concern the people who run the school have is competition — they are trying to exist in a market where there is a seemed almost angry: "Who is Thorton to ministration; it is not the building; it is not



Prof. Zupancic

es. As the number of availble bodies go others? That is the essential problem with down, the reputation has to be lifted."

A Business or School?

Echoing an oft-repeated complaint, he continued, "There are two ways to build a ity of the school, or you may simply build the public relations image of the school. The former is a longer process. A school long term planning. It takes an attitude in people that I like, as colleagues." which one does something not for success, knowledge, science and the process of teaching.

His analysis of the situation summed itself in a "paradox: the more you try to succeed in market terms, the less academic people." He described the end result, of the excited." pressure to publish combined with "one of the highest teaching loads in the country" as "an atmosphere of fear." At times he

New York Law School - a business attitude, rather than an academic one."

Faculty and Students

Turning to his colleagues, Professor reputation: you actually improve the qual- Zupancic admitted that he doesn't know the faculty well. The nature of his contact with them has been "on the level of friendship rather than strict and rigorous inwithout a reputation has definite difficul- tellectual performance." He noted that he ty in attracting quality faculty. It cannot has been "in five or six different schools, buy quality on the market. Instead, you inside and outside, and students are in a have to invest in young people. This takes much better position to judge faculty. One time, academic benevolence, support and thing - I found myself surrounded by

As to the students, he stated, "I am but for the love of what you're doing: love of not trying to be complimentary. I was highly impressed by the intellectual performance in my classes. I have no complaints about that. That is the essence of why I'm not bitter about being here at New York Law School. I loved it because my you become, the less your reputation, the teaching experience was so rewarding . I less your success. It is not a law firm and it learned from the students, from the inis not an electric company - you cannot teraction with students. I found them serihave success with a high turnover of ous and willing to be intellectually

"I think that the stuff the law school is made of, the teaching interactions, are New York Law School. It is not the ad-Severe fight for the bodies to fill the class- give tenure, who are the trustees to judge the personality of the particular students. It is those interactions that make a law school a good law school or a bad law school, and it is these things that should be considered, especially since the students are paying so much."

In fact, Zupancic termed the amount of money American law students pay for their education "extremely high." He remarked that "I never payed a single penny for tuition, and here students are paying tens of thousands of dollars, and not having any input. The two protagonists in the decision-making process should be the protagonists in the classroom interactions. But today, the running of New York Law School is totally alienated, estranged from those who do the intellectual interactions it is run by people who have no role in the process.'

The Future?

As for the future of NYLS, he stated, "I'm sort of pessimistic. Short of any structural change in the power structure, no change can exist. The fish stinks in the head, and unless the head is cut off, it is going to continue to stink. If it were the sixties, I would have more hope. In that way, it is a reflection of America now.'

Not to sound too pessimistic," he concluded, "the relevant reality at New York Law School is very healthy - student attitude is very healthy. Teaching attitude is good. Nothing is wrong with the kernel of the school."

And the future of Professor Zupancic? "I'm going to Yugoslavia to complete my clerkship in the Circuit Court. I have an invitation from the University of Ljubljana to submit an application for a teaching position. I'm still working on my dissertation. I may go into law practice. But eventually, I don't think I can exist without being part of some academic structure."

Dean William Bruce, who participated in the negotiations with Prof. Zupancic, stated that he was not at liberty to discuss the specifics of those negotiations. Bruce did state that he had immensely enjoyed his association with Prof. Zupancic and felt that he was a very "thoughtful and intelligent" individual and professor.



Prof. Kleiner

dress is the question of Faculty salaries. To Kleiner the problem is evident, "We have the lowest paid faculty and highest paid dean of any law school in New York State." In Kleiner's opinion, it is clear where the irrent financial priorities lie. Despite the low salaries, Kleiner believes that NYLS possesses an excellent faculty with great potential, particularly among its young members, and the school needs to do something to encourage these fine people to stay at NYLS.

Kleiner sees the salary issue as leading to the broader issue of the schools' financing. Since financial decisions are the most important, Kleiner would like to see more

(please turn to page eight)

Faculty Government Organization at NYLS

(continued from page one)

XEROXING

dents, and alumni.

Kleiner cited a statement made by Judge Cardozo in a 1925 case, "By practice and tradition the members of the faculty are masters and not servants... They have the independence appropriate to the company of scholars."

Dean's Appointment

"We now have a situation of a dean In his proposal for shared governance taking a sabbatical as a dean," Kleiner stated, "a situation unheard of in any law school. To illustrate, Dean Patterson of Emory University Law School has been granted a year's leave of absence as a professor, after resigning his deanship, and a search committee has been selected to

OFFSET

RESUMES

While-U-Wait Service*

PHILIPSON PRESS

*21 Warren Street 12 John Street 732-8746, 47

XEROX copies (81/2 x 11) 5 cents each, (above 100 - 4 cents each) OFFSET PRINTING APPEAL PRINTING

8½ x 11

30 Appeals or Briefs (includes binding)

one side both sides 100 \$2.80 \$5.60 500 \$6.35 \$11.70 1000 \$9.95 \$17.90

Up to 25 pages...\$1.95/page 26 to 75 pages...\$1.70/page 75 to 150 pages...\$150/page

NEW SERVICE: Color enlargements from 35 mm slides

identify a permanent dean of the law school. For Dean Shapiro to return as Dean of NYLS, he must be approved by the

According to Kleiner, NYLS is currently in direct violation of the AALS faculty government rules which state that a faculty shall be consulted before the dean is appointed and a dean should not be appointed over the expressed opposition of the faculty. Kleiner noted further that the faculty was never consulted about the appointment of Dean Shapiro when he was originally appointed by the Board of Trustees, when he was reappointed, or when the school gained AALS accreditation. Kleiner feels that any appointment of a dean without faculty approval would be an "act of defiance" calling for drastic action to be taken by the faculty. He sees the role of the FGO in this decision process as one of consultation and recommendation. The final approval must come from the entire faculty.

By following this suggested procedure, NYLS will no longer be in violation of AALS rules. Referring to the procedure for approving a dean, Kleiner noted, "We don't wish to perpetuate a chain of illegitimacy."

Financial Aspect

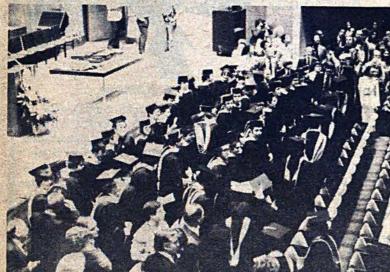
Another issue which the FGO will ad-

Lex • Aequitas • Justitia •

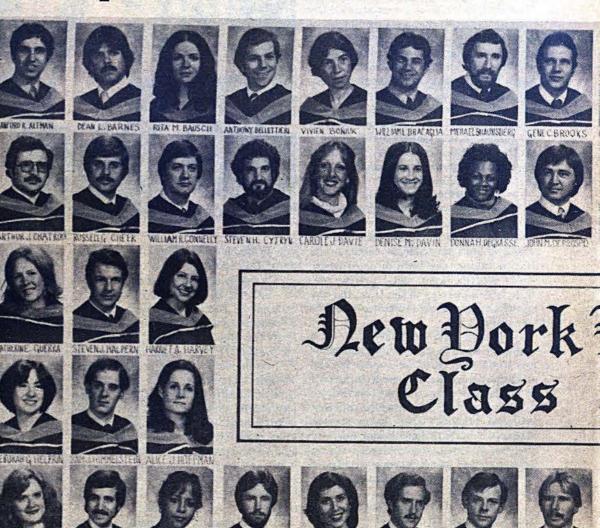








We Came

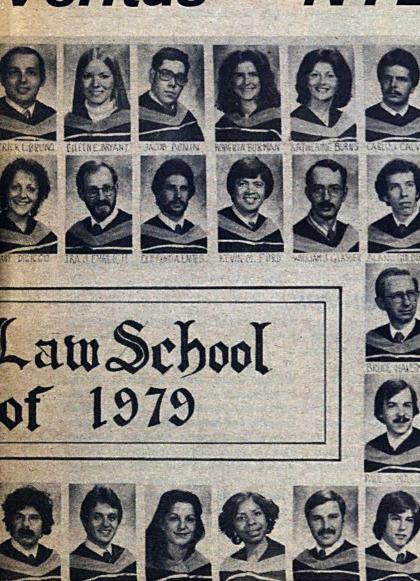


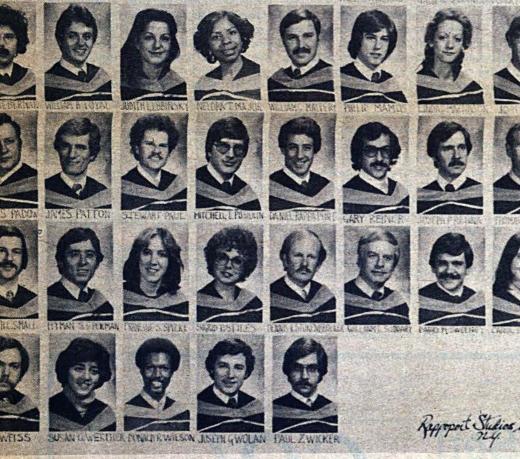




W Sa

Veritas — NYLS 1979















We Conquered





Loneliness: The Subtle Pressure of Law School

When students are surrounded by members of their own peer group, they tend to fare better than students plagued by loneliness. Some students purposely choose to remain incognito for reasons known only to themselves. Others purposely seek to gain notoriety by placing themselves at the other end of the spectrum; some run for office and some attempt to win popularity contests. Most students adjust socially, however, by surrounding themselves with a small clique. Cliques serve a positive social function in one respect, but unfortunately, they also have quite a negative effect on persons shut out of them. I have talked with students who have felt the effects of being shut out of the clique atmosphere and their comments were basically the same: "Why me?"

It is human nature to build a wall surrounding around oneself in order to cope with the rigors of everyday life. Most of us surround ourselves with family, a husband or a wife, or with friends. Those of us who don't have either are the "loners" in society and, more often that not, the effects of this isolation are counterproductive. Most people need some sort of social "crutch" in order to survive. When pressure builds, as in law school, the need for this social "crutch" becomes significantly greater. The competitiveness of law school, like that of the business community, adds pressures of a magnitude unheard of elsewhere the kind of pessure that can drive students to drink. As pressure builds, the need to put a finger on the "safety valve" becomes extremely important. I personally turn to my family for support when things get hot. I spend much time playing with my seven-month-old son, Rashaad Ernesto, as well as with the rest of my family. Any type of social release is necessary to escape thinking of law cases. I feel that I'm fortunate to have other human beings to turn to in times of stress. Many of us at New York Law School, however, are not as fortunate. Many students are from outside of the greater New York area and therefore don't have their families close by. Spouses are not always capable of filling the void created by the law school life because often, they have not adjusted to the psychological pressure their spouse may be going through. It is not very easy for a person who hasn't experienced law school to understand your concerns. Wives and husbands, however, are usually able to satisfy other social needs that must coexist with going through law school. Thus, the need for other law school friends becomes imperative. In most cases, it is up to the students themselves to be outgoing enough to make friends with others. But certain students are either too shy or insecure to approach others and make friends. Others try, but without any success. This failure could be due to many reasons: their race, religion, national origin, or color may be an obvious target of bias. Failure could also be due to whether a person is married or single or to how rich or poor he or she might be. Their style of approach, or some other subtle distinction might also be at fault. One student commented to me that she has been effectively shut out because she is a second-year student, who transferred to N.Y.L.S. after the cliques had already been formed.

It is the collective responsibility of students to open up to the efforts of other students, who may be shut out from the mainstream. Even if it takes an effort on our parts to reach out to those students, it's worth it if some lonely students are saved. As they socialize, students get valuable information passed to them by other students; this information, otherwise unavailable, may deeply affect their stay at N.Y.L.S. Often, little tidbits of information from other students are more important that what is learned in class. This is also the operative philosophy behind study groups. The group association theory doesn't work for everyone; however, for most people, it is a necessary tool for survival. Let's not close our groups to those that may desire to join them. Your value to society is measured by what service you can be to other people. You can never know what effect your interaction with those around you may have as far as your future is concerned.

Loners have often made every effort to socialize with the group as a whole and met with failure. Often, they cannot understand why they've been rejected. This, to them, is another pressure they have to deal with alongside the rigors of obtaining a law school education. The effects of alienation on a student can prove to be fatal to his or her social life, and consequently, his or her academic life. We are often not aware of when we are being unfriendly, but we should be consciously aware of whom we affect by our actions. If we affect anyone adversely, we should correct our behavior.

Future Plans

by Carol Schlein -

The Legal Association for Women (LAW) is the new name for the Women's Caucus. During the Spring and Summer of 1979, many behind-the-scene changes occurred to improve and expand the programs and projects we have planned to present this coming

Plans are under way for a city-wide conference on Women and the Law for mid-October. We will need people to help us with ideas, arrangments, registration, etc. The conference will be modeled after the National Conference on Women and the Law that was held in San Antonio, Texas in March, 1979. Through our fund rasising efforts, we were able to send four representatives to the Tenth National Conference. Next year, the eleventh National Conference will be held in San Franciso. We hope to raise more money to send more people to what promises to be a very exciting and informative conference.

We have commenced a collection of legal publications concerning legal rights of women. The collection is to serve as a resource center for legal research and problems with sex-based discrimination. Office hours will be established shortly to allow access to the books and pamphlets we have obtained so far.

Membership in L.A.W. is open to all students and we encourage active involvement on issues affecting women as students, faculty and lawyers. Our first meeting of the year will be held on Tuesday, August 28 at 4:30 PM. Room to be announced.

Faculty Organizes...

(continued from page five)

openness in the school's current financial planning, as well as faculty and student participation in the overall budget process. If the faculty knows more about this financial planning it would be in a better position to make recommendations on how to allocate the school's resources. Kleiner stressed that both the faculty and the students have a right to know what is being done with the school's money and who is making these decisions.

AAUP Spokesgroup

though the Faculty Government Organization is not the official spokesgroup for the entire faculty, its mere presence at the school can and will encourage all faculty members to seek redress in the event of violations of academic freedom. It can prevent arbitrary, capricious, and selective enforcement of tenure standards, promotions, dismissals, and salary adjustments."

The FGO, as the official representative of the AAUP at NYLS, will investigate any alleged infringement of faculty government rights or violations of AAUP rules, whether the faculty member is an AAUP member or not. After its investigation, the FGO will report its findings to the national office of the AAUP for appropriate action.

When asked to respond as to why a faculty government organization needed to be formed in the first place at NYLS Kleiner stated, "The implausible is routine at such presidents.

NYLS and the incredible takes just a bit more time.'

Dean Responds

When reached for comment, Dean William Bruce, currently Acting Dean, stated that more participation by the faculty is always encouraged and is good for the school. Bruce did, however, question several points made by Prof. Kleiner. First, he expressed his opinion that NYLS is not in violation of AALS rules regarding the appointment of Dean Shapiro. He stated that such appointment was proper Prof. Kleiner made it clear that "even under the rules at the time it was made and when NYLS gained AALS accreditation, no violation was charged against the school.

Salaries Compared

Regarding faculty salaries, Bruce agreed that they aren't as good as they possibly should be but when compared to other schools they are "in the ballpark." He felt that Kleiner's statement that NYLS has the lowest paid faculty in New York State was misleading. He noted that the salary scale is probably skewed down because of the number of young professors on

When asked about Dean Shapiro's salary, Bruce opined that Shapiro's duties were commensurate with those of a president of a small college and that he would not be very surprised if Shapiro's salary were on the low side when compared to

On Your Mark!

Get Set!

Run in the NYLS Five Mile Minimarathon.

10 a.m. Sunday October 7, 1979 Starting line at NYLS

Entry Forms Available at Gil's and the SBA Office 47 Worth Street Deadline for entries: Sept. 21, 1979

All Students and Alumni are Invited!!

John Dugan - 'A Man for ALL Seasons'

by Michael Coneys

fessor John R. Dugan, longstanding mentor of Contracts at New York Law School, one Thursday afternoon not long ago. He was seated in an overstuffed, leather swivelbacked chair beside the wall of window in his 47 Worth Street office. He gazed despondently at the wind-swept avenue below. "I'm hacking away here with a cold, that's all." Like the bitter winter, the depressing ailment had worn its welcome threadbare. No doubt, the daily commute from Long Island on the Silver Snail had encouraged the germ to stay for an extended visit.



He leaned his chair against a wall of books, most of which concerned his fields of immediate interest. We disdeal in common. You were born here in New York, weren't you? "In Queens, yes." And with a name like Dugan, you must hail from an Irish family. "Irish-English. Yes, father's side was Irish, and mother's side was English." The Emerald half originated in Tipperary, from where his great-grandfather emigrated in the mid-Nineteenth Cen- a practice for about fifteen years. It was generally comtury to the United States. "He joined up in the Civil War with the Northern Navy when he was fourteen years old. He feigned his age, naturally; later, he was captured in study of Contracts? "I am very much of the opinion, as is New Orleans. He and his buddies were taken to Texas for Professor Fuller (whose book Dugan employs), which adincarceration. They escaped, though, and arrived back in vocates sticking to the book and what is said in class. In New Orleans just in time for the great battle — the Battle of New Orleans."

"On mother's side of the family - the Gaulfs - one ancestor was a judge in England just before the (American) Revolution. And there were two other judges -Judge Gaulf, Judge Whaley and Judge Dickswell — and they sided with the Colonists. A warrant went out for their arrest; so, they fled England and landed in New Haven."

ish troops were closing in on them; the latter wanted the renegade jurists badly. So, the local people told them to take three separate paths to a cave atop West Rock, where they hid the refugees. In this way, of course, the three could not be taken all at once. And today in New Haven, there are three avenues named after Gaulf, Whaley and Dickswell to commemorate their flight."

"Just about," was the condition in which I found Pro- in Flushing, and later spent three-and-one-half years at Flushing High School. He completed his high school career at Milford Preparatory School in Milford, Connecticut.

At the end of high school, he weighed 171 lbs. and stood 5' 9" tall. Such was an excellent physique for an athlete of the time. As a result of his abilities, Dugan received 110 offers of scholarships from colleges and prep

At Yale in the mid-1930s, Dugan studied "Applied Economic Science. They didn't call it Economics; that was too mundane." He also studied the billiard and pool tables at St. Elmo's Society, a fraternal order, to which he belonged. Of Professor Howard W. Haggard, who taught the Science of Health & Disease: "I can quote more things that he said than any other professor.'

When Dugan attended New York Law School, of course, it was located at its former residence on Williams Street. He was a member of the Class of 1943. What professors left a strong mark on your legal education? "Aaron Franck did, by all means. He was the Contracts man, and I succeeded him after he had an unhappy, sudden death by heart attack." The other major influence on Dugan's law school career was Max Reich, LL.D. He was one of the few Doctors of Law ever on the faculty.

Throughout his earlier life, Dugan had been a genuine sports enthusiast. He had played baseball, basketball and football in both high school and college. He was also an avid golfer. However, he gave up offers from numerous professional baseball clubs, including the New York Yankees, to become a lawyer. His father had always kept a scrapbook of pictures, clippings and momentos from his sporting cussed family backgrounds, and found that we had a great days. Years later, when people would ask at what moment came the point of demarcation, he would show an interview from a newspaper in which he first stated his career ambition to be a lawyer. That was when I was about fifteen or sixteen years old."

For how long did you actively practice the law? "I held mercial, dealing with contracts.

What books or methods do you recommend for the fact, he (Professor Fuller) advises his students not to go to the library. And I agree with that, because it can be terribly confusing."

"I have a whole raft of books here on Contracts; and, I'll bet you that I can pick out any three authors on a given topic and come up with three completely different viewpoints." Many students question Dugan in regard to other opinions with the hope of gaining some insight into effec-"Of course, the people of the town realized that Brit- tive means to answer the examination. "I always say, 'Believe ME,' because that will form the basis for the test."

When it comes to recent trends in the law of Contracts, the Professor is extremely observant. "Of course, we start out with our proposition that we need consideration to enforce a promise, and the trend is away from that part of the law."

Other trends include the change in laws regarding

Professor Dugan attended grammar school at P.S. 22 third party beneficiaries. "We're moving away from the bounds of privity, as with Lawrence v. Fox. Previously, you had to have some relationship between the third party beneficiary and the promisee - the left side of the triangle, as we put it. Today, we need scarcely any relationship

> When asked about the system of testing employed at the law school, Dugan leapt to its defense. "I don't know what else you can do. In some fashion, you have to be tried and tested, and I still think that the written method is the best form. The simple reason is that the Bar Examination is a written test." He went on to say that the semesterly tests gradually help to prepare the student to cope with the Bar entrance. "It would be nice to have orals - period but what are you going to do when you enter the Bar room?

> Does teaching ever become tedious for you? "No, I learn something new every time I walk into the classroom. I'm not really a teacher: I'm a student. There's always a question which forces me to think and to respond to my students."



Dugan and his wife, Ellen Scaggs Dugan, currently reside in Rockville Center on Long Island. They spend their summers in Ogonquit, Maine. "It's a very arty town with a beautiful theatre. We get some of the finest Broadway shows and performers. We've been going to Maine since 1947; our house is up on a hill about three hundred yards from the ocean. We have a private beach, though it is mostly rocks."

The rumor circulates around the school that Dugan is a member of the Million Dollar Club for Lawyers. (Membership requires one to win a case in which the lawyer's fee is one million dollars.) "No, not quite. that reminds me, that I came back from lunch one day and met a group of students outside. One of them asked, Will you take us home in your Rolls Royce?' I said, 'No, but if you like you can join me on the Long Island Railroad.'

AGOO'S

Cozy Atmosphere - Fine Wines

Delicious Foods - Reasonable Prices - Good Vibes

Tel.: 226-9919

21 6th AVENUE

(Off Walker Street) 4 Blocks from NYLS

OPEN: MON. - FRI. NOON - 3 A.M. SAT. & SUN. 5 P.M. - 3 A.M.



On Broadway - Dern and 'Strangers'

by Michael Coneys

Has there ever been someone in your life who so ardently pursued your affections that, although your initial reaction was negative, you finally gave up from lack of sleep? Such was the case of Dorothy Thompson, renowned foreign correspondent of the 20's and 30's, and her untiring suitor, Sinclair Lewis. Their demanding, all-consuming love - a marriage which led to emotional privation - is the basis for a touching, often humorous and sincere play by Sherman Yellen, STRANGERS, at the John Golden Theatre.

After an absence of nearly nineteen years from the Broadway stage, Bruce Dern balances on the tight rope of Sinclair Lewis's manic-depressive existence. The role, though it has psychological undercurrents, is much closer to normalcy than most which Dern has portrayed - it is a pleasant departure since he is too often typecast as the Psychotic of Hollywood. This venture allows Dern to stretch his legs in an unaccustomed personality, one which requires a broad range of paradoxical features.

Dern is a man of tremendous emotional power - sadly never quite recognized for his impressive abilities. He commands the role with astonishing presence. At the same time, he possesses a shy, subtle wit, reminiscent of James Stewart, with which he creates a gentle flow to accompany Yellen's excellent dialogue.

Lois Nettleton, during the scenes in which her character is close to Sinclair Lewis, shines more brightly than a nova; there is a special chemistry between Dern



Nettleton and Dern in 'Strangers'

and Nettleton which creates a truly rare and beautiful experience. However, it may be due to Arvin Brown's heavy-handed direction, her transformation from Sinclair Lewis's wife into the great newspaperwoman of the century is rather forced.

Yellen treats Lewis's visit to the Soviet Union and his ususual reaction to the Russians with marvelous good humor. However, this does not carry over into his treatment of Dorothy Thompson's coverage of the Nazis during the 1930's. Needless to say, the Nazis proved to be an insidious lot; but, this does not excuse the incongruity which results from the uneven treatment. After all, the Soviets were equally repressive during the Stalin years. The unfortunate result of Brown's stress on the Nazi theme, the stark lighting and

set design, and Nettleton's leaden delivery slows the pace of the second act to that of a funeral procession. Fortunately, the occasional flashbacks to the domestic scenes with their pleasant sets and softer lighting concepts — and Dern's presence prevents the production from devolving into a requiem.

The real tragedy of the play and for all New York theatregoers is that the play closed after a mere four performances. Rumors flew that this sad turn of events was due to poor financial management and the low conditions of Bruce Dern's health. One can only hope that, given a bit of time and better backing, STRANGERS may reopen. Overall, it is an excellent piece of dramatic literature, which deserves a better chance for survival.

Dance

Irish Ballet in U. S. Debut

In April, the Irish Ballet Company characters, must be cited as singularly of Playboy of the Western World, a comedic play by the well known Irish author, J.M. Synge. The Irish Ballet Company, founded through the determination and efforts of its Artistic Director, Joan Denise Moriarity, is an international company with a modern repertory, now in its sixth year of existence.

Playboy is a story about a shy, young man who hastily arrives in the small Irish town and finally becomes the town's local hero and sport's champion after revealing that he has slain his father. Choreographed by Joan Moriarity, the dancing was a delightful mixture of ballet and traditional Irish folk dancing, which soon set the audience to toe-tapping.

The performances of Anna Donovan tainment. and Sean Cunningham, the two leading

made its American debut in a dance version outstanding. Their dancing was emotional, skillful, and highly professional

One of the chief delights of this performance was the musical score, composed and performed by Irish musical group the Chieftains. The Chieftains came to the attention of the public with the release of their fifth album, Chieftains Five, in 1975, and also from the musical score they composed and performed for the movie Barry Lyndon. They play traditional Irish instruments such as the Uillean pipes, the tin whistle, and tiompan.

Although the Irish Ballet Company has concluded its two week engagement at the City Center, lovers of fine Irish folk music, a traditional folk tale and excellent dancing should look for the Company in the future for an enjoyable evening of enter-

by Dennis T. Gagnon

Brite Buy Discount Liquors

275 Church Street

Store Hours: 8-6:30 Mon.-Fri.

* * Lowest New York Prices * * *

NO FRILLS!

Vodka & Gin from \$3.92 a gt. Rum & Rye from \$4.05 a qt.

10% Discount on cases of wine

FOR FREE DELIVERY PHONE: 233-4280

Book Offers Model for Corrections

by Anthony Belkowski WE ARE THE LIVING PROOF by David Fogel (Anderson Publishing Co.,

Ramsay Clark, in his book, Crime in America, has stated that "the history of penology is the saddest chapter in the history of civilization. It portrays man at his worst. His cruelty, brutality and inhumanity are unrestrained through most times and most places. Virtually absolute power over nearly helpless people has often wholly corrupted." It is in such a context that David Fogel has advanced his justice model for corrections not in order to present a panacea, but rather, in order to advance the debate in the continuing pursuit of justice.

In order to give the reader a sense of the way in which our current correctional system has developed, Fogel begins with an overview of what he terms "our inglori-ous prison history." Fogel finds, despite the absence of linear legacy, that our correctional history may be analyzed as a series of conflicts, both successful and unsuccessful, centering on the efforts of the inmate or his champions to change his correctionally ascribed status. In prerevolutionary times Fogel sees the kept/keeper relationship as being between pariah and banisher, mutilator or executioner. After the Revolution the relationship was transformed into penitent (hence the need for a penitentiary) and a moral guider. Following the Industrial Revolution, Fogel sees the relationship as one of prisoner and punisher. Once again this was transformed after the Civil War to a patient/ treater relationship. Finally, in more recent times, with more prisoners turning to the courts for status revision, Fogel sees the conflict in terms of plaintiff and de-

In his second chapter Fogel examines the plight of the keeper and the inherent contradictions of the job. Fogel finds the guard to be a product of bewildering confusion and to be caught in a crossfire of contradictory directives and policies, which often results in a retreat to the "good-olddays" attitude of iron discipline. Fogel states that the roles of guards and prisoners are intimately linked and cannot be separated in any corrections model.

In his third chapter, Fogel examines the outcomes of experimental rehabilitation services of the past 20 years and finds that, for the most part, they have failed. After examining the recent developments in correctional case law, Fogel alarmingly states that a Pandora's Box may have been opened by viewing the prisoner in terms of offender-as-volitional.

The remainder of the book consists of Fogel's justice model for corrections and the possible, unintended consequence of the proffered innovations. Central to Fogel's model in the argument that justice requires the harnessing of discretion in sentencing, parole, and administration rather than it elimination. The central organizing principle of the system is intended to be "justice as fairness" which may be far too vague and subject to interpretation for some of Fogel's critics.

What Fogel has done in this volume is to try to answer the question, "where do we go from here?" Whether or not you agree with his conclusions this book is must reading for those interested in the subject due to the inevitability of major change in our current system of corrections.

UNDER NEW MANAGEMENT We now Cater Parties! **NYLS** students welcome as always THE GALWAY 179 WEST BROADWAY JUST ROUND THE **CORNER ON WEST BROADWAY BETWEEN** WORTH AND LEONARD **Hard Liquor**

Hot Sandwiches

Good Prices Too!

Summer 1979

Will America Survive? An Opinion

By B. Marc Mogil*

An astute observer of societal norms and perceptional analysis once cautioned his University class that certain types of cancerous growth, in the core of some body organs, might not be visible to the mass organism until it had done irreparable injury and inflicted a fatal end. He likened this example to a relatively painless social cancer, which, if it spreads progessively within a culture, might cause neither overt symptoms nor universal pain until too much time had passed to be able to save the body in toto. That societal organism - the essence of American culture - is at a crossroads in desperate need preventive excision to insure its survival.

In the closing decades of the Twentieth Century, we have and shall continue to be burdened with national and international concerns, that, if dealt with myopically challenge the very fabric of an individualistic free society. Yet, we somehow stand mute as they smolder. That many of these disquieting concerns have not been met head-on merely reflects our societal cognizance-dysfunction and lack of interactional perception, which seems to be the crux of the dilemma. Our culture is slipping from us, our problems yearn for intelligent and and forceful solutions, yet our leaders do not react. We simply are not being taught and encouraged to retain that ability, to maintain control of our national destiny.

Internationally we idly witness socialist "unsettling actions," manipulated fuel shortage, and unchallenged barbarism which goes suspiciously uncriticized by "world

Domestically, our perturbations give us no less reason for the need of planning: economic and moral strife resulting, in part, from the unskilled worker who must pay more grieviously for his lack of skill within the private industry sector, increasing antagonism by educated and affluent Americans to the "downward equalization" of the fruits of their endeavors by the Federal Government which has imposed outrageous, burdensome income taxes, racial employment standards and educational quotas, and such other "reverse discrimination" measures. All of these hit hardest against Americans who work for a living, abide the law and value quality education for their children. These are the real American "underprivileged," who have every right to object to the lowering of standards to make "normal" as a political accomodation the embarrassing antics and inabilities of the most inept among us. These working people object to university open admissions policies, which have conveniently lowered academic standards to the level where some college students are graduated as functional illiterates.

To an extent, this lack of perception of these very real problems is aided and abetted

by our age of "hypermediasaturation." This nuance can be evidenced by the comparative decline in youth participation in formalistic education which requires a degree of effort, such as classical culture, literature, the arts and languages. The names Chaucer, Beethoven, Salk or Cardozo might just as well be characters on Laverne and Shirley for many of our people. It is the realm of expectation of delineated knowlege norms, and the butchery of the desirability of even the aura of the term "correctly educated," that has contributed in part to our national numbness for the very problems that could be America's end. It is this lulled, uniformed apathy that mollifies our liberally molded people to envision that all the world's players are as well-intentioned and fair-playing as we, and to tolerate "balanced" foreign policies which naively treat our adversaries as generously as our allies. Thus, an end can be tragically predictable if only one of two combatants abides by Marquis of Queensbury rules. It is this same theory which gives murderers and rapists (political prisoners?) more rights and considerations than their victims, or the police who risk their lives apprehending them.

We are, through this hypocrisy, fast becoming a nation devoid of reason and national sense of direction, oblivious that our Rome may be burning. Unless we promply take hold of our reins and yell "whoa," the horse will be deciding where our American wagon will go. This would be most grievous since we have come so far, with such sweat and potential.

Internationally, we must begin to function within a framework that is best for America and its friends, and not yield to the pressures of nations set upon our demise by way of terror or propaganda.

Domestically, we are morally bound to markedly raise our educational standards by toughening and making absolute the criteria for academic advancement, and by teaching our people the beauty and intricacies of their own language.

America must and will survive, and we shall retain our culture, values and international wits, for there is no acceptable alternative: there are just too many other world powers, licking their chops in anticipation, waiting to "help" with the reins to our wagon after we lull ourselves nicely to sleep.

*The author holds a Juris Doctor degree from NYLS (1974) and is a practicing attorney in Great Neck, New York. (From an article copyrighted in 1978)

†The views expressed in this article are not necessarily those of EQUITAS. We welcome any rebuttals or comments.

A Wall St. Disappointment

by Linda Rawson CO., \$8.95.)

Caveat emptor. The Associates has great anticipation, an interesting cover and a well-known name preceding it, but does not live up to any of these. It is an ambitious idea, but poorly executed. The story structed and interspersed with trite descriptions of nature as seen from tall New York office buildings. The nature descripthe eccentricities of many of the less welldrawn characters.

The plot unfolds in a large New York law firm set on Wall Steet. The protagonist is a newly minted lawyer, pursuing his journey through associatedom sometimes accompanied by his lady-love and a philosophical best friend. The life of the firm is depicted from the point of view of the protagonist and the philosopher friend. We see the partners and other associates in relationship to the often prickly triangle friendship formed by these three.

The beginning of The Associates is more enjoyable than the end; it gives the appearance of more careful writing. As the book progresses, events become increasingly disjointed, the characters become more unbelievable and extreme, the er and the metaphors get worse. example of the wooden nature of the writing is presented by the author's use of the extended metaphor of carpentry during a big sex scene: "her legs like the frame of a house, stout wall posts straight to the floor, knees for joints, the thigh roof beams curving up, ending in the dark eave." It goes on.

The ending is weak and facile, as if the author grew tired of his characters and decided to put them out of their misery and to get on with his own life.

There are some unusual character THE ASSOCIATES, BY JOHN JAY sketches and humorous moments in The OSBORN, JR. (HOUGHTON, MIFFLIN Associates, and the pace is certainly not dull. Women do not fare well at the hands of John Osborn (the love object here could make Bella Abzug look like a lamb), but then, most of the other characters do not

If you are a lawyer, will be one, know line is interesting, but often shakily con- one or are just curious about the Wall Street lawyer subculture, you will probably at least want to glance at this book. And you may well enjoy its pulpier aspects, tions become tedious after a while, as do especially if you can't sleep, it's 3 A.M. and your only other choice is Prosser on Torts.

Commencement 1979

(continued from page one)

Dean's Medal. Next was the presentation of Honorary Juris Doctorate Degrees. This year's recipients were Barbara Knowles Debs, President of Manhattanville College; Abraham S. Goldstein, former Provost for Yale University; Jacob Javits, Senior Senator from New York; Wade H. McCree; Francis T. Murphy, Jr., presiding Justice of the Appellate Division, First Department of the New York State Supreme Court; and Potter Stewart, Associate Justice of the United States Supreme

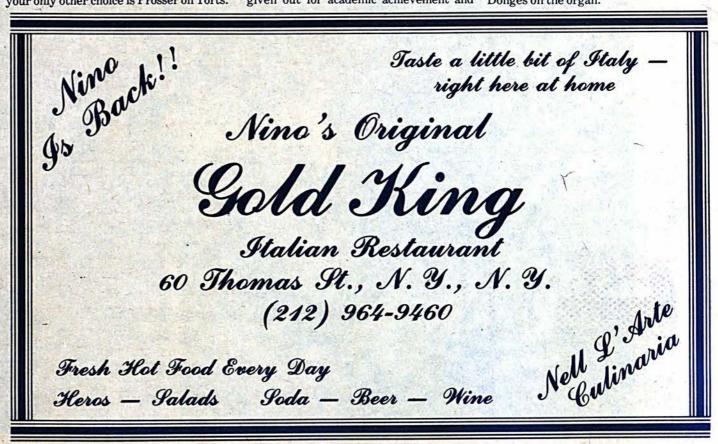
Various student awards were then given out for academic achievement and

participation in student organizations.

Althouh the audience had applauded throughout the ceremony, the largest applause (including bravos and hallelujahs) was reserved for the presentation of degrees to the graduating seniors.

When all the degrees had been conferred, the seniors, sitting in the first several rows of Avery Fisher Hall, turned around in their seats and applauded their family and friends who had supported them through law school.

The Class of '79 then marched out as C. M. Wider's "Toccata from the Fifth Symphony" was played by Christopher C. Donges on the organ.



Oct. 23 Oct. 24 Oct. 25 Oct. 29 Oct. 2 Oct. 3..... Sept. 25 Field Office, 201 Varick Street. Resumes of interested students must be received by Office of the General Counsel in Washington 3 weeks Sept. 10 DATE FALL ON-CAMPUS RECRUITMENT SCHEDULE (TENTATIVE) Anderson, Russell, Kill & Olick, P.C.Brown, Wood, Ivey, Mitchell & PettyU.S. Customs ServiceShea, Gould, Climenko & CaseyKaye, Scholer, Fierman, Hays & Handler Judge Advocate General Corps-Army .Community Service Admin .Securities & Exchange Commi .Mudge, Rose, Guthrie & Alexander Nassau County District Attorney Kroll, Edelman, Elser & Wilson Bronx District Attorney .Kostelanetz & Ritholz

New York Law School 57 Worth Street New York, New York 10013

Non-Profit Org.
U.S. POSTAGE
PAID
Clifton, N.J.
Permit No. 1

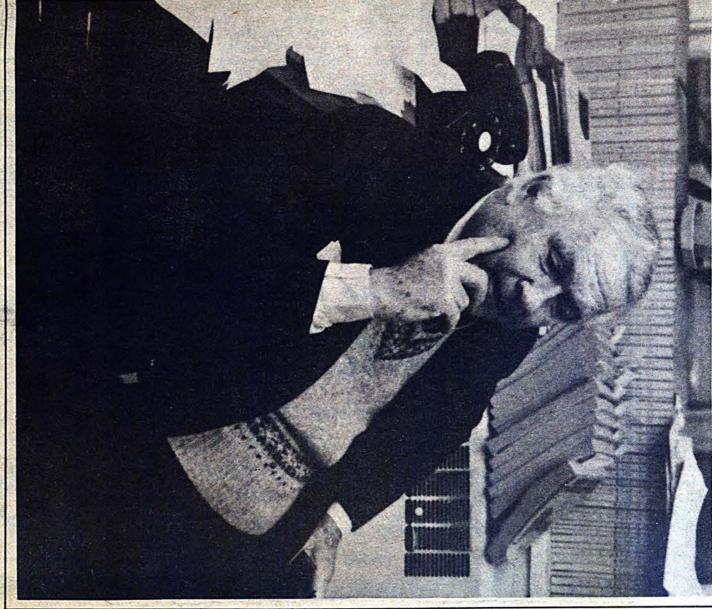
Dated Material
Address correction requested

AEQUITAS NewYork Law School

Volume X, Number 7

© EQUITAS 1979

Summer 1979



Prof. John Dugan — A Faculty Profile see page 9