Student Groups Recruit Members at SBA Bash

Fourteen student organizations participated in the "Organization Day" party sponsored by the SBA on Thursday, September 4th. The purpose of the bash was to gather students together in an informal manner and, particularly, to give new students the opportunity to speak with representatives of various organizations. Student groups represented at the party were: Equitas, BALLSA/Indian Law Society, Center for Law and Public Policy, Consumer Center, Environmental Law Society, International Law Society, Journal of International and Comparative Law, Labor Law Association, Law Review, Legal Association for Women, Most Court Association, National Lawyers Guild, Phi Delta Phi/Supreme Court Historical Society, and SBA.

Chris Johnson, SBA President and organizer of the party, indicated that the event was the only first of numerous festivities planned for the upcoming year. Also on the SBA calendar is a vote on a new constitution for the organization. Last year's proposed amendments failed to win the required 60% student approval.

New Arrivals

by RISA COHEN

New York Law School has added many new professors to the teaching staff this semester. These new arrivals are B.J. George, Jr., Richard Baxter, and Kristin Glen.

Professor George attended the University of Michigan, where he received his B.A. and J.D. degrees. He is a recipient of the prestigious Order of the Coif, and an Associate Editor of the Michigan Law Review.

Upon graduation, Prof. George was a Special Investigator in Richmond County, and later went on to serve as Assistant Prosecuting Attorney in Michigan. He has taught at University of Michigan Law School, NYU Law School, and Wayne State University Law School. Most recently, he was President of Southwestern Legal Foundation in Texas.

Professor George has written over 20 books dealing with various phases of criminal prosecution and over 60 major articles, some of which have appeared in Japanese and French legal publications. He has also worked on two legal films entitled The Adversaries, a training film for the U.S. Department of Justice, and And Justice For All, a juror orientation film. This semester, Prof. George is teaching Evidence here at NYLS.

Professor Baxter is a graduate of American University's School of Government and Public Administration, where he received his B.A. He received his professional training at Columbia Business School, where he obtained his M.B.A. and at Columbia Law School, Professor Baxter was an associate in the Tax Department of Leboeuf, Lamb, Leiby, and MacRae, and is presently Tax Counsel of Rudin, Barnett, McClosky, Schuster and Russell of Fort Lauderdale.

He is experienced in a wide range of corporate and individual tax considerations, partnerships, international taxation, employee benefit plans, ruling requests for the IRS, and problems concerning sales and real property taxes. His non-tax experience includes corporate documents, private placement offerings, mergers, and environmental law. This semester, Prof. Baxter is holding classes in Corporation Law.

Professor Glen received her undergraduate education at Stanford University and her LL.B. at Columbia Law School. Upon graduation, Prof. Glen was a law clerk for the court of appeals, Second Circuit. For the last 9 years she has been in private practice and was involved in litigation in various fields, including constitutional and criminal law, sex and race discrimination law, and communications and domestic relations law.

Law Review Welcomes New Candidates

by LAWRENCE GELBER

The New York Law School Law Review recently invited 69 students to be become candidates for membership. Invitations were extended to 38 day division students and 16 evening division students, and 69 additional candidates were considered at the end of the law school with a cumulative grade point average of 3.0 or above. Among the remaining five invited students were selected on the basis of entries submitted in the writing competition. A total of 269 students met the deadline of September 2, 1980; 141 students entered the competition. Managing Editor Richard Giles explained that "excellence is the criteria" for extending invitations to the competition.

The Law Review is a scholarly publication that reports on recent or significant changes and trends in the law. The new candidates are required to submit case comments, which are thoroughly researched analyses of significant judicial decisions. If the candidate is successful in writing a case comment that meets the Editorial Board's standards of publishability, he or she has also performed satisfactory work on a "cite" and substance paper, the candidate will be promoted to staff status.

In addition to the time spent on researching and writing their case comments, the candidates are required to devote 15 hours per week (8 hours for evening students) to their case and substance teams and office work.

The invitees to candidacy are: Day Division: Estelle Alpert, Carol M. Bast, Michael J. Buckley, Richard R. Byrne, Gindy Byrnes, Susan Coladelfy, Joseph A. D'Avanzo, Loretta Davis, George DeLucia, Andrew Drquen, Donna Ferrara, Howard Fifer, Irv Fisher, Paul V. Gagnon, Claire Hancock, Deborah M. Jordan, Randi G. Kapelner, Robert Kiedaisch, Annette Koth, Theresa Konecni, Christine Lepper, Mary Libassi, Matt Mason, Meric Michaels, Fay Ng, Bruce E. Pulver, Joanne Redden, David Richman, Stefanie Roth, Michael Schwartz, Jeffrey Seymour, Diane Silverlaeg, Howard Stern, Gale Stoppert, David W. Thompson, Hovey Widhelm, Harry Wallace; Evening Division: candidates are: Moses Apsan, William Betz, John Carberry, John Clancy, John Edeles, Ralph T. Gazzillo, Karen Honycutt, George Klein, Marilyn Levine, Michael O'Connell, Ellen Perle, Martha Rix, Eric Ross, Martin J. Silverman, Ellen Wagner and Claire A. Zimmerman.

Writing competition winners are: Law School at NYLS. In addition, Prof. Glen is serving on the Civil Court Bench in New York County.
Chess Club Update

The Chess Club is back at NYLS for the 1980-81 school year. Last year was a very successful one for the club which is hoping to do even better this year. The Chess Club invites all chess players, novices to masters, to join in its Friday afternoon session. There are no dues to pay and everyone becomes a vice-president. So, stop in at Gil's, introduce yourself, take a seat, a push some wood.

Chess Club activities last year included weekly chess sessions, a USCF-rated tournament held at NYLS, and participation in the Metropolitan Chess League. The seven-member team, alternating on four boards, played six matches through April and May at the Jamaica Chess Club in Queens. The NYLS team captured first place with a 4-2 record. In addition, this reporter is in line for a board prize with a 5-0 individual record. The club is optimistic about entering a team for this year's Gil's Arguments for Repealing the Formulas, 2 insofar as it may be expressed, according to which American judges decide cases. But we look forward to you at the end of the session.

The club is also planning to hold another tournament at NYLS later this year. Further details will be available in future issues of AQUITAS and post in Gil's.

Whether you are an accomplished player looking for a game, or a beginner looking for some tips on how to find a mate, we look forward to seeing you at the exhibit and at the Friday chess sessions.

The Lawyer's Role in the Judicial Process*

by EDWARD D. RE

Much of what is written and said about the American judicial system focuses on the role of the judge to the neglect of that of the lawyer. Too often judges, lawyers and the public, think of the decisional process as the sole responsibility of the judge. Such a thought falls short of the fact, and does violence to the cooperative effort that must prevail if the adversary system is to succeed.

It must be admitted, however, that there is an explanation, if not justification, for the neglect in the appreciation of the role of the lawyer in the decisional process. Too often, in understanding the judicial process, the concentration of effort has been on the mental process of the judge. The judicial process seemed naturally to imply the presentation of a single mental process. The inquiry seemed to be: How does the judge decide the case presented: What factors does he consider and what are the elements that move him?

All judges and lawyers are familiar with Mr. Justice Cardozo's The Nature of the Judicial Process. His incisive and penetrating introspective searchings of the spirit have been most helpful. They have offered insight to countless law students, and valuable instruction to many grateful judges. It would be vain or presumptuous to ask for a finer exposition or discussion of "the formula, 2" insofar as it may be expressed, according to which American judges decide cases. But here again the analysis and effort center around the role and contribution of the judge.

What remains to be done is to extend and give prominence to the contribution of the lawyer in that process properly called by Mr. Justice Cardozo, the "judicial process."

One aspect of the lawyer's work that demonstrates clearly the lawyer's contribution to the judicial process is the writing of briefs. It is the writing of briefs that are prepared by the lawyers who are responsible for the presentation of a case to the court. When the crucial part that a brief plays in the decision of a case is appreciated, briefs will be written with greater care and thoroughness.

Justice Rossman, a former Justice of the Supreme Court of Oregon, noted the relationship between the lawyer's brief and the judicial decision by asserting that: "If better briefs are written, the court will produce better decisions."

This statement highlights the input or contribution of the lawyer to the end product of the adjudicatory process, i.e. the judicial opinion. It is the lawyer who, in the first instance, must prepare the case and submit his authorities for adjudication. And it is frequently the lawyers who are told that briefs are poorly written and that oral arguments before appellate tribunals are neither helpful nor effective. The criticism of course, is sometimes justified. It is possible, however, that briefs and oral argument are of low caliber because judges often fail to indicate the importance that they attribute to briefs and oral arguments. Lawyers will devote valuable time and effort in the preparation of briefs and oral arguments only if they believe that their contribution to the decision of a case is necessary and important.

Many specific examples can be given of the contribution of the lawyer's brief to the judicial opinion. Some reveal the authorship of certain passages and phrases that are well known to historians and lawyers. Their origin is often attributed to the author who authored the opinion. Research, however, will reveal that many famous phrases represent the skill and hard work of counsel who submitted the case of adjudication. One example is the well-known utterance of Chief Justice Marshall who, in the famous case of Marbury v. Madison, 5 U.S. (1 Cranch) 137 (1803), wrote: "The power to tax is the power to destroy." A reading of the brief submitted by Daniel Webster in that case will show that the words were inspired and borrowed from the brief of that great lawyer.

An appreciation of the role of the lawyer in the judicial process adds a new dimension to the indispensable requirements of thorough preparation and competent presentation of a case. In discharging his professional responsibility, the lawyer fulfills his duty to his client, renders valuable assistance to the court, and performs a vital public function in shaping, developing and improving the law itself.

The adversary system will work only when lawyers appreciate the important contribution that they make to the judicial process. It will be truly worthy of preservation, and the confidence of the people when those most responsible for the administration of justice perform their duties in accordance with the tradition and ideals of both bench and bar.

As Chief Justice Vanderbilt aptly indicated: "The process of deciding cases...involves the joint efforts of counsel and court. It is only when each branch of the profession performs its functions properly that justice can be administered to the satisfaction of both the litigants and society and a body of decisions developed that will be a credit to the bar, the courts and the state."*1

*2Roszman, Appellate Practice and Advocacy, 34 Ore. L. Rev. 73 (1955).

The following events/activities have been tentatively scheduled by the Student Bar Association:

<table>
<thead>
<tr>
<th>Event</th>
<th>Date</th>
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<tr>
<td>Mini Marathon</td>
<td>Saturday in mid to late October</td>
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<tr>
<td>XMAS Party</td>
<td>December 2, 1980</td>
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<tr>
<td>Welcome MYA</td>
<td>February 5, 1981</td>
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<tr>
<td>Bermuda Party</td>
<td>April 9, 1981</td>
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<tr>
<td>End of Year Party</td>
<td>April 23, 1981</td>
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Student Bar Association meetings will be held on the following dates during the Fall Semester:

<table>
<thead>
<tr>
<th>Date</th>
<th>Room Location</th>
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<tr>
<td>September 2</td>
<td>Room locations</td>
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<tr>
<td>September 15</td>
<td>Room locations</td>
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<tr>
<td>November 11</td>
<td>Room locations</td>
</tr>
<tr>
<td>November 24</td>
<td>Room locations</td>
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All meetings will be held from 5:00 P.M. to 6:00 P.M. Room locations will be posted ed prior to each meeting.
THE TENURE WARS

Fall came early this year to Harvard-on-the-Hudson. On August 18th, to be exact. The ivy covering 37 Worth, were there any, would have been full and lush, and the neat rows of nonexistent stately elms criss-crossing the nonexistent academic quadrangle showed not a hint of autumn color.

As the continuing students gathered in Gil's over murky coffee, a nicker dearer than what they recalled from May, one could easily sort out the bronzed missions returning from Amassagunt or New Mexico (usually returning a promising young convict downtown to prime) from the sallow-cheeked Summer Associates (cheerfully returning to the world of 14-hour weeks where the moment of truth comes only once in four months.)

From table to table, snatches of conversation were heard with monotonous regularity.

"Would you believe he made Law Review? Christ! I had to explain McDeugah to him, and he got an A and I got a C."  

"I heard she got an offer from Proskauer. If she takes it, that's one less name on the his/her scholarship; students will be long gone in a year or two, am the applicant's enough students to please them."

"It's in 12 Southern . . . called Jason . . . just drop the book on the floor and it will open to the right page."  

And inevitably,  

"Did you hear the bastards denied him tenure? Figures. He probably didn't sink enough students to please them."

While talking through one's hat is a vice not unknown to lawyers and law students, there is probably no subject more discussed and less understood than tenure. More likely than not, this is because of the world of lawyers is one in which you are only as good as your last memo or most recent courtroom presentation. Rewards are given for current performance, and tittles justified on a "What have you done for me lately?" basis, and not on long years of faithful service.

Yet the law schools belong more to the world of academia than of law. While successful notions are perfected within days, works of scholarship may gestate for years. The success record of a litigator can be accurately expressed over a period of months, or faculty and only for scholarly growth has been living on a steady diet of Easter-bunny eggs.

Each year the tenure committee reveals the results of its deliberations to the faculty at the fall meeting. If the faculty and Dean have agreed, the trustees are expected to grant tenure in the absence of what the AAUP Statement calls "compelling" reasons. To be clear, where the faculty and Dean have made a determination, the trustees are expected to perform the executive function of actual appointment subject only to their responsibility, inherent in the fiduciary relationship to the institution, to decline to act if they have a good faith belief that in so doing they would cause actual harm.

Once granted tenure, the new member joins the Rack and Tenure Committee and is removable from his/her place in the Community only for good cause.

It is the years between first hiring and tenure decision that creates all the fireworks, since anyone who believes that the candidate is only being observed by the tenure faculty and only for scholarly growth has been living on a steady diet of Easter-bunny eggs.

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Students Work on S. Ct. Brief

Three NYLS students enrolled in last semester's Communications Law Clinic participated in the preparation of a brief for the United States Supreme Court. The students involved were Michael S. Hassan, Madeline Nichols, and Mark Conrad, who performed research, drafted memos, and checked cites. They were under the stewardship of Professors Kristin Booth Glen and David Rice.

The case, WNCN Listener's Guild v. FCC, deals with the issue of radio formats and involves questions of communication, administrative, and First Amendment Law. The controversy arose when the Federal Communications Commission issued a Policy Statement that permitted unrestricted competition to determine radio formats with little FCC involvement. The aim was to insure diverse and unique formats. This approach was a direct repudiation of a U.S. Court of Appeals decision on this issue. That case, WEFM v. FCC, held that the Commission is obliged to determine whether a format that would be lost when a radio station changes its programming is unique. If so, the court concluded, a public hearing must be conducted before the change of format can take place.

Several public interest groups challenged the Commission's policy statement, including WNCN Listener's Guild, represented by Professor Glen, and Classical Radio for Connection, represented by Professor Rice. The Court of Appeals, D.C. Circuit, agreed and repudiated the FCC's order. The FCC along with the National Association of Broadcasters, and ABC petitioned the Supreme Court for certiorari, which was subsequently granted.

The brief consists of three main arguments: (1) that the Court of Appeals applied the appropriate standard of review; (2) that its decision is in accordance with the regulatory provisions of the Communications Act of 1934; and (3) that its decision is consistent with First Amendment principles.

Arguments will take place in late October or early November in the Supreme Court.

Toxic Wastes...

continued from page 1

The Environmental Law Society was formed in the Spring of 1979 to provide support to lawyers and organizations in the field, to provide scholarly information to the legal community, and to train members in environmental advocacy. The society has published a newsletter called LAW FOR NATURE and has sponsored several lectures. Lecture topics have included federal enforcement of air pollution standards, litigation to prevent the licensing of a nuclear power plant, and compliance with the New York State Environmental Quality Act. Last September, the society held a day-long symposium on the legal problems of implementing solar energy usage. The society has a small collection of articles, literature and directories of environmental groups that is available for student use and is kept in the ELS office in C309.

Eight new officers will have been completed on September 23. Under its new leadership, the Environmental Law Society will continue to keep the NYLS community aware of environmental issues that affect it.

ALUMNI REMINDER

Please send your membership dues to:
Office of Development and Alumni Affairs
New York Law School
57 Worth Street
New York, N.Y. 10013

Membership Rates: 1976-1980 $5.00
1975-prior $20.00
Retirees $10.00

CLASSIFIEDS

classifieds

Typewriters needed for AEQUITAS—IBM Selectrics or Executives preferred. If you have an old typewriter you can afford to part with, please think of us! We're desperate!

For Sale: Apple Spa membership; 8½ months remaining—regularly $400, will sacrifice for $175 or best offer. Three locations, all facilities. Call Andrew or Karen: 596-2808.

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Kevin Costello
K.A.O'Connor
Bill Walsh
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Dino Marancio
Rosa Cahen
Jane Magellan
Cherie Hancock
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**Boston, Massachusetts 02116**
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To the Editor:

As aspirants to a profession in which honesty, integrity, and the objective value of one's work are said to be the controlling elements, it is not only necessary to publicize the fact that grey areas exist but that they are highly significant in their assessment of one's suitability to practice in the profession. The primary manifestations of this suitability, or lack thereof, are their grades. Grades are the most important factor in any law student's initial foray into the legal profession. They open and close doors. In recognizing this, NYLS last year has implemented anonymous grading procedures.

Theoretically, anonymous grading will assure an evaluation of students' work, eliminating both personal preferences and dislikes that will inevitably arise for certain students on the part of professors during the course of a semester or two. Professors' personalities are generally based on class participation, but, as is the case with all human beings, they are sometimes based on other factors as well, such as perceptions of authority, character, and even their attractiveness (real or imagined) and identification with others' perspectives. So anonymous grading is theoretically a fine idea. Unfortunately, at NYLS it does not work—if it ever existed. The primary evidence that anonymous grading does not work is the general policy of permitting professors to impose a one-third-to-one point increase or decrease on a student's grade on the basis of class participation. The adjustment is made by the professors after they receive from the Registrar a list of a student's names matched to their grades, after exams have been corrected and identified by means of randomly assigned numbers. However, this is not the case, nor should it be. But students do have a right to know by what criteria their applications will be judged so that they can plan accordingly.

Most students and professors fail to see that this inequity could easily be remedied. A professor may have had a good reason to raise a grade or to lower a grade because he thinks someone "should do better" (or worse?), but no one else can see that. The professor is not required to explain his reasons to the student. An honest investment of time, effort, and good faith may go for naught, or for a professor ever to see a student's grade and executing my job search.

What are the implications of such behavior in a profession where the grasp of facts and issues and excellence in performance have always been the determining factors? People may become disillusioned. Some professors after they receive from the Registrar a list of a student's names matched to their grades, after exams have been corrected and identified by means of randomly assigned numbers. However, this is not the case, nor should it be. But students do have a right to know by what criteria their applications will be judged so that they can plan accordingly.

Why is it that students in the Urban Legal Studies program don't seem to get grants? Is there a bias against students belonging to certain organizations? And why does it take so long for decisions to be made? Some of us filed our applications at the beginning of the Spring semester, only to have to wait until late August or early September to hear whether or not our grants have been renewed—when it is often too late to make alternative arrangements.

And why do many students feel that a professor has determined to identify students to accommodate them, or is he to base his student's grade on facts of law and reason and prepare to meet those criteria as thoroughly and fortuitously as possible?

Steps must be taken to assure that anonymous grading is just that. Many students feel that if a professor is determined to identify students to accommodate them, there are ways he can do this. There should not be. Too much hangs in the balance. An honest investment of time, money, and effort demands an honest return, for law students as much as for anyone else.

Name Withheld

As you may already be aware as a result of the Placement Office's recent survey, I obtained a position as an associate attorney with the New York firm of Men-
Answers and Counterclaims...

continued from page 6

for it "failings" in securing employment for graduates. Unfortunately, many of its detractors have never taken the opportunity to avail themselves of its services, while still others wrongly view the office as a guarantee of employment. Of course, I too opine that there is room for improvement in Placement services, but it should be conceded that much improvement in areas such as on-campus recruitment will naturally follow upon the growing reputation of NYLS in the legal community.

Nevertheless, I have noted one glaring shortcoming in the Placement program, for which the student body itself must largely bear the onus and which they are in the best position to rectify — i.e., underutilization of the services of the student body. It is a regrettable fact that many graduates perceive Placement as a "private employment agency", exclusively for the use of Law Review candidates and top Georgetown University Law Center. The only follow upon the growing reputation of child of Israel wandering in "less prestigious" firms. However, I advise my fellow graduates and current students to savor their critical swords until they have put Placement to a fair test. Obtaining a desirable position in today's legal job market was indeed tough. At times I felt like a child of Israel wandering in the desert, searching for a land with milk and honey (money?). Fortunately, the search did not last 40 years.

Joseph P. Monteleone
Publicity Director

To the Editor:

The inmates of Green Haven Correctional Facility who were shipped out after being falsely accused of being "potentially disruptive" threats to security, ask for your help in investigating and publicizing our plight. We have been working within the system for a long time, trying to remedy some of the worst abuses in the New York prison system. These abuses include the physical brutality (including beatings), denial of medical care, religious persecution of Jews and Muslims, the malicious or careless destruction of our personal property (including legal papers), harassment by guards (e.g., refusing to allow inmates to go to scheduled classes, hospital appointments, etc.), filing false charges against inmates who complain, harassment of inmates who try to use the law library, ridiculous delays in legal mail and legal copying (both of which we have to pay for), harassment of inmates' programs (such as Alcoholics Anonymous and the Jaycees), and the cutting back on schooling and other programs by which inmates might be able to rehabilitate themselves. In most other states, a prisoner will see the Parole Board for possible release after serving one-half, one-third, or even less of his minimum sentence: New York State, however, requires that every day of the minimum sentence be served in prison, giving New York some of the longest and harshest sentences of any state or country in the world. Those inmates who are willing to work to rehabilitate themselves should be allowed to earn "good time" off their minimum sentences, as was the case only a few years ago.

Many of us have been forced to accept legal counsel for our appeals who do not want to, and refuse to, do a proper job of representing us, flagrantly violating the Code of Professional Responsibility. Many of us have found it difficult or impossible to get our complete trial transcripts for our appeals, again something that is supposedly guaranteed by state and federal law. We urgently request the New York State and American Bar Associations to investigate and remedy these problems. The Department of Corrections has set up two mechanisms by which we are supposed to get our grievances settled: the Inmate Grievance Committee and the Inmate Liaison Committee. Although these are good for solving some minor problems, they cannot solve serious problems such as denial of medical care or the law library, because the Department of Corrections simply ignores their recommendations, even when those recommendations have gone all the way up through the Commission of Corrections.

As a result of the willful indifference of the prison authorities, many of us have been forced to go to court to get such basic human rights as medical care. This is a long, difficult, and expensive (for the taxpayer) process, and often results in vicious harassment. It is not even unusual for inmates to be beaten or to die as a result of the deliberate denial of medical care by prison authorities (see Johnson v. Harris, 479 F. Supp. 333 (1979), for a recent example of a Green Haven case).

On Sunday, July 20, 1980, in order to emphasise their grievances, the inmate population held a 1-day fast. Superintendent Harris immediately called a meeting of some of the inmate leaders to discuss matters. A tape recording was made of the meeting and was broadcast to the inmate population, and included the promise that no reprisals would be made against inmates for their complaints, and no one was shipped out. This was a treacherous lie, as was proved by subsequent events.

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Tenure Wars...
continued from page 7

In fact, both the Dean and the tenured faculty (who will eventually make a joint
decision of sorts) are observing the novice from their own unique perspectives. The senior
faculty are seeking a potential colleague who is bright, reasonably defensible to his/her
senior, pulls his/her own weight, and has a fairly well-developed sense of class solidarity
in faculty-versus-administration matters.

The Dean, who is nominally the most senior member of the faculty but in effect the
central figure in this conflict, is seeking someone who fills classrooms, satisfies
(but need not thrill) students, publishes sufficiently to maintain good visibility for the
school, maintains grading standards, and is moderately cooperative (read "pliant") in
dealing with administrators.

The conflict, of course, inherent, and the junior faculty member is doomed to spend
his/her courtship with a host of truly awful people. Statistically, what is called for is a low profile and a fair
amount of gentle hypocrisy. A major offense offered up to either camp is a death warrant,
since either can block tenure.

There are three basic types of junior faculty doomed to failure:

- The Showboater maintains a brash style and a high profile. He/she courts the attention and admiration of students with a humorous and irreverent classroom style. He/she is outspoken in public support for students in every grievance with the administration, irrespective of the merits, and generally promotes a "we-they" atmosphere pitting him/her and the students against the Old Guard, composed of faculty and administration.

As a consequence, both have a vested interest in unloading him/her as soon as possible. He/she will fight to hold on, citing high student evaluations, and will suggest to students that he/she is being purged for being their champion. He/she is inevitably buried, accompanied by the wails and moans of distraught students in an extra-large casket sufficient to build a corpse with a bloated and gnarled ego. Occasionally, a public autopsy follows in New York State Supreme Court.

- The Bad Boy is usually one of the best and the brightest around. He/she attracts a smaller but more dedicated following among students than the Showboater. His/her discipline is compromised by criticism of scholarship, and dedication, and with their mentor form a close and clannish nucleus that is offensive to faculty and administration, and the remaining students alike. The Bad Boy gets his/her name from the irresistible compulsion to go public with his/her contempt for both colleagues and administrators, and attracts attention in a poisonous seat of whale-haters. His/her academic life story follows the plot of "The Emperor's New Clothes," but lacks the happy ending. Funeral services tend to be sparsely attended.

- The short, unhappy life of Johnny-Janey-One-Note tends to throw off the greatest number of sparks as this exploding star stutters for oblivion. Johnny-Janey is a rebel with a cause because there is none else. Consumed with concern for the Sperm Whale, when Johnny-Janey is assigned to teach a course in Constitutional Law, every illustrative example and every assigned case seems to have something to do with aquatic mammals. The natural criticism this tactics elicits is deflected with the incontrovertible statement the New York Law School is the only school to offer a full course in whale biology. Funeral services are held at the South Street Seaport, where all true believers impale themselves on harpoons as a symbolic protest.

New York Law School has had no more than its share of Showboaters, Bad Boys, and Johnny-Janey-One-Notes. What creates the popular impression that battle of the Argonne
is the rightest around, S/he attracts a large but more dedicated following, and will suggest to prominent union, management, and neutral speakers to the school.

The dean at the Modern Tenure Wars is being fought on Worth Street is an unfortunate coincidence of timing and events.

When an institution has a relatively small number of tenured faculty (NYLS had seven in 1978) and is undergoing a rapid expansion, two things happen. First, as a result of massive hiring, junior faculty come up for tenure consideration in little groups of three and four rather than separately, and each grant of tenure is capable of tipping or creating a
new majority on the Rank and Tenure Committee. Both the Dean and senior faculty are therefore even more prone than usual to scrutinize candidates carefully to determine loyalty and internal political predilections, since control of the rank and tenure process itself is at stake.

A faculty on the brink of unionization, generally underpaid, and powerless in the face of a strong, ambitious, and dynamic Dean with de facto carte blanche from the trustees is prone to favor activists for tenure and likely to overlook the more traditional considerations.

An administration seeking to build a national reputation is more concerned with strong, publicly visible scholars who are team players.

The storm broke at NYLS in 1978 when the first crop of new blood faced the Rank and Tenure Committee, Professors Lippman, Erickson, and Harbus came up for tenure, and the Committee voted affirmatively on all three (6-1, 5-2, and 7-0). Officially, Dean Shapiro concurred in the recommendations, but was rejected by the trustees. Many observers expected. What apparently came as a surprise was the reaction of faculty (tenured and untenured) whose votes were not on the line. Seizing that the very integrity of the faculty governance system was being challenged, Professors Brook, Zupane, Schroth, and Cerriti joined the aggrieved Lippman, Erickson, and Harbus in filing a complaint with the American Association of Law Schools.

Caught red-handed, the response of the administration has been to engage in an orderly, tactical retreat—cojntrolling, persuading, and offering cash settlements to the dissident and disaffected in return for quiet resignations. For one caught in the tenure battle, the combination of cash and a good recommendation is an offer not to be refused lightly. The alternative, fighting it out, is a no-win proposition, which at best leaves the young faculty member with tenure, a hostile administration, and no prospects. At worst, it leaves him/her out of work and with a reputation in the national Dean's Old Boy Network that virtually guarantees a lifetime reserved spot on the unemployment line.

If there is any lesson at all for students in all of this, it is that involving oneself in a tenure struggle is tantamount to interfering in the marital disputes of strangers: the battle has surfaced, the first casualties—truth and principle—have long since been carried off the battlefield. The student's input, if it is to weigh at all in the balance, must be felt at a much earlier stage. The student who keeps in mind that he/she pays $6.55 for each clock hour spent in the classroom will be heard where it matters—the registration form.

Labor Law Association

New York Law School has strong points as well as weak ones, and one of its greatest
strengths is its labor relations curriculum. A number of fine courses are offered, including
Basic Labor Law, Advanced Labor Law, Public Sector Labor Relations, Collective
Bargaining, Labor Arbitration, National Labor Relations Board Practice and Procedure,
Title VII Discrimination, and Administrative Law. Students wishing to specialize in labor
relations will be well-prepared for the real world in the future.

The Labor Law Association, a student organization, conducts programs and discussions,
and brings prominent union, management, and neutral speakers to the school.

When an institution has a relatively small number of tenured faculty
(NYLS had seven in 1978) and is undergoing a rapid expansion, two things happen. First, as a result of massive hiring, junior faculty come up for tenure consideration in little groups of three
and four rather than separately, and each grant of tenure is capable of tipping or creating a
new majority on the Rank and Tenure Committee. Both the Dean and senior faculty
are therefore even more prone than usual to scrutinize candidates carefully to determine
loyalty and internal political predilections, since control of the rank and tenure process
itself is at stake.

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that the trustees had merely been designated to take the inevitable heat.

Whatever the motivating force, countermovements by those directly affected were expected.

Wagner Board Announced

It is with great pleasure that the Most Court Executive Board announces the
selection of the following: (1981) Robert P. Wagner, Jr., a distinguished member of the faculty in the field of administrative law. The Board recommends his appointment to the position of Executive Board, with immediate effect.

The Board is also pleased to announce the appointment of (1981) John F. Kennedy, Jr., as a new member of the Board, effective immediately.

The Board is grateful to all members of the faculty and staff who have contributed to the success of the Board's activities and looks forward to continuing its work in the future.
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Answers and Counterclaims . . .

continued from page 3

On the following Tuesday, all inmates were locked in their cells, while the Emergency Response Team did a complete search of the facility and the inmates. The Department of Corrections was even forced to admit publicly that no unusual amount of contraband or weapons were found. Then the guards began selecting certain inmates, dragging them out of their cells without warning, strip searching them and handcuffing and taking them away. Contrary to normal procedures, their personal property was “packed up” by the guards, with many items being lost, stolen, or destroyed in the process. These inmates were quickly shipped out to Downstate Correctional Facility in Fishkill.

Because of the vicious lies spread about us in the media by the Department of Corrections, the inmates were falsely considered dangerous and were harassed and verbally abused by the officers in a deliberate attempt to provoke us to violence. These provocations failed, and the harassment eased up when the guards realized that we were not dangerous. Oct. 12: Certain people have been trying to provoke violence for more than a week, and we are now trying to run a normal program of education and recreation for more guards and inmates. As a result, this whole situation was also very conveniently timed to distract public attention from the McGibney scandal (where Green Haven prison guards were accused of allowing a prisoner to escape while running a “pay for sex” racket).

In Downstate, we instituted a federal court action to get federal protection 30 of the original 40 inmates were shipped out again before the federal court could hear our petition. Arriving at Great Meadow Correctional Facility in Comstock, we met a really vicious reception. We were abused, threatened, and beaten. With every inmate shackled together with another inmate with leg irons, we were pushed, shoved, tripped, and forced to run up a narrow flight of stairs and down a hallway. We all suffered some injuries, but the worst was one inmate who was crippled, who was dragged and thrown up the stairs. At Great Meadow, the harassment continues, with us being put in “reception” status (which is for new prisoners) instead of “transit” status (for prisoners being transferred from one prison to another).

As a result, much of our personal property has been taken away, some of which we will not be able to have back, even though prisoners in the normal population are allowed to have such things (tape players, radios, etc.). While the Department of Corrections continues its vicious campaign of slander against us in the news media, we continue to contact our constituents and legal organizations to get the whole school population involved by submitting revealing and interesting articles to the media.

Again, our situation here has eased as the guards realize that we are not dangerous, as they were told, and as we manage to get outside attention and protection. But our safety and very lives depend on having people outside who will monitor and protest the violence, brutality, and violations of human rights that are a normal part of any prison system that hides behind a veil of secrecy. Every time they move us, we wonder what is going to happen, maybe that will be the time when they “close” all our legal cases, our papers, or some such thing.

The United States proclaims to the world about the human rights which we have promised to abide by, in our own laws and Constitution, and in the United Nations Charter and the Universal Declaration of Human Rights. If this is to be more than just political rhetoric, we are going to have to give a better example to the world. Oct. 13: Gary Numan

OCTOBER 31: Todd Rudgren and Up.

CONCERTS

Madison Square Garden.

Sept. 28, 30, 36: QUEEN

Oct. 9: Jethro Tull

Oct. 13: Black Sabbath and Blue Oyster Cult

Capitol Theatre, 326 Monroe St., Passaic, N.J.

Sept. 26: Pretenders

Sept. 28: The Kinks

Oct. 11: Joan Armatrading

Oct. 17: America

Oct. 18: Gary Numan

Oct. 23: The Rinks

Oct. 31: Todd Rudgren and Utopia

DANCING/DISCO

Adam’s Apple: 1117 1st Ave. Disco with hi-level dance floor, until 4:00 A.M.

High Roller: 617 West 57th St. Roller disco, 8:20 A.M.

Regines: 502 Park Ave. Restaurant and disco, open until 4:00 A.M.

Wednesday’s: 210 East 86th St. Disco/bar/restaurant in the form of a block-long underground village.

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We now serve Pastas!

NYLS students welcome as always.

The Media Law Project has adopted the 1980-81 school year with the most ambitious agenda its short history. The organization was begun in spring, 1979 in response to student interest in communications, entertainment, patent, and copyright law. The project has sponsored symposia on reporters’ privilege and public television, and several legal lifestyles symposia were held last semester, which allowed NYLS students to hear the most practitioners in the areas of entertainment, publishing, and communications law.

For the coming year, the MLP plans several symposia and legal lifestyles seminars. The symposia will deal with the legal needs and problems of graphic and performing artists; the first symposium will be held in late October. The project will also be working jointly with the NYLS Communications Media Center on a number of programs.

The Media Law Project’s office is in C306. Any interested students are urged to drop by there or the Communications Clinic in B406.

The purpose of this duty printed column is to keep you legally inclined students, faculty, and administrators informed of various events and opportunities available to you throughout the Big Apple. Hopefully, the information herein contained will grow from month to month until you no longer find yourself scouring from bulletin board to searching for needed evidence of upcoming happenings. In time, you will be able to look at this one column and be able to plan your future entertainment breaks.

Can we do this? Right now we are relying on our own personal knowledge and tastes, but we hope to get the whole school population involved by submitting revealing and interesting articles. Whether this be a hot tip on the third race at Belmont, an empty 3-bedroom apartment overlooking Central Park for $150/month, or a place to buy books at half price makes no difference as long as you think another person at NYLS would want the information. This first article is, therefore, a formal invitation for you to discover information that you would like to share with others at NYLS. Besides handing you a formal invitation we would also like to reveal a pioneered calendar of things to see and do in NYC in October:

MUSIC—POP/JAZZ

The Bottom Line: 15 West 4th St. Shows 8:30 and 11:30 P.M.

Chiles: 142 West 4th St. Chili parlor with entertainment by blues singer.

Jazzmania: 14 East 23rd St. Penthouse jazz, 2:00 A.M.

Kenny Castaways: 157 Bleecker St. Pop and jazz, 8:00 and 11:30 P.M.

The Other End: 149 Bleecker St. Various shows, 10:00 P.M.

Tramps: 125 East 16th St. Blues singer, shows at 9:00 and Midnight.

Trax: 100 West 72nd St. Rock and roll parlor, open until 4:00 A.M.

TOURING ACTS

QUEEN

Manchester Arena, Feb. 20

New Haven Coliseum, Feb. 21

New York Coliseum, Feb. 22

PRODUCTIONS

BROADWAY BETWEEN WORTH AND LEONARD

Manaos: 36 West 40th St. Live entertainment.

![CATALOG REQUEST/COLLEGE STUDENTS]

Please help us to get the legal and human rights.

The Media Law Project's office is in C306. Any interested students are urged to drop by there or the Communications Clinic in B406.
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