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New York Law School

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Students Defend Clients Under Faculty Supervision

By Laurie Chisom
Managing Editor
Preparing students for a career in litigation by providing them with the opportunity to actually represent defendants on misdemeanor cases is the purpose of the Criminal Defense Clinic. Under the supervision of Professors Eugene Cerruti and Ira Mickenberg, 14 third-year students are enrolled in this year’s clinic, which operates as a sort of defense firm.

During the first six or seven weeks of this semester, the students studied procedural and substantive law and received intensive training in the process of representing clients. They went on tours of the prisons and courts, and each student spent at least a half day “bench sitting” with a judge.

Additionally, each student participated in numerous videotaped mock client interviews. In each session, one student role-played the attorney and the other student acted as the defendant charged with a misdemeanor crime. These tapes were subsequently critiqued by Professors Cerruti and Mickenberg.

Students are now moving into the phase in which they will actually represent clients. The process begins when the student and Prof. Mickenberg go to arrangement. As defendants are held in holding pens, Prof. Mickenberg screens the cases to identify those on which the student is permitted and qualified to work.

After an appropriate case has been selected, the student interviews the defendant regarding the facts of the alleged incident and counsels him as to his options. If the defendant pleads guilty at the arraignment, the student’s representation terminates. If, on the other hand, the defendant pleads not guilty, the case is adjourned to an all-purpose courtroom of the criminal court and the student will begin his motion practice.

While a vast majority of cases never proceed to trial, the ideal learning situation for the student-attorney is to get a case that will go through all stages of the criminal justice system. Students generally work on a number of cases at one time.

As are all clinics, the Criminal Defense Clinic is premised on the theory that “doing” is the best learning tool. Students in the program are enthusiastic, and, as Mark Wilt noted, the experience is “dynamic and personalized.” It gets the student out of the classroom and into real life situations most importantly, into the courtroom.”

(continued on page 9)

ELS Discusses Love Canal Litigation

by Larry Schnapf
Staff Reporter
New York State’s civil suit against the Hooker Chemicals and Plastics Corporation, for dumping toxic wastes at the Love Canal, is proceeding very slowly, and it appears that two more years will pass before the case goes to trial. This is what the Assistant Attorney General for New York said of a group of NYLS students last month.

Jay Lipner, who appeared at a seminar on toxic wastes sponsored by the Environmental Law Society, told an audience of approximately 50 students that the suit has been bogged down by Hooker’s procedural maneuvers and by the difficult proof problems that are associated with cases of this kind.

“This suit is breaking new legal ground,” Lipner said, “and it is raising a lot of questions for which there are few answers. Most of the wastes at Love Canal were dumped 20 or 30 years ago, when there were no statutes governing the dumping of these materials. The wastes themselves present difficult proof problems: What is the safe exposure level? What is the lead time before health problems appear?”

“One of the biggest problems is that the air in Niagara Falls contains all kinds of carcinogenic chemicals,” Lipner continued, “and we have to prove that the wastes from the Love Canal site are the proximate cause of the health problems.”

“We’ve had to develop a protocol for testing these substances that cannot be challenged in court,” he went on. “Scientists and lawyers require different kinds of proof and we’ve had to develop testing programs for the scientists that would satisfy them and, at the same time, be sufficient for our purposes.”

Since New York does not have any statutes governing the disposal of toxic wastes, Lipner said the state based its suit on the common law nuisance theory. The state hopes to prove that, by allowing wastes to seep from its own property to the properties of the Love Canal residents, Hooker substantially interfered with the residents’ enjoyment of their property.

Lipner said that after the state filed its action last April, he and his staff of four full-time attorneys, four part-time attorneys, and three law students spent the spring and summer fighting Hooker over which court would hear the case. The state had filed the action in state court, but since the federal government had also filed a similar action in federal court, Hooker moved to bring the state into federal court under FRCP 12. The state fought this motion.

(continued on page 9)

Greene Chairs Lawyers Ass’n Panel on Arbitration

by Saul Fishman
Staff Reporter
On September 29, the New York County Lawyers Association conducted a panel discussion on labor arbitration. The selection of participants was conventional: one attorney representing the union viewpoint, one representing management, and a neutral. What was unconventional, and indeed refreshing, was that the two participants chose to use this opportunity as a teaching session instead of as a debate.

Professor Martin Greene, who teaches labor arbitration at New York Law School, was the neutral or non-aligned spokesperson. He made the opening remarks, introduced the two other speakers, and summarized the major points at the program’s conclusion. The two other panelists were Saul Kramer, Senior Partner at Proskauer, Rose, Goetz, and Mendelsohn (management firm), and Leonard Leibowitz, Partner at Siper, Weinstock, Dorn, and Leibowitz (union firm).

Among the topics discussed were the differences between labor arbitration and commercial arbitration, the distinction between grievance and interest arbitration, when is a topic arbitrable (in the private sector there is a presumption of arbitrability unless the arbitration clause in the collective bargaining agreement clearly specifies otherwise), the value of allowing frivolous claims to go to arbitration, the deferential policy of the National Labor Relations Board to arbitration, the duty of fair representation on the part of unions, enforcement of an arbitrator’s award, problems of contract interpretation, how to select an arbitrator, and the advantages and disadvantages of a semi-permanent as opposed to an ad hoc arbitrator, and the absence of discovery and evidentiary rules from labor arbitration.

(continued on page 9)
Yale Publishes "Human Rights"
by McDougal and Chen

by Frank Sheehan

The Yale University Press has recently published a book entitled Human Rights and World Public Order, written by Myres S. McDougal, Harold D. Lasswell, and Lung-Chu Chen. As you know, McDougal and Chen are both professors here at New York Law School. The authors expressed their appreciation to Dean E. Donald Shapiro and the New York Law School Law Review for their strong assistance and consistent support.

With reference to his most recent work, Professor McDougal has stated that the overall objective is "enlightening," thereby "increasing people's understanding of human rights." He mentioned that there was "no division of labor" in the book's construction. Professor McDougal also revealed that this volume concentrates on only one value—the respect value—in their conceptualization of a configurative, problem-solving approach.

Through interviewing Professor Chen, a true scholarly mind with a feeling of compassion was revealed. He stated that this volume took approximately seven to eight years to complete, and that it was a "collaborative work" accomplished through careful discussion and examination of problems. Professor Chen remarked, in relation to the purpose of the authors' work, that the "basic task of scholars is to enlighten, write, and communicate to the larger audience." Thus, there must be a theory before there can be action.

Through this thousand-page volume, the authors have established a comprehensive theoretical framework for understanding of human rights and its application in specific situations. The authors suggest that "the broad outlines of such a deliberately policy-oriented, contextual, and multi-method approach may be indicated in terms of four major features: the establishment of the observational standpoint, the delimitation of the focus of inquiry, the explicit postulation of basic public order goals, and the performance of intellectual tasks." The observational standpoint the authors reveal is that of a "citizen of the largest earth-space community who identifies with the whole of human kind." The comprehensive set of goals values they recommend for "postulation, clarification, and implementation are those which today are commonly characterized as the basis values of human dignity or of a free society." This is a brief exposition of the framework of inquiry that is presented in Chapter One and expanded in Chapters Two through Five of the volume. Chapters Six through Fifteen illustrate "Trends in Decision and Conditioning Factors: Claims Relating to Respect." Chapter Sixteen suggests directions for future development and reveals that the aggregate common interest to which the authors refer is "the greatest shaping and widest sharing, not only of respect, but of all the values of human dignity." Also included is an Appendix, which was "designed to be a part of a comprehensive study of human rights in relation to the value of power."

It is difficult to describe the true value of this volume. The authors have revealed a comprehensive, systematic framework concerning human rights that must stand with the works of great scholars. But more than that, these writers have given the world community a conception that, if utilized, could aid in transforming the potentially destructive world situation of today into one that is more peaceful, in which people can reach their true capabilities, free from discrimination. By establishing a theory that will potentially allow us to make decisions leading to an optimum public order of human dignity containing freedom of choice, basic equality of opportunity, and freedom from racial, sex-based, and religious discrimination (as well as freedom from discrimination because of conforming political opinion, and the protection of aliens and the aged from discrimination), these authors have truly created a "masterpiece"; and a great scholarly contribution.

The authors have illustrated only one of the eight major values, the respect value. This reviewer anxiously awaits the completion of the study of the other values as well.

In other areas, Professor McDougal is working on a Jurisprudence text for the first-year class and a book with Professor Reisman on International Law, focusing on how it is made and applied. Professor McDougal has contracted with the Yale University Press to write an introductory treatise concerning International Law in a policy-oriented prospective, with a Spring 1981 target date.

Professor McDougal will also be the instructor for a course this spring entitled "Public Order of the World Community," which we may all look forward to.


2. Id.

3. Id. at 90 (emphasis supplied).

4. Id. at 799-800 (emphasis supplied).

5. Id. at xxii.

ELS Will Discuss Presidential Candidates' Stand on Environment

The Environmental Law Society will sponsor a panel discussion on the environmental policies and related issues of the three major presidential candidates. Representatives from the Anderson, Carter, and Reagan New York campaign offices will present their respective candidate's views on environmental concerns. Date: October 28, 1980. Place: A604. Time: 5 PM.
Flynn Spurs Alumni Advisory Program

by Janet Albano
Staff Reporter

The gap between law school and employment in industry is being bridged by a New York Law School program. Initially, increased practical courses and an emphasis on acquiring job experience and job-seeking skills shortened the gap. Now a newly created Alumni Advisory Program is closing the gap further. The program is designed to assist students in formulating their career plans, and to provide information on a variety of areas of specialization.

Richard Flynn, a communications and energy specialist, suggested that an important aspect of these seminars is the channeling of students into new areas of the law. He stated that there are many opportunities in his area of specialty, of which students are unaware. The Panels will help disseminate such useful information as well as encourage the depth knowledge of better-known fields.

The second part of the Alumni Advisory Programs consists of individual counseling by attorneys in different fields and from areas of the country that the students choose. The initial applications for this program were sent out in August, and students received the names of their attorney advisers during the week of September 15th. Although students are requested not to treat these interviews as job interviews, such individual contacts can serve an equally vital function. As experts in the fields chosen, the alumni are uniquely capable of evaluating a student’s career plans and answering employment-related questions.

Applications for individual advisers are still available at the Placement Office.

Love Canal Litigation

(continued from page 1)

“We wanted to be in state court so we could control the litigation,” Lipner explained. “If the suits were litigated in both state and federal courts, we’d encounter problems of res judicata and collateral estoppel.

“Mr. Hooker unresolved the court action, and suddenly we found ourselves as defendants in a federal action when we had no claim against the federal government,” he said.

Lipner said the state then realigned itself as plaintiff in the federal suit and filed a claim based on the state nuisance claim under the jurisdiction of the federal court.

Another difficult problem facing the state was who to sue. The cleanup costs for the Love Canal will be enormous, and, according to Lipner, it is not clear whether Hooker has the assets to pay for the cleanup if the state should win its case. So the state has joined the Occidental Corporation, the parent corporation of Hooker, to the suit. However, establishing Occidental’s involvement in the matter will be difficult.

“Hooker stopped dumping at Love Canal in 1953,” Lipner explained, “and then sold the property to the Niagara Falls Board of Education. Occidental did not purchase Hooker until 1968, 15 years after the last waste product was dumped at the site. Hooker is a subsidiary of a subsidiary of Occidental, and it will be a problem establishing Occidental’s involvement in the activities of Love Canal after it purchased Hooker.”

Lipner said that interrogatories had not yet been filed, nor have depositions been taken, and that he expects many delays before the case comes to trial.

“They’ve hired four different law firms, have very good lawyers, and have the money to continue the litigation for several years. They don’t care how long it takes to come to trial, because all their expenses can be written off.”

Bruce Adler, a graduate of NYLS and currently an attorney for the US Environmental Protection Agency (EPA), addressed the seminar on the federal government’s responsibility to hazardous wastes.

Adler said that the EPA recently issued “Crude-to-Grave” regulations governing the handling of these wastes. The rules identify toxic substances according to reactivity, ignitability, and corrosiveness. The regulations also impose standards for each party in the hazardous waste cycle: the generator, the transporter, and the dumper.

Adler also said that oftentimes when a dump site is discovered, the owner of the materials is either unknown or simply cannot afford the cleanup. Because a “deep pocket” cannot be found, the local municipality or state must pay for the cleanup costs.

To insure that adequate funds will always be available to clean up such sites, a Toxic Superfund has been proposed and was recently passed by the House. Adler says the proposed $1.6 billion Superfund will be funded primarily by taxes levied on the industries that generate hazardous wastes, principally the chemical industry.

The Superfund legislation has been sent to the Senate, but is not scheduled for a vote until after the Presidential election. Adler says the chemical industry is lobbying hard to ease the tax and liability provisions of the bill, and he is fearful that if a more conservative Congress or Administration is elected, the bill may be substantially weakened.

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Limited Enrollment—Early Registration Discount to Dec. 31, 1980
Letter to the Editor

I believe the unborn child is a human being, and I defend its right to live as I would defend the right to life of those now suffering in Cambodia and the right of all of us to be protected from destruction in a nuclear war. While only God knows exactly when a human life begins, in case of doubt we must err on the side of life, not death, and thus we must preserve the life of the unborn child. The State has a duty to defend life and thus cannot leave the decision on abortion up to the individual woman involved (though it should permit abortions when the life of the mother is in jeopardy). Nor can the State morally fund abortions for anyone. Additionally, taxpayers whose consciences would be violated should no more be compelled to pay for abortions than for war preparations.

All of us, liberal and conservative, should approach the problem of abortion with a broad and truly pro-life consciousness in which all of us resist attacks on life in all forms, whether those attacks take the form of the nuclear arms race, abortion, capital punishment, euthanasia, or the conditions of poverty.

Erik Strangeways
Class of Jan. '82
**Moot Court Roundup:**

**ILS's Jessup Competition in Full Swing**

by Brian Morgan

The selection of a team of students to represent New York Law School in the Jessup International Moot Court Competition has been underway at the school since September 22, when the fact pattern was made available to students interested in participating.

The Jessup, a nationwide contest, provides law students with an opportunity to engage in written and oral advocacy on important questions of international law and policy. NYLS's participation each fall is sponsored by the International Law Society, which takes part in determining the composition of the New York Law team. Once selected, the team competes in the Eastern Regional Round in the Spring for a place in the finals in Washington, D.C.

The Jessup participants will be selected on the basis of quality of the legal memoranda they submit in early October and on their oral arguments. The oral arguments will be judged by members of the bench and bar, as well as by members of the Moot Court Board or members of former Jessup teams.

The arguments will be heard in mid-October, and students who wish to compete next Fall should be alert to the announcement of the schedule of oral arguments on the NYLS bulletin boards. The Society urges the attendance of anyone who wishes to observe the Moot Court process.

The issue addressed in this year's competition relates to the delimitation of the oceanic boundary between two African countries, and the application of relevant principles of international law to the problem.

For an appraisal of a recent Jessup Competition, see F. Kalshoven, 1978 Jessup International Law Moot Court Competition, 5 Brooklyn J. Int'l L. 29 (1979).

On October 7, the Society sponsored an address by Burnell Vickers, the former senior legal advisor of the United Nations Secretariat and Barrister at Law of the Middle Temple Inn, London. Mr. Vickers spoke on "The Use and Abuse of International Law," after which there was a reception open to Society members. Announcements of upcoming conferences in the field of law will appear in the NYLS Counselor.

The editors of the New York Law School Journal of International and Comparative Law are preparing to publish Volume II, No. 1 in the future. Issues in the future will include a symposium on doing business in the Middle East; an article on the allocation of responsibility for transjurisdictional pollution, with reference to the Fenex oil spill in the Gulf of Mexico; and a symposium on Law and the Visual Arts, to be held on Saturday, November 16, at 57 Worth Street. The symposium is sponsored by the Media Law Project and the Communications Media Center.

The argument in the competition will be heard in mid-October, and students who wish to compete next Fall should be alert to the announcement of the schedule of oral arguments on the NYLS bulletin boards. The Society urges the attendance of anyone who wishes to observe the Moot Court process.

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**Context, 72 Nw. U.L. Rev. 227 (1977).** Professor McDougal is a Distinguished Professor of Law at New York Law School and Sterling Professor of Law Emeritus, Yale Law School, and has written most extensively in many areas of international law, with many opportunities with Professor Chen.

The Journal invites inquiries from students who have completed two semesters of law school about participation in the work of the Journal.

Several books and articles may be of interest to the reader: Valentine Korah L.L.M., Ph.D., and Barrister, is a reader in English Law at University College, London, and is widely recognized as an expert in the competition law of the European Community. A brief and practical workbook for those who desire to be conversant with this aspect of EEC law, either to facilitate one's direct involvement in this area or to enable one to deal with those who are directly involved is V. Korah, An Introductory Guide to EEC Competition Law and Practice (ESC Publishing Ltd., Oxford, Eng., 1978).


Two books that should prove extremely timely, in light of current events, are: N. El-Hakim, The Middle Eastern States and the Law of the Sea (Syracuse U. Press, 1980), this volume addresses the legal rights of sovereignty and navigation in the waterways surrounding the world's oil producers;

BEST OF BOTH WORLDS

The Marino Bar Review Course, with over thirty years of unequaled success preparing students for the New York Bar Exam, and the Josephson Bar Review Center (BRC), the nation's most innovative legal educator and most successful national bar reviewer, have joined forces to develop an extraordinary bar review program integrating the best features of both institutions. The result—a course perfectly designed to assure that you pass the new New York Multistate Bar Exam.

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71 BROADWAY, 17th FLOOR
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The problem of declining numbers of minority students in our nation's law schools has been a primary focus of social activists, educators, and many minority professionals. This emphasis has set a new agenda of critical importance for our country's legal institutions: the near-total absence of Black and Latin faculty. The number of Black and Latin faculty in today's law schools currently is 24. New York Law School has one Black faculty member at the present time.

On October 9, in an interview with New York Law School Dean William Bruce, three BALLSA students sought explanations for this problem. This article will endeavor to outline the standards, practices, and perspectives shared by our law school administration that perhaps unwittingly result in an exclusionary policy of Black and Latin faculty hiring.

One practice indulged in by most law schools, including NYLS, is the recruitment of faculty predominantly from the top ten law schools. This policy entails some elitist assumptions that invariably lead to institutional minority exclusion. First, it assumes that graduates from a top ten law school can be equated with intellectual scholarship and a commitment to public service and education. Second, it assumes that individuals from top ten law schools will be more intellectually inclined than those from lower ranking schools. One need only point to such non-ABA-approved graduates as Chief Justice Warren Burger. But, more importantly, top ten law schools have historically utilized discriminatory policies that result in the exclusion of minority students. To recognize that the top ten law schools have a predominant influence on minority education and representation, and then to look to these same schools for minority faculty, creates an insurmountable Catch 22. Moreover, minority graduates from the top ten schools often enter the well-paying law firms that serve corporate America, while few become urban lawyers committed to serving the minority community. Without any leadership of its own, the nation's top ten law schools would rather join the better-paying ranks of our country's more well-known law schools. An elitist hiring policy smacks in the face of our NYLS student population, who, though not graduates of Harvard or Yale, are equally competent and, given our clinics, more experienced in the teaching of law. The school's position offers little hope of providing NYLS with a Black or Latin faculty representative.

A second criterion used in the recruitment of faculty is the well-known "publish or perish" syndrome that pervades academia. In our interview, Dean Bruce explained that an important consideration in the hiring of any faculty member would be his publications, valid indicators of minority attorney's ability to teach and make a positive contribution to our country's legal institutions: the near-total absence of Black and Latin faculty. The number of Black and Latin attorneys in the United States is 24. New York Law School has one Black faculty member at the present time.

The underrepresentation of Black and Latin faculty in our nation's law schools must lead law school administrators to question the traditional faculty admissions process in order to identify the major barrier to a minority presence and to determine how these barriers might be removed. Consistent with this, law school administrators must introduce greater flexibility into the traditional process in order to assess properly minority applications to the law school faculty.

A third criterion used in the recruitment of faculty is theenity of scholarship to writing. This article will endeavor to outline the standards, practices, and perspectives shared by our law school administration that perhaps unwittingly result in an exclusionary policy of Black and Latin faculty hiring.

A fourth criterion used in the recruitment of faculty is the importance to some dean to having a "Black and Latin staff." First, he or she wants to have a "mixture of talent" in the staff. Second, he or she wants to "diversify the student body," and third, he or she wants to "have a fair mix of talent." He or she further states that "we have a fair mix of talent as far as the school is concerned." The Dean's comments about the school's "fair mix" are straightforward and should be noted by those who are concerned with the issue of minority faculty hiring.

The problem of minority faculty recruitment is both a social and an educational problem. Socially, the problem is that of group representation. Educationally, the problem is that of the quality of the education received by minority students. The Dean's comments about the school's "fair mix" are important because they reflect the thinking of many administrators who believe that diversity is good for all students, regardless of their race.

Planning Courses for Employment

Although the Fall semester is barely underway, the Spring semester is just around the corner. Registration for the Spring semester and preliminary registration for the Summer semester will take place in November. Registration for next Fall will also be upon us sooner than you think. It will take place in April.

Few students have enough data to easily make decisions about choosing elective courses and how the choices of elective courses relate to the choice of career at any time. What we would like you to do is begin thinking about your future in the first year of law school. It is important to us that we help you make the right decisions now. The School will offer beginning in November a seminar, or if interest warrants, a series of seminars. The first is entitled, "Planning Your Courses With Placement in Mind." It is scheduled for Monday, November 10th from 4:30-7:00 p.m. The seminar is sponsored by the Office of the Student Affairs and the Placement Office. Members of the Administration involved in course planning and scheduling and members of the Faculty will participate.

Students are encouraged to attend, to ask questions, to voice concerns, and to discuss their ideas. Students will be able to talk to members of the Faculty and the Administration in an informal setting, on a one-to-one basis, and in small groups. All students are welcome. Refreshments will be provided. If student interest warrants, further seminars concerning preparing yourself for the market will be offered.

We hope to see you on November 10th.
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Criminal Defense Clinic Prepares Students

Professor Cerruti began the Criminal Defense Clinic in 1977, and ran the program alone for two years. The clinic did not operate last year because the time commitment was too demanding and there were no funds available to provide any assistance. This year, NYLS received federal funds from the Department of Education, which sets aside a certain amount of money each year for clinical programs. Whether or not the program continues next year is a question of finances. If the grant is renewed, or if it is not renewed but the school supplies the needed funds, Professor Cerruti envisions that the clinic will continue.

Ira Michenberg, formerly associated with the Legal Aid Society, is a new full-time faculty member who devotes his time exclusively to the clinic. He is responsible for the majority of the supervisory courtroom work. His previous clinical experience includes teaching a criminal law clinic at New York University Law School. Over 80 students applied for this year's program. The applicants are evaluated by way of personal interviews, and Prof. Cerruti acknowledges that the selection is subjective. His goal was to ascertain which students would most benefit from the clinic. The selection is not based on grades, but on an applicant's sincere interest in litigation. It is not necessary that the student anticipate going into criminal defense work since, as Prof. Cerruti describes it, "it is a litigation clinic which happens to have criminal law as the subject matter."

Students enrolled in the clinic this year are: Marcella Agerholm, Ann Chodowski, Dennis D'Antonio, Donald Frechette, Aaron Frishberg, Howard Jordan, Edward Lopez, Priscilla Marco, Francesca Martinez, Charles Ross, James Vaughs, James White, Mark Witt, and Kenneth Theil.

At this time, there are no course prerequisites for the clinic, although a knowledge of criminal procedure is helpful. Since all applicants must be second-year students, it is assumed that all will have completed criminal law by the commencement of their participation in the clinic.

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
Multiracial Unity is the Key

by Jim White

The United States power structure is it a German counterpart in the “divide and conquer” progressive mass movements States, as previously happened spent for police to protect the Klan’s public events; by organizing huge masses of outraged American people ‘to fight World for of First Amendme~ t rights occurred in defense and the Espionage and Smith Acts. (2) The twentieth ceJlblrY’s two landmark expansions · trained ina ~way of such action.” Surely sufficient must be developed ; JS that courts regularly review—...be... racists are the proximate result of fascist organizing activities and of media reports of these events, (4) Anti-race defamation laws as that supported in Beaucharnaia v. III, should be revived and strengthened. (5) A new category of unprotected expression must be developed; is not racist obscenity equally as destructive as the sexist obscenity that currently enjoys a dark and private place;

More important than any legal strategies, however, is the character of the multi-racial movement that must be organized for jobs, health care and education, and against racist-imperialist war. The Klan at feed on the obvious economic and social disintegration of our society. These muggins can only be treated by a genuine moral disintegration strategy that the only way all working people, professionals, and students can win even a marginally decent life is by overcoming racist and sexist divisions and by uniting in campaigns of direct action for particular reforms. For example, the struggle for affirmative action is a crucial reform campaign to be waged at New York Law School. The main reason that a fight for affirmative action is in the interest of all law students is that integrating the legal profession will help to head off the development of fascism in America. The German bar of the 1920’s was an elite bastion of reaction; the United States legal profession is still largely segregated and permeated with the myth of “reverse discrimination” and other racist concepts. It is essential to press for the training of thousands of non-white lawyers, both to begin correcting centuries of racist injustice, and to forestall the general movement of the United States power structure to the right. Our putatively “urban” school must admit many more non-white students (with a high percentage coming from poor and working-class backgrounds) ultimately to total at least 20% of students are urges to contact the Moot Court Executive Board at (212) 639-3500, at their earliest opportunity. The Moot Court Alumni Association will work closely with the present Moot Court Board in preparing teams for competition, in acting as judges, and in all other phases of Moot Court activities. Please call and leave your name, place of employment, address, and phone number.

BRIEF BREAKS

by Michael Maringangel Staff Reporter

Hopefully you have been enjoying your brief breaks in early October and have become familiar with various spots of entertainment throughout the city. If you haven’t expanded your knowledge of places to see and things to do because of work limitations, late October and early November will be your last restraint-free chance to do so. For the next month, New York is full of happenings, Octoberfest activities, Halloween parties, and great weather (hopefully).

Thank you for your myriad of donations regarding events and around New York, but nobody provided any information regarding empty Fifth Avenue apartments for $100/ month. Maybe those people with such information didn’t know that they could share this knowledge with others at NYLS by leaving a note in the AEGUITS office, or in the new AEGUITS box that is detailed in the student lounge area. In any case, we appreciated all communications received from the students and the faculty and who like to present some of them to you.

CONCERTS

Capitol Theatre, 236 Monroe St., Passaic, N.J. (201) 977-9020

Oct. 3: U2

Nov. 13: Molly Hatchet

Nov. 28: Rockpile and Moon Martin

Nassau Coliseum, Uniondale, N.Y. (516) 794-6100

Oct. 27: Black Sabbath and Blue Oyster Cult

Nov. 7: Outlaws and Foghat

Nov. 12: The Doobie Brothers

The Palladium, 14th St., between 2nd and 3rd Avenues

Oct. 30-Nov. 2: Frank Zappa

Nov. 16: Siouxsie and the Bananans

Nov. 22: Pat Benatar

Madison Square Garden, 564-4400

Nov. 27 & 28: Bruce Springsteen

Radio City Music Hall

Nov. 2: Talking Heads

SHOWS AND MOVIES

5th St. Playhouse, 52 West 8th St. 674-6515

Midnight Shows: Monday - A Clockwork Orange Tuesday - The Great Gatsby Wednesday - Wizards Thursday - Rebel Without a Cause Friday and Saturday - Rocky Horror Picture Show

The Waverly, 323 Sixth Avenue, at 4th St. 929-8637

Midnight Shows: Friday and Saturday - Eraserhead and Asparagus Bleecker St. Cinema, 144 Bleecker St. & Carnegie Hall Cinema, 867 7th Ave

Both show movies that are 3 to 25 years old

MOVIES AT 1/2 PRICE!!!

If you show your NYLS I.D. card showing that you are a student or a teacher, you can buy a pass for $1 that lets you into about 15 movie theatres in N.Y. at 1/2 price for a year.

CAFES, CLUBS, AND DISCOS

CBGB’s, 5 Bowery at Bleecker St. — Punk and new wave music

Rock City, 147 Rivington St. — Rock and roll and food

Trax, 100 West 72nd— Dancing and shows till 4 am

Ritz, 11th St. between 3rd and 4th— New wave shows at 11:30 pm Halloween costume ball

J.P.’ s 1st Ave and 76th St. — Restaurant, bar with live jazz and rock performances

VARIous

Anthology Film Archives, 88 Wooster St. Old film museum. 225-0010

Mini Cinema, 65th St. and 2nd Ave. MGM Festival. 650-1813

Noel Photo Gallery, 16 White St. Photo art exhibitions. 564-9057

Visual Arts Gallery, 137 Wooster St. 598-0221

Whitney Museum (downtown), 55 Water St. 483-0011

ATHLETIC ENTERTAINMENT

If you would like to exercise other parts of your body beside your cranium while at NYLS, you can swim, play squash and basketball, lift weights, dance, and participate in hundreds of other physical activities at the New York YMCA. For $150 you can join for a year. Here are some of the branches:

Henry St., 2nd Ave. between 2nd and 3rd St. Broadway & 22nd St. 5 West 63rd St. & 54th St. Lafayette and Bicycle Rentals:

92nd St. & Madison Ave. & 58th St & 3rd Ave. & 52nd St. between 1st & 2nd Ave.

92nd St. between 5th and 7th Avenue (bicycles rented)

For rollskaters only: 222 east 89th St. or from a truck on 72nd and Fifth Avenue.

Prices are $2 an hour plus a $20 deposit.

On weekends you can skate to music inside Central Park, near 72nd St, or you can just watch from your bicycle seat.

Until next time, may you have an enjoyable encounter of the “brief break” kind.
LAW

Sexism and Interviews

The search for a legal position, be it full- or part-time, involves a certain amount of degradation and soul-searching. As a woman, if you fluctuate between feeling like an outsider in a male-dominated profession and a quota requirement, never fear, you are not alone. Only about 7% of American law students are female. Thus, many often have the experience of being the sole female in the class, sexually harassed at lunch and on the bus, or feeling like you have to prove yourself more than the males. Nonetheless, there still remains a state of feeling of the old boys' club spirit pervading the legal establishments.

The interviewing process itself is probably the most difficult and least rewarding aspect of the job hunt. All interviewers are subjected to a dialogue that is inevitably fraught with uncomfortable pauses and significant lapses of brilliant things to say. The interviewer can also appear as nervous and uncertain as to what to say as the interviewee. Unfortunately, this only adds to the tenses of the situation.

Admitting that both sides are attempting to present positive images, sometimes one can walk away feeling a certain amount of success was achieved. A certain amount of success, however, does not make anyone feel any more certain of what to expect. The interviewer is asked to be present for positive images, sometimes one can walk away feeling a certain amount of success was achieved. A certain amount of success, however, does not make anyone feel any more certain of what to expect. The interviewer is asked to be present for positive images, sometimes one can walk away feeling a certain amount of success was achieved.

If a woman has any qualms about facing a career in a profession predominately occupied by men, interviewing at firms only reinforces the reality of the situation. Sexism has many faces, and may appear when least expected. A woman associate at a reputable law firm once said that having the name of a woman's group on your resume may be of your detriment. Some of the interviewing partners may approach the subject with interest, attempting to draw out exactly how radical your tendencies really are. Others simply avoid the topic. Of course, there are firms that will sincerely be interested in such activity, and one must be on guard to discern the distinction. If the former attitude appears, it is probably the type of firm to avoid, no matter how high its prestige.

An interview can only indicate so much about a firm or employer. It is extremely important for an interviewee to find out as much as possible about the general attitude of a firm on various issues. If you have particular beliefs, working in a place that has a contrary outlook can be disastrous. The attitudes and values of a firm should be as strong a priority in determining one's choice as financial and reputable concerns.

Affirmative Inaction

by Linda Stanch

Q. Does the Law School have an affirmative action policy or program presently in effect which is in writing?

A. No.

Q. Has the faculty passed any resolutions which are in writing with respect to affirmative action?

A. No.

Q. Are there any aspects of the affirmative action policy of New York Law School which are in writing?...

A. There are no written documents relating to affirmative action policies on the part of the school.

With that statement by Dean Margaret Bearn, during an examination before trial last March in Irene Leverson, et al., v. New York Law School, the suspicion was confirmed that the school has never committed itself to a genuine affirmative action program. The suit, which was filed in federal court last Fall, charged the school with racial discrimination in its retention policies with the dismissal of Ms. Leverson for academic deficiency.

That lack of commitment to a written policy comes as no surprise in the post-Bakke era. Many schools have hidden behind the Bakke decision, incorrectly interpreting the Supreme Court holding as legitimizing any written affirmative action policy by a school. In fact, the absolute necessity of a written affirmative action policy was recently reiterated by the American Bar Association, the traditional arm of the legal profession, when it passed a resolution requiring law schools to have written affirmative action policies for accreditation.

During discovery in the Leverson suit, the school's attorneys continued to attempted to thwart any valid inquiry into the school's affirmative action policies. Dean Bearn and John Thornton, Chairman of the Board of Trustees, both stated surprisingly that they could not recall any discussions of the school's affirmative action policies. Professor James Brok, one of Ms. Leverson's instructors, stated "I do not remember her at all," even though Leverson had gone over her exam with Professor Brok after both seminars, had participated in class, and had asked him questions after class.

Nevertheless, the suit, which was withdrawn by Ms. Leverson this summer, does appear to have had some effect on the school's policies toward minorities. This Spring, when the Academic Status Committee met to review the "extenuating circumstances" of those students seeking reinstatement, the student allowed to remain was a black woman with a situation similar to that of Ms. Leverson. The prior year, when Ms. Leverson was dismissed, the only students allowed to remain were white males.

Previously, minority students in the Urban Legal Studies program of City College have had difficulties being admitted to the law school. This year, only four white male ULS students were initially rejected from admission, but they were finally admitted after much lobbying by the ULS program.

In prior years, there was no tutoring program for those students who were on probation after the first semester. Last year all students on probation were given the opportunity to continue. The school, however, still appears to be one where white male students are favored over minorities.

New York Law School obviously wants to correct the bad public relations if fostered by the Leverson suit. In fact there has been some discussion that the actions stated above suggest an apparent attempt by the school to halt a diversity reverse discrimination suit. Whatever the school's motivation, the NYLS chapter of the National Lawyers Guild will continue its participation in the coalition of students at the school dedicated to forcing a comprehensive affirmative action policy at New York Law School.

In Search of...

Chapter 1: Dressing for Success (?)

by Joyce Melser

Ed's Note: The perils which plagued Pauline were positivly funny. Herewith we present the continuing saga of a truly pitiable person: the law student in search of employment.

Nancy Tallon woke up profoundly depressed that morning. If she was not mistaken and she checked her calendar—the one from the Student Bar Association—just to make sure, it was her 23rd birthday. "Big deal," she said aloud to herself as she hurried to turn on the oven to take the chill out of the drafty apartment. "Happy birthday to me, I am 23, and in one year more I will be 24. Who cares? I bet I'll be the best example of a 23-year-old failure you ever met in your life, Ferdie." Ferdie, a grotesquely fat and ugly middle-aged parrot, who had plopped himself on the table, silently and wholeheartedly agreed with her. To Ferdie (who secretly believed, deep within his brightly plumed breast, that his true destiny in life was to be lusting after some young, acne-ridden bird of paradise on a lush tropical island) she was crazy. Not only crazy, but an idiot as well. Ferdie held her responsible for his low station in life (rubbing his tail feathers in an Avenue B apartment simply cramped his style). He could not understand her. As far as he was concerned anyone who would go through three years of law school, subsist on potatoes and treatment at a small law firm, almost no sex (as far as he could tell, and Ferdie was quite observant), and the almost certain prospect of no job upon graduation, was a nascist who deserved everything she got.

Every morning it was the same spiel: "Ferdie, if I can't find a job when I graduate we don't eat, and, believe me, you'll shrivel down to just a tail feather." Or "Well, I'm $15,000 in debt. Ferdie, try meditating on your perch over that one." And today, she closed. Her beady eyes because he knew what was coming word for word) "I have another interview. So-what! They sit me in the waiting room for 15 minutes, call me in, ask me why they should hire me, and then say 'thank you,' shake my hand and ask me if I know how to find my way out. I could go through the motions in my sleep. My favorite part is when they ask me how come I'm not in the top of my class. Am I supposed to say that I have brain damage or that I felt sorry for my other classmates so I let them get ahead of me?"

"What should I wear?" (As if there was a big choice, she only had one suit.) "To wear a bow or not to wear a bow, that is the question. Is it the black pumps or brown straps or beige stockings or mauve? Should I carry a briefcase and pocket book—my pocketbook is beige stockings or mauve? Should I carry a briefcase and pocket book—my pocketbook is a big choice; she only had one suit.)" An interview to Ferdie (who secretly believed, deep within his brightly plumed breast, that his true destiny in life was to be lusting after some young, acne-ridden bird of paradise on a lush tropical island) she was crazy. Not only crazy, but an idiot as well. Ferdie held her responsible for his low station in life (rubbing his tail feathers in an Avenue B apartment simply cramped his style). He could not understand her. As far as he was concerned anyone who would go through three years of law school, subsist on potatoes and treatment at a small law firm, almost no sex (as far as he could tell, and Ferdie was quite observant), and the almost certain prospect of no job upon graduation, was a nascist who deserved everything she got.

As far as he was concerned, she could take her briefcase (which he loved to nest in) home or leave it, she could carry his beady eyes because he knew what was coming word for word) "I have another interview. So-what! They sit me in the waiting room for 15 minutes, call me in, ask me why they should hire me, and then say 'thank you,' shake my hand and ask me if I know how to find my way out. I could go through the motions in my sleep. My favorite part is when they ask me how come I'm not in the top of my class. Am I supposed to say that I have brain damage or that I felt sorry for my other classmates so I let them get ahead of me?"

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