POST - 1ST YEAR MOOT COURT PROGRAM PROPOSED

by Peter W. Shafman

Professor Burton Agata unveiled a proposal for a post-first-year moot court program at the February Faculty meeting. The object of the proposal is "to provide the basis for the selection of a National Moot Court Team and to provide an educational experience for all the participants." The program, running for two semesters, would be "essentially student-run, with faculty participation in providing rules for competition," said Prof. Agata.

During the first semester of the course, students will prepare one brief and at least two oral arguments plus arguments in elimination rounds. While the first semester would largely involve teaching oral advocacy, the second would essentially be competition. The problems will be designed by the faculty and the actual program would be administered by the Moot Court Executive Board. The elimination round will be judged by a panel of three judges, a faculty member, a student member of the Executive Board and an outside lawyer, judge, etc. The Executive Board would be compensated for their time with academic credit, Agata suggested.

The elimination round could foster some excitement, Agata said, by offering cash prizes and a (modest) cup of kind to the winners. "At least that should get some better participation," said Agata. Members of the National Moot Court Team would be selected from those with the highest scores.

One consequence that Prof. Agata addressed in the proposal is the effect on the Moot Court Board. He advocates its elimination of its memo-writing function. He proposes instead that problems and bench memos can be updated and new ones, as needed, could be created by research assistants under the direction of volunteer faculty and the Director of the Writing program. The Moot Court Executive Board would then, in turn, be limited to third-year students, thereby permitting those second-year students with the greatest likely interest to participate.

Faculty response to the proposal was generally enthusiastic. "It thinks it's a very attractive and overdue idea," said Prof. Ronald Silverman. "I wholeheartedly approve the concept." Prof. Richard Neumann submitted comments regarding the proposal in a memo distributed at the meeting. Neumann felt that "a teaching component be integrated into the proposed competition," or that a "scaled-down version of Appellate Litigation" should precede the competition portion of the course. The focus of this course would be on "improvement through reviewing," videotape analysis, and on developing strategy decisions.

Neumann also objected to the total dismantling of the Moot Court Board. While the Moot Court Board "perhaps should lose its role in designing first-year moot court programs, it would still have to have very substantial responsibilities in regard to the first-year program," wrote Neumann.

In addition, Neumann noted that while the National Moot Court Team presently receives two credits, some students do not receive none. He suggests that this is "a situation which could logically be remedied during the first semester.

At the end of the discussion, the proposal was sent back to a committee headed by Prof. Agata for further reworking. "We must come back with a more concrete proposal," said Agata.

The next step towards implementing the proposal involves getting student reaction to the proposal, "to see if some students are interested in running it," said Agata. "We also have some responsibility to inspire some students to do it," he added. "I think the Moot Court competition should give us some ideas, at least as to natural abilities." Prof. Agata encourages all interested students and faculty to contact him or any of the other members of his committee, including: Professors Susan Bryant, John Gregory, Eugene Wypyski and Alan Reznick. Students are urged to submit their comments in writing.

DEADLINE FOR POSTING OF GRADES MISSED AGAIN

by David Wankoff

If you are among those students who check the grade board daily in the hope of discovering if you passed your classes last semester? Are you angered by the failure of some professors to post grades? If you are you will be interested to know the official school policy for reporting grades. According to Dean Rabnowitz, "faculty members are to hand in their grade reports within four weeks of the last final of the semester. The last final of the fall semester was December 22nd, that would make grades not currently reported five weeks late.

The policy, set by the professors themselves, is self-enforcing. No sanctions are imposed on professors for late reporting. Rabnowitz stated that, "it is left to each professor to abide by the faculty rule. . . But, he also stated that, "It's now the time, it seems to me."

Professors receive two reminders to pass in their grades, one before the four week period runs and one after. Yet several professors have still not passed in their grade reports.

Professors not reporting grades for the first year classes are: Bresler, Legal Research and Writing (for maternity/disability leave); Bush, Torts B: Mahon, Contracts; and Twerski, Torts C.

Professors not reporting grades for upper class courses are: Agata, Antitrust: Diamond, Family Law; and Thomas, Business Organizations B and Corporate Takeovers. In addition several professors teaching paper courses have not passed in grades.

LAW ALUMNUS RUNS FOR HOUSE SEAT

by Dennis Warren

Todd Naftin, a graduate of Hofstra Law School, recently announced his candidacy for the Democratic nomination for Congress in the 20th district in Westchester County.

Naftin, a licensed pilot who specializes in aviation law, made his announcement earlier this month at a press conference held at the White Plains Hotel. He is the eight creditor in an already crowded political race for the seat being vacated by veteran Congressman Richard Ottinger.

Claiming that the Federal Government had not provided adequately for airline safety following deregulation, Naftin, a conservative Democrat, said if elected he would make aviation safety an issue.

He also said he would press for Westchester to receive a new microwave landing system which would allow for aviation approaches over populated areas and increase safety and reduce noise.

Naftin is expected to make his decision whether to enter a primary, after the March 27 designating convention. He thinks he can win the nomination by holding spending to between $50,000 and $75,000.

A resident of Eastchester, the 27-year-old lawyer ran unsuccessfully for councilman in that town in 1977. Naftin graduated from the State University of New York at Stony Brook in 1978, and graduated from Hofstra Law School in 1980. He is single, and has law offices in New York and Washington.

Ottinger, a Liberal Democrat, served in Congress for the past 16 years, but decided earlier not to seek re-election. Besides Naftin, seven other Democratic candidates have declared interest in his seat. The favorite is said to be Rep. Peter Peyser of Irvington, who has the endorsement of House Speaker Thomas "Tip" O'Neill.

The 20th District covers virtually all of Westchester County, including Scarsdale, Eastchester, White Plains, Bedford, Mount Vernon, New Rochelle, and Mamaroneck.

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Hofstra Cultural Calendar • March, 1984

Thurs., Mar. 1
- Harlem Renaissance Art Exhibit. Lowe Gallery. Video and Jazz music Tuesdays, 12-1 p.m. & 7-8 p.m. Through March 18. X5672.
- "Plant of the Month" is Glominia.

Sat., Mar. 3
- Movie: Risky Business. St. Centr. Thr. 7 & 9:30 p.m. $1.00.
- New College Collegium, Dr. Hoffler & Robert Crowley. "Organizational Theory Related to the NYFD." 10 a.m. to 1 p.m. Wed. Free. X5800.

Mon., Mar. 5
- Sold Exhibition at Wall Pieces. Peter Fleishman. Calkins Gallery. Mon., Tues. 8 to 5 p.m. Fee X5474. Through March 28.
- Londa Russell sings ballads and songs on Hofstra Hall Plaza. 11:45-12:15 p.m. Celebrating Women's History Week. Free.
- Londa Russell presents one-woman show, "Passwork" at 2:30 p.m. in 142 Monroe. Early American Balladeer singing suffage songs and others covering women's lifespan in their own words. Free.

Tues., Mar. 6

Wed., Mar. 7

Thurs., Mar. 8
- DCE begins 5-session tour and lecture program of major art shows on Long Island. 10 a.m. to noon. Fee. X5994.
- Plant Clinic and Workshop. See Mar. 1.
- Annual Shakespeare Festival begins. "A Midsummer Night's Dream." Playhouse 6/5-6/4. March 8, 10, 11, 13, 15 p.m. or Sat. 3 p.m. X644.

Sat., Mar. 10
- The Festival Concert and "The Lover's Tale or Where There's A Will." Playhouse, 3 p.m. $3 X664.
- Workshop on German Language and Career Possibilities. Multi-purpose Room, St. Centr. 7 p.m. Fee. X5669.
- Dinner/Seminar, Dean Jeanette Swift speaks on "My Visit to Nicaragua." Same as March 6.

Tues., Mar. 13
- Peter Fleishman talks in Calkins Gallery on "Surviving as an Artist." Reception. 4:30 p.m. Fee. X5474.
- NOAH 20th Anniversary Convocation honoring Mrs. Marva M. Collins. 2:30 p.m. 142 Monroe. Fee. X8976.
- French Film: "Diary of a Country Print." 2:30 p.m. 2:30 p.m. & 7

Wed., Mar. 14
- St. Patricks Day Celebrations

Fri., Mar. 16
- "All You Can Eat" Cornell Beef & Cabbage or Irish Stew Irish Soda Bread $3.95
Live Irish Music 4 - 7 Irish Beer & Drinks

Sat., Mar. 17
- "All You Can Eat" Corned Beef & Cabbage Irish Stew Irish Soda Bread $3.95
Live Irish Music Irish Music

- St. Patricks Day Celebrations

Programme
- Pre St. Patty's Day Taster $1.00
- Dark Mugs $1.25
- Harp or Bass Ale
- Raffle and Prizes - T-Shirts Books Albums (NO COVER)
- $3.95
- Watch Parade on 2 TV's Irish Music
ITEM!

Professor John DeWitt Gregory moderated a program of the Section on Minority Groups, titled "Minority Legal Scholarship: Is There and Should There Be Such a Thing?", at the recent annual meeting of the Association of American Law Schools. At the same meeting, Professor Gregory was elected to serve as Chair Elect of the AALS Section on Minority Groups.

Low Reves

The amusing success of last year's Low Room Show (see A. The Law School Comical: Variety Folies), a Hofstra tradition revived, will be followed this year by yet another such good, once again directed at law schools and their faculties (naturally, any similarity to Hofstra professors or administrators is pure coincidence), lawyers, judges, and other legal artifacts and elusive concepts. But we need YOU!

We need WRITERS! If you (a) see any humor in the law school experience or law in the outside world, (b) have ever written "Saturday Night Live," and (c) are quizzically, take pens in hand and write! Then submit your stuff and all such stufflings to us! Or we'd be happy to talk about any ideas you might have about material for the show.

We need PERFORMERS! This versatile extravaganza will be held on this stage in Hofstra U.S.A. (south campus) in early April. If you can sing, dance, act, or if you can play any musical instrument, or if you have a warm body, we can make people laugh (preferably while dressed), or if you've always wanted to be a star, or if you have any unusual talent, see us about it.

We need WARM BODIES! Even if you have no talent whatsoever and think that there is absolutely nothing you could do to help out, see us immediately! We need people to help make props and scenery, to help with lights and sound, etc., etc. We won't turn anybody away, and we'll take as much or as little time as you can give us (we've scheduled the show for early April so as not to conflict with final exam studying.)

This is YOUR SHOW! This is a show by law students for law students and faculty who can do it and will be as good as you make it. We would like to see everybody involved. We especially need the input of first- and second-year students. And, of course, third-year students, this is your last chance! Go for it!

Contact Glenn Berger or Bob Collins or leave your name, phone number and what you can do for the show in the attention box located in the admissions office.

Guilty Conscience is Coming!

Accounting Malpractice Conference Scheduled

A Conference on Malpractice Liability of Accounting Firms will be held in the Moot Courtroom (Room 308) on Tuesday, March 13 at 3:30 p.m. The program is designed for lawyers, accountants, businessmen and corporate finance executives.

The scope of liability, and rulings by the courts under common law and securities law, will be discussed by attorneys Alvin M. Stein Esq. and Joel M. Wolsky Esq., partners in the law firm of Parker Chapin Flattau & Klimpl. The accountant's view will be presented by Richard Kron, certified public accountant and attorney. Partner in charge of Touche Ross & Company, Long Island office.

Panel members will be Professors M. Patricia Adamski and Mitchell Gans, specialists in securities and tax law, and Robert Katz, Associate Professor of Accounting, Hofstra School of Business, a specialist in tax accounting. There will be a question and answer period.

Eric J. Schmertz, and Herman A. Berliner, Dean of the School of Business, will convene and moderate the program.

Concepts of privacy, errors in judgment, misrepresentation, recklessness, conduct and disclosure standards as viewed by the courts, are among topics to be discussed.

Further information is available at (516) 560-6817.

ELS to Sponsor Panel Discussion

by Gary Jones

Hofstra's Environmental Law Society, in conjunction with St. John's University's Environmental and Energy Law Club, are sponsoring a panel discussion that will focus on Governor Cuomo's executive order of December 30th that requires the Department of Environmental Conservation to conduct a comprehensive survey of waste disposal practices in New York State since 1952. The panel discussion will be held at St. John's University Law School on Monday March 12th at 2:30 p.m.

Under the Governor's "Community-Right-To-Know" order, firms operating in New York State must report on the types, quantities, toxicity, and location of potentially hazardous materials that were used, stored, manufactured, or transported within the state during the last 30 years, if such information exists. The panel will consist of representatives from the state and federal environmental agencies, the chemical industry, and pro-environmental groups such as the Environmental Defense Fund and the Natural Resources Defense Council. A moderator from the state legislature will comment on the executive order and lead what promises to be a fascinating discussion of the problems of requiring and obtaining information about a firm's past practices with respect to hazardous wastes.

Carol Casaza, president of the Environmental Law Society, is excited about the event. She points out that it is a great opportunity to affiliate with another law school on a topic of vital importance to all New York State residents. Philip Wernberg, a visiting professor of law from St. John's who is currently teaching environmental law at Hofstra, is also delighted with the jointly sponsored panel and prospects for future cooperation between the two schools.

Casaza acknowledged that the student government has been very helpful throughout the planning stages and hopes that such support will continue in the future.

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Ann Marie Chmeliewski
Peter Albert
Donna Simendinger
Cathy Sagos
FACULTY PROFILE:

Professor Debra Dinowitz

By Tracey Epstein

This semester’s course in Copyright Law is being taught by Professor Debra L. Dinowitz, who returned to Hofstra University less than four years after her law school graduation. Dinowitz graduated from Hofstra Law School in 1979.

Dinowitz is teaching for the first time and said that while it takes a lot of work and preparation, she enjoyed teaching and would probably do it again.

Prof. Dinowitz became involved in copyright law while an associate at the New York firm of Colton, Weinberg, Hartnick, Yamin & Shreshy. At Colton Weinberg she worked with name partner Alan Hartnick, President of the Copyright Society, and received a thorough training in corporate and entertainment law. Since May 1983, Dinowitz has been preparing computer agreements for, and is involved with the corporate licensing services of Manufacturers Hanover Trust Company. Dinowitz began her legal career at the New York office of Cahill, Gordon & Reindel.

Dinowitz received both her undergraduate and legal education at Hofstra University. She majored in Art History and graduated magna cum laude in 1972. She returned to Hofstra four years later to begin a distinguished legal career. A member of the Hofstra Law Review, Dinowitz graduated with honors and as a member of Phi Beta Kappa.

Dinowitz urges all students to take advantage of the vast alumni “network.” She feels that there are plenty of graduates who are more than willing to help out students from their alma mater. “Many of them are in a position to talk,” said Dinowitz, “if not hire.”

Tenure/Reappointment Committee Needs Student Input

TO: Students
FROM: Professor Alan N. Resnick
RE: Committee on Reappointment, Promotion and Tenure

The Faculty Committee on Reappointment, Promotion and Tenure will be considering the following faculty members for either reappointment or tenure. The committee is interested in soliciting student opinion with regard to these matters. Students wishing to express their opinion should forward their written remarks to the chairperson of the appropriate subcommittee as soon as possible.

Candidate
Prof. Mitchell Gans (Tenure)
Prof. Robert A. (Baruch) Bush (Reappointment)
Prof. Freda Bein (Tenure)
Subcommittee Chairperson
Prof. Tsvinski
Prof. Silberman
Prof. Jacob

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McCormick—Evidence
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Nowack—Constitutional Law
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Prosser—Torts
Rodgers—Environmental Law
Rosenberg—Patent Law
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COMMUNITY FORUM

EDITORIALS:

SGA Reviewed

As Hofstra Law School begins gearing up for the annual SGA election ritual in becomes necessary for us to review the achievements and failures of the present administration.

The SGA, under the leadership of Michael Zarin, kicked off the school year with a picnic to set the mood of what was to come. However, the SGA had not followed up on their promises for the events they initiated just recently with a wine and cheese party and the GET WET pool party.

The SGA must be commended for dividing up the budget in a quick rather orderly manner. However, the College Relations Committee did not delimit the activity fee referendum finally passed thanks to the efforts of "Veep" Dave Abrams. The University Board of Trustees has not yet approved the increase. Possibly that has something to do with the budget.

Earlier last semester, several SGA-Constitutional questions arose. As a result, Craig Heller, presently an Election Committeeman, was assigned the investigation. It seems that the SGA’s work has yet to be realized and there seems to be little chance of their being enacted this year.

While the Ad Hoc Committee’s Interim Report was published last October on these pages, the SGA has not been fit to examine its findings nor push the faculty to adopt its measures.

Zarin proposed that the Law School hold two symposia this year to increase our recognition. The first, LAWYERS FOR THE PEOPLE, held in November, was given universal support by SGA and the second co-sponsored by ELS isn’t even held by that group.

It must be said that Zarin’s administration has accomplished much in comparison to its predecessors but the students demand more. We thought we were getting an “anarchist” but get an “invincible” president. Promises were left unfulfilled and students were left disappointed.

Voters Beware

The great challenge in electing a student government for any law school, but especially for this one, is for the voter honestly to face the following questions: Why do we have a student government and what are the legitimate and responsible ends our student government should serve? Membership on the law school student government should be "light years" removed from the normally trivial and ceremonial purpose it serves at the undergraduate level. It should not be a social club.

To the majority of employers, the entry on a legal resume of "student government" usually looks like little more than a student's failure to apply to itself to the principle purposes of law school. Many also feel that a student's use of student government to fill up the resume further shows an ignorance of its social responsibilities. Most employers do not look at student government as a factual entity.

In the long run and for the student government itself, lack of adequate fund management is a basic problem. The amount of money collected must cover the expenses to some extent. Keeping a balance sheet, however, is not always done. It is possible to ask the students for a voluntary levy, particularly where the university has already done so. Therefore, students have a right to expect that the student government will not abuse its position.

The Elections Committee has announced that the SGA elections will be held on Wednesday, March 21. The positions that are up for election are President, Vice President, Treasurer, 2nd and 3rd Year Representatives, ABF-LSD Rep., NYSSBA Rep., and three Community Legal Assistance Corporation (CLAC) Trustees. The petitions may be picked up on February 29 and due on March 9. The petitions may be picked up and dropped off in the Student Representative mailboxes in the Admissions office.

The following are the rules and regulations for the campaign:

1. Qualifications: Any Hofstra Law student is eligible for position of Student Representative except that a. the student must be a member of the class represented and b. no law review, journal, forum editor, Conscience editor, ABF-LSD Student Division Rep., New York State Bar Association Rep., nor any other officer or Board member of any Hofstra Law student organization may serve concurrently as Student Rep. and in any of the aforementioned positions.

2. Petitions: Minimum of ten signatures of the proper constituency.

3. Finances: A maximum expenditure of $20 per candidate, including donations. Each candidate must submit receipts upon request.

4. Voting: Only students who will be 2nd and 3rd year students in the Fall Semester, 1984 may vote in the election.

5. Campaigning:
a. No formal campaigning may begin until March 12. Formal campaigning includes the putting up of signs, passing out of leaflets and discussing of the campaign with groups.
b. No campaigning in the library lobby during the day of the election. (Hrs.: 11-4)
c. A Political Forum will be held on Wednesday, March 14. The rules for the forum will be forthcoming.

Any violations of the rules may result in disqualification of the candidate. If there are any questions about the rules for the election, leave a note in the Student Representative Box or contact Craig Heller at 485-9280 or Steve Gershbein at 538-7866.

LETTERS:

To the Editor:

Would you please print pictures of Debbie, Jeannie, Rob and Ron in the next issue of Conscience? I would love to see the people who inspired such lovely "Messages From the Heart."

Sincerely,

A Curious Alumna

(Class of '79)

Dear "Curious,"

We aren't exactly sure who Debbie, Jeannie, Rob and Ron are, but we took a shot, anyway.

SGA ELECTIONS EXCLUSIVE

March 1984 ©Conscience 1984 Vol. 11 No. 6

CONSCIENCE is published monthly from August to May by the students of Hofstra University School of Law.

The editorial board is committed to bringing Hofstra Law a competent, informative, lively newspaper at potential candidates, the editor-in-chief, and the student activity fee. Postmaster, please return undelivered copies to the box in the library.

CONSCIENCE is distributed free to the Hofstra community including students, faculty, and alumni. The subscription number and year of publication. Subscriptions may be dropped off in our box in the library.

CONSCIENCE-STAFF

DEAN'S CORNER:

Dean Eric J. Schmertz

The Hofstra Law School encourages public service. It insists on ethical conduct by public servants.

I have read Mayor Koch's book Mayor. I have also read several reviews of the book. Nowhere have I seen any truth to the charge that Mayor Koch may have breached a duty of confidentiality to those who work for him in government and to those from the public with whom he has official dealings.

If Mr. Koch was a mediator as I am, his disclosures of private or personal positions and demeanors of others would be a violation of law.

Federal and state labor laws bar mediators from revealing anything learned in the course of mediating a labor-management dispute. The reason for the rule is obvious. For a mediator to effectuate a settlement, he must enjoy not only the absolute confidence of both sides, but also the trust of the participants in private, positions, views and parameters of possible settlement, with whom the disputants may not want to be publicly identified. If the mediator breaks the confidence, it would prejudice the credibility of the participants, fatally impede the settlement technique, and generally subvert the mediation process. Participants would never reveal to the mediator information needed to effectuate a settlement if they thought those private, and at times precarious positions, would be later made public.

Is this not equally true for an incumbent mayor, who as the "Mayor of all the people" often must act as a mediator to reconcile the different interests of many divergent groups and forces in order to make government work? From a philosophical, if not legal viewpoint, is he so different from the traditional mediator, or for that matter the lawyer, the physician and the clergyman who have well-recognized ethical duties to maintain the private and personal information learned from those they represent or treat.

Aside from gossip, I hardly think a mayor has a duty to disclose to the public through a book the human weaknesses, personal vulnerabilities or private indiscretions of his colleagues in government or others involved in public affairs. Indeed, like the mediator, I fail to see how a mayor can continue to govern effectively in furthance of his oath of office, if those who deal with him fear what they do and say in private, the compromises they are prepared to accept to adjust differing interests and points of view, be indiscriminately disclosed by the Mayor for sensational, financial and shortsighted political gains.

I note that Mr. Koch's book is now first on the New York Times Best Seller List of non-fiction. I find it unsatisfying, if not of questionable ethics for a mayor, elected by the public to a high office of public trust, to gain substantial financial profit from an exploitation of private things he learns about others "only because he occupies the position of Mayor."

It is proper, of course, for the Mayor to disclose the failures of culpabilities of others when their official duties or public responsibilities are involved or characteristics are relevant to the performance of public office. But it is not proper, in my view, to ridicule or to express contempt for others because of personal characteristics, habits, or emotional reactions that have nothing to do with how those persons carry out their official responsibilities. The former is legitimate reporting. The latter displays an intolerance and mischievousness not worthy of the Mayor of the largest city.

If I were to write a book Mediator, it would include a chapter on Ed Koch because we have had a number of dealings together in labor-management matters. If I was not barred from doing so by the labor law, the chapter would include as many of the personal defects that have personal significance as Mayor, as he discloses in his book about others. I would be charged with indulging in irrelevant and petty personalities and the charge would be correct. A rating of Mayor incites Ed Koch on the same charge.

Editor's note: Dean Schmertz was the chief mediator in virtually every contract negotiation between the City of New York and the firefighters' unions from 1967 to 1978; was the Imperial Chairman between those parties for fourteen years; and was the Chairman of the Arbitration Board which ended the only firefighter strike in the city's history in 1974. For twelve years, Dean Schmertz was a Public Member of the three member New York City Office of Collective Bargaining by appointment of the city and the municipal labor unions.

Hazardous Wastes and the Community-Right-to-Know Law: A panel discussion at Gao. Cuomo's ex-ecutive order requiring disclosure of waste disposal practices in New York State since 1952

When: Monday, March 12, 1984, at 2:30 P.M.
Where: St. John's University School-Moot Court Room (Grand Central and Utopia Plwys.)

THIRD WORLD PERSPECTIVE

The Dilemma Of The Haitians

by Dennis Warren

More than 120 Haitian refugees jailed in Miami's detention center went on a brief hunger strike earlier this month to protest the slow pace at which their petitions for asylum were processed by the U.S. Immigration and Naturalization Service (INS).

Confined at the Krone Avenue Detention Center, these Haitians are the remainder of 2000 ordered released by Federal District Court Judge Eugene Sperman in June of 1982, after he found that the government illegally detained them; but despite his ruling, they remain behind bars.

Why have Haitians been denied the dignity and respect extended to others who have sought refuge in America in the past? Even since the Haitians began braving the 700 mile journey from their native island-state back in 1972, aboard leaky, dingy, vessels, and in pursuit of freedom, the welcome extended to them has been less than cordial.

Successive governments, Democratic and Republican, have sought only to repatriate Haitians as expeditiously as possible. On the other hand, such groups as Cubans, Asians, East Europeans and Nicaraguans have been effortlessly accorded full refugee status. But, in the case of the Haitians, the aged precedents upon which refugee status has been established in the U.S. appear suddenly reversed and incongruous with past immigration procedures.

This contradiction has stirred heated debate, particularly within immigrant communities both here and in the U.S. Arguments surrounding this issue basically flow into two separate veins: The government contends that while a few Haitians deserve asylum, the vast majority are economic and not political refugees because they are not fleeing political persecution; but, rather, are seeking economic opportunities.

Haitians, on the other hand, confute these arguments, asserting that they are indeed political refugees fleeing persecution. They further assert, that the government's rationale on their freedom is racially motivated, because Haitians are black-skinned; and politically motivated, because the U.S. supports Haiti's repressive military regime, Jean Claude "Baby Doc" Duvalier, Haiti's President for life.

The arrival of the Haitians to these shores, therefore, has raised a delicate issue; one which challenges the very foundation upon which this country was built: The right of the oppressed to seek refuge in this "The land of the free and the home of the brave."

Besides, under international law, the U.S. has a non-discriminatory binding commitment to protect refugees from persecution.

Why have Haitians been treated so shabbily?

Although it has become expedient for some to suggest that the motive is primarily racial, examination of past U.S. Immigration and refugee policies seem to contradict this contention. During the Vietnam War, for instance, the most vicious forms of racism towards Oriental adversaries was encouraged as part of U.S. military policy. Yet, after the war, the U.S. brought along every Vietnamese it possibly could. According to INS reports, from 1976 to 1980 more than 322,500 Indo-Chinese were accepted as political refugees.

Why is the government finding it so difficult to establish a few hundred impoverished Haitians as refugees? The political motive has to be meticulously probed, for therein lies the clue to the double standard of U.S. immigration policies towards Haitians. But, understanding this contradiction requires appreciation of some basic tenants of U.S. Foreign Policy, particularly those upon which the immigration policies infere.

The subtle distinction made by Jeanne Kirkpatrick, U.S. Ambassador to the United Nations, between totalitarian and authoritarian regimes underscores the rationale, according to Ambassador Kirkpatrick, totalitarian or communist
PARTING THOUGHTS...

by Jordan Fox

It is said that the more rigorous the hazing to join a fraternity, the greater the attraction and devotion its members have for the group. They will defend the system and impose upon outsiders its light-hearted and ceremonial junk they were exposed to. I wasn’t a very subordinate frat member and I guess I’m too wimpish and too well-mannered for the student fraternity of America. I am equally confident that the other students here who took advantage of the hazing experiences that we had did not miss anything. My satisfaction is deeply linked to my compliance with Mark Team’s and scholarship. To students that school should not get in the way of your education. At the same time, I have developed serious concerns regarding our profession, which will not be discussed in this article. Instead, this will serve as my evaluation of the students, faculty and administration of the School of Law. It is my State of the School Address.

Many of my perceptions generated from my experience as president of the student government were supported in my comments by a remarkably unscientific survey of students taken last year by me. The results were not surprising. Despite their scientific inability, provide some valuable insight into the attitudes of the students.

THE ADMINISTRATION

When Eric Schmitz took over as Dean over a year ago, I found a remarkable optimist by students and faculty that Schmitz would act to revitalize the school's programs, spirit and finances. Although it is too early to conclude if Schmitz has fixed that optimism, his record to date has been a qualified success.

The Dean has secured a number of valuable endowed chairs which have brought prestige and much-needed resources to our school. He has worked with the support of the California Bar Association and the Los Angeles Bar Bar Association to generate support to raise the necessary resources. Importantly, the Dean has assumed the Heculaneum task of improving the building’s environment in new carpentry, wallpaper, furniture and, of course, the paintings that closely resemble the fake vault used to store art in the S&L. Student complaints have significantly diminished concerning the law school environment, a change that some have suggested we employ Frank Field to prepare us. The severe weather conditions in the various ecosystems of our building.

Schmitz also has brought prestige to our school through his support for the Cal Tech Conference and various other activities, some student-run, that have attracted names and provocative events for the law school community.

The Dean has also earned a confidence and pride that has made the faculty and outside world feel more secure about the law school and its future. He is the consummate moderate and likes everything neat and clean.

At a time when the law school should be reviewing and revising its outdated and emphasizing admissions processes, Schmitz seems content to go the path of least resistance. He, like others, appears to lack the intensity and drive of professor Michael Freedman. That is, to finally rid this school of the liberal/activist reputation it has earned in the past. But, in this attempt, they run the danger of sinking this school deeper into money and scholarship and creating a spark here and Schmitz’s laissez-faire approach, at times bordering on apparent aloofness, is evident.

One of the problems is that the Dean is a part-time Dean. The University extended an offer to Schmitz knowing that he would continue his lucrative outside practice. Moreover, Schmitz’s activities on behalf of the law school have been frequently conducted outside of the law school. That is, he is involved in educational and administration of the School of Law. It is my State of the School Address.

Many of my perceptions generated from my experience as president of the student government were supported in my comments by a remarkably unscientific survey of students taken last year by me. The results were not surprising. Despite their scientific inability, provide some valuable insight into the attitudes of the students.

Schmitz has also displayed lackluster in the classroom, and sometimes downright hostility towards the students. He has stated that such issues as parking, heating and air conditioning, and library conditions are mere inconveniences and as a result, receive low attention. He usually tells a bar story about how busy the conditions were when he was in law school. Although he has made some progress in these areas, he fails to see the devastating effect these conditions will have on the school’s ability to attract and support the future of the student. Students see these inconveniences as symptomatic of a bigger problem, i.e. that no one cares about the students.

The Dean has not responded well to student activism. During orientation last year, the students staged a "strike" there were a few days and I mean just a few, who insist that there be an adversarial relationship between building and students. I don’t want to stir up that. It would seem, though, that an institution that prides itself on its ability to change and be flexible, that the few student advocates that are willing to contribute to their environment. To be fair, though, Schmitz has registered his support for benign activities of students like speakers and political events, and often attends these functions.

Dean Schmitz must address what has become a Hofstra School of Law mandate: constructive notice. Unless you are naturally investigative or omniscient, it is very likely that you have not found out about an opportunity (contests, scholarships, conferences, committees, etc.) until it has passed or a student has called and emphasized the opportunity. How many students are aware that the placement office will videotape a mock interview for your review? How many students are aware that they can audit undergraduate classes (our survey indicated that a majority of our students would take advantage of such an opportunity)? Only 15% of the students have even heard of the placement office, let alone an academic or personal problem. While some of the blame rests with the student body, the second sexism when a complete, comprehensive effort exists to create that sense of community which is truly lacking.

Other problems persist. Fifty percent of the students surveyed have witnessed some form of sexual harassment. Only 20% believe the faculty or administration take sexual harassment seriously. Schmitz should act on these findings and immediately take action to address these concerns, tighten enforcement, and make the consequences clear.

One in ten of the students say they would vote for an 18% reduction in the number of classes being offered in the Spring semester. The classes described in our catalog haven’t been offered in at least four years. Class schedules are the creative opposition of students, and there is a student in any given semester. Deadlines for faculty submission of grades are arbitrary and there is no procedure to post a sign reading: "Try paying your tuition late and see what happens."

Many of the students created a faculty forum to be handled in a fair and efficient manner by the administration. Minor and major concerns are being handled in a fair and efficient manner by the administration. Minor and major concerns are being handled in a fair and efficient manner by the administration. Minor and major concerns are being handled in a fair and efficient manner by the administration. Minor and major concerns are being handled in a fair and efficient manner by the administration. Minor and major concerns are being handled in a fair and efficient manner by the administration. Minor and major concerns are being handled in a fair and efficient manner by the administration. Minor and major concerns are being handled in a fair and efficient manner by the administration. Minor and major concerns are being handled in a fair and efficient manner by the administration. Minor and major concerns are being handled in a fair and efficient manner by the administration. 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IRA Defense: Guns Supplied by CIA

by Barbara Lymaugh

In November 1982, a long and politically charged trial came to a close in the Eastern District of New York. The five defendants in the case were acquitted of charges of arms smuggling to the Irish Republican Army. One of the defendants was 81-year-old Michael Flannery, a charismatic Irishman, who opened admittedly throughout the trial that he had been sending weapons to the IRA for over twenty-five years. His attorney, Mr. Kennedy, delivered a stirring summation in which he submitted that the state was guilty of murder.

The burden is on the prosecution to prove that this was not a CIA operation. That is because under the United States arms export and registration requirements of the National Arms Act, and under the National Export Act, and the United States laws governing the possession of government agents, government police, and military police, it is obvious that those arms were being purchased by the government in a government operation, rather than under the control of the government, and that there was no registration.

Berger, a 19-year-old Air Force security guard, and his colleagues, one of whom is of great despair of understanding, no one could say that the defendants did not believe this was a CIA operation. That may have been the case, but the government, and the government of the United States, was it not the CIA who were the victims of this alleged participation? And, what is this case all about?

Defendants: Political Convictions

One of the few statements of the prosecution that I have agreed with throughout these trials is the claim made in his opening statement. That statement was that the political beliefs of these defendants are relevant to their defense. And, indeed, they are. And that, I suggest, from an ugly I would like to tell you about.

Many years ago, and you have to bear in mind that Ireland has been under the tyrant-ship of England for 800 years, many years ago, it was a crime in Ireland to even refer to Ireland as a nation. So she was referred to by the British as "Kathleen ni Houlihan." England's symbol, for those of you who are wondering where the bulldog got its name, or the term "bully" came from, England's symbol was John Bull, enormous, voracious man. If you will, John Bull arrived at the land or at the home of Kathleen ni Houlihan. He comes as a guest and she is the host. The guest brings gifts, he brings gifts, his own guns, his own weapons.

The guest, John Bull, insists you stop speaking your own language, Kathleen ni Houlihan. Insists you stop utilizing your own culture, insists you stop working the way you want to work for yourself. He demands and extracts through the power of guns the servitude of the hostess.

And pretty soon the guest becomes the master, and the hostess becomes the servant. And soon he claims that all is his. John Bull says, "The house is mine; your land is mine; the timber is mine; the rest of your work is mine; everything is mine; you have no rights; you have no rights.

And if Kathleen ni Houlihan should rise up, and raring for liberty as is natural as air rising, take over your home, take over your house and you fight back the thug into the street? Not the home owner. Not the host or the house of the host. The thug is the aggressor. The choice of Ireland was to lie down under the heel of John Bull or to rise and throw them the hell out.

The only power they have are the guns... guns can be tools for freedom, as well as tools of violence. The peace loving people are tools of liberty. And guns can everywhere bring something new.

As I talk, the terrible war goes on. The killing goes on in the North of Ireland. We stop the war, and the struggle. The trial is about more than anything else is American justice. It is not so much about Irish justice. This trial is, as American justice.

PARTING THOUGHTS

Continued from page 8

have done? Right. On it when we keep on looking over our shoulders that we will sink deeper into that society. Unless that spark is rekindled, we will remain just another good law school in the New York area. The school staff is secreted and underpaid: it is wrong to deny that we have already disenchanted a civic and a group of people who do not believe in the operation. They are not the operation that will go back and reflect on whether or not this was a CIA operation? Because if these five men in going to trial, law is thriving, and upon the manifestations of government and upon other indications that this was a CIA operation. They are not natioufully because they have violated no law.

1) Around 40% believe their grades reflect their abilities. They may have done for that course. Less than half believe that preparing for class is time well spent, makes classes more interesting or is valuable during the final. Only 35% prepare for every class.

2) Around 50% of our students use books or other study aids for virtually every class they take. They may be more interested in class, or essential for better grades in a large majority of the class. This is despite constant ad- missions from first year faculty that they do not help and may hurt.

3) Only 25% believe that their tests have generally, tested with substantial success their knowledge of the subject matter. Around 60% of us are from Long Island and only 10% from out of state. Less than a majority support administrative efforts to recruit a more geographically diverse student body. Only around 13% support these efforts to gain enrollment diversity and 23% support affirmative action programs to accomplish the latter goal.

5) Less than 20% expect to become active alumni, with that percentage down to 7% in the third year.

It is to convince anybody outside of the school that we are sympathetic characters. Hopefully, we will be inefficiently well informed. Ready, get out your victims.

Many of us came to law school with a chip on our shoulders because we didn't get into New York, NYU, etc. Regarding the well perceived law school as prestigious and capable of people being well paid and/or attractive opportunity job upon graduation. Some also perceived that Holstra was "on the move" offering many unique opportunity.

Since we have come here, however, we have been kicked around by our professors, administrators, financial aid programs, employers, and creditors. We are preoc- culated with financial survival and unemployment.

neurotics, students who are miserable no matter what they do. They make people like me nervous. To these people I offer the following advice.

1) Stop drinking AR coffee.

2) If you ever feel inferior just go over to the Nassau County Supreme Court and watch how bad some of those lawyers are.

3) Don't worry too much about your rank. Those in the middle of the class become the best attorneys. The top of the class become professors, and the bottom of the class is elected to Congress.

Finally, I never understood why it isn't the bottom of the class who rule journalists and write comments and the top of the class who get real jobs. Law Review should be a stu- dents cooperative designed to provide legal assistance to the community. If the Law Review represents our best and brightest, then it is a sad commentary on where we need that talent the most and is not the best way to provide the participants with the best education.

CONCLUSION

Like many people I have completed (almost) my fledgling and have developed some radical notions on how the system should be reformed. They are so vague for me yet so clear for others. Here they are discussed and the core of the issues. After all, the student knowing that there is a number of exceptional students and faculty who will ensure the continued vitality and relevance of our training.
Lawyer’s Role: Court Officer or Clients Advocate

by Steve Brodsky

In our adversary system of justice, the lawyer finds himself or herself sporting a slightly split personality. In one frame of mind, the lawyer wears the colorful and flamboyant suit of a partisan advocate. As a professional, the lawyer is driven to present the best possible case. At the same time, the lawyer is duty-bound to seek the best interests of his client, and to employ reasonable means to that end. In that role, the lawyer is an ally of the court, and is committed to the administration of justice. The lawyer’s role is not simply to represent the interests of his client, but also to contribute to the fair and efficient administration of justice. This dual role can be challenging, as the lawyer must balance the interests of their client with the interests of justice.

1. Beyond any doubt, the ultimate objective of the system of justice is the achievement of a just result. The lawyer must help his client achieve a just result. The lawyer must help his client achieve a just result. The lawyer must help his client achieve a just result.

2. The lawyer’s role as a court officer or clients advocate depends on the context in which the lawyer is working. In some cases, the lawyer’s role may be more as a court officer, while in other cases, the lawyer’s role may be more as a clients advocate. The lawyer must be able to balance these roles in order to effectively represent their clients.

3. The lawyer’s role as a court officer or clients advocate is not a fixed role, but rather a spectrum of roles. Depending on the context, the lawyer may find themselves in a position to advocate for their client’s interests, or to act in a more neutral role.

4. The lawyer’s role as a court officer or clients advocate is not simply a matter of personal preference, but is shaped by the context in which the lawyer is working. The lawyer must be able to adapt their role to the specific circumstances of the case.

5. The lawyer’s role as a court officer or clients advocate is a complex and nuanced one. The lawyer must be able to balance the interests of their client with the interests of justice in order to effectively represent their clients.

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With the filing deadline for tax returns just over a month away (April 16), people are looking closely at how they'll be taxed this year.

One way people are finding to reduce their taxes is by investing in tax-exempt municipal bonds. These are bonds issued by states, counties, municipalities and school districts that are exempt from federal income tax, as well as state and local income and sales taxes.

A municipal bond fund is a mutual fund that invests primarily in municipal bonds. The interest income from these bonds is tax-free, so the dividend yields are higher than those from taxable bonds.

Recently, some bond fund managers have been pocketing 6%. The other 6% will be paid to the government in taxes. Conversely, the interest rate the investor receives will be lower than that of a taxable bond fund earning 12%.

From a straight tax-exempt income analysis, a municipal bond fund is always preferable to a taxable fund. They also pay out a lower interest rate.

On the other hand, if a taxpayer in the 50% bracket invests in the 12% taxable fund, he would have $1,160 in taxes. Therefore, the high bracket taxpayer comes out ahead by investing in the tax-exempt fund, which has a lower nominal interest rate.

There is a simple formula to determine whether, in your particular tax bracket, it makes sense to invest in tax-free bond funds. Take your tax bracket and subtract it from one. Then multiply by the rate of interest from the taxable investment. Then compare this with the rate of tax-free interest from a bond fund. If the rate of the bond fund is greater, then it makes sense to invest in the tax-free fund.

If the tax-free bond rate (the rate on taxable investment) is (1 - your tax bracket), then it makes sense to invest in tax-free bond funds at these interest rates and income bracket.

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**Tax-free municipal bond funds are not** for everybody, but for those who are in higher tax brackets, a bond fund may be a sensible alternative to taxable savings accounts.

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**Grossman on Economics:键仁斯：**

by Rob Grossman

This being an election year, national politics again becomes the focus of debate for the affairs of government and the economy. Over the past several decades, we have tried to fine-tune, or manipulate, the economic and social ends, but the only consistently achieved results have been to exacerbate our accumulated deficits, or national debt, and inflation.

The idea that we can achieve social ends is too much an oversimplification of the theories in the John Maynard Keynes. While applied economics had “budget deficits” balanced, the national debt and inflation.

Specifically, Keynes realized that, when the economy is in a depression, total spending falls far short of the value of goods and services. Hence, the depression is a waste of resources.

The problem is that we are consuming more than we are producing. Keynes theorized that in these conditions, increased spending by government would be beneficial, even if the spending were to exceed tax receipts, resulting in a short-term deficit.

Conversely, in a period of great activity, we may try to spend more than our capacity to produce, which can produce only 10,000 El Dorado convertibles in one year and fifteen thousand people want to buy them. Hence, the unemployment is an allocation mechanism for scarce resources in a free economy.

Both the national and the state governments by the country as a whole. If all spenders suddenly had ten percent more money to spend, they would probably try to spend more, not all, of it on projects to avoid saving. If production exceeds capacity, this increase in total spending, in a short period of time, would result in a bidding up of prices, an inflation. To counteract this general price rise, a reduction of spending would be required.

In the long run, groups of spenders (or areas of spending), private con-

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**Revised Haitian Dilemma**

Continued from page 7

Haitians face certain death or indiscriminate torture and imprisonment by members of the ruling military squads, the dreaded Tom Macoutes or Leopards.

Moreover, those freedoms allegedly exist in Haiti seem, at best, illusory. In the House Subcommittee on Immigration hearings held in 1975, Senator Elizabeth Holtzman asked14 the State Department's human rights officer stationed on Haiti what he could say positively about the status of human rights in Haiti, and after stammering for a while, he mumbled that Haiti had freedom of religion.

Haitians being held in Miami and other centers throughout the U.S. are mere vic-

This partisan policy is in contradiction of the United Nations Protocol on Refugees signed by the U.S., which does not recognize the political distinction between left-wing and right-wing governments, but calls for acceptance of refugees based on whether they are, in objective reality, fleeing persecution.

The problem has not been to approve Haitians to fleeing persecution, for many, upon deportation simply disappear. But there is another, equally difficult problem: the relationship between an authoritarian Haiti and a totalitarian Cuba which the State Department suggests exists on the question of human rights. Thus, both have atrocious human rights records. Hence, Haitians, like the Cubans who arrived on the Flotilla, should be granted political asylum and freed from their lengthy captiv-

Arousing from the Haitian dilemma, the Refugee Act of May 1980 was brought into conformity with the United Nations Protocol on the Rights of Refugees. The distinction between those fleeing left-wing and right-

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Legal Briefs...

Pulley vs. Harris: The Death Penalty Misapplied

by Randy Montellaro

The debate still rages over when the death penalty should be imposed for those convicted of capital crimes. The Supreme Court's decision last month in Pulley v. Harris concerning the propriety of death sentences will add new fuel to the fire. The Supreme Court held in Pulley that a state court need not compare the sentence of the defendant awaiting judgment with the sentences imposed in other similar capital cases and thereby determine if the imposition of the death penalty is proportionate. Pulley, by not constitutionally mandating comparative proportionality review, has made an unwarranted erosion of the earlier Supreme Court decision in Furman v. Georgia.

"The race of the defendant and the race of the victim, often were the crucial but impermissibly applied factors which determined whether the death penalty would be imposed on the defendant."

As a result of the Furman decision, roughly two-thirds of the states rerafted their capital sentencing statutes in an effort to limit jury discretion and to avoid arbitrary and inconsistent results. All of the new statutes provided for automatic appeal of death sentences and required the reviewing court to determine to some extent whether, considering both the crime and the defendant, the sentence is disproportionate to that imposed in similar crimes. The California statute under review by the Supreme Court in Pulley did not require such comparative proportionate review. The Supreme Court in Pulley, by not declaring the California statute unconstitutional, may return us to the pre-Furman method of imposing arbitrary and capricious death sentences. Those states which do presently require comparative proportionate review will continue not to do so and those states which presently require comparative proportionate review may determine it is no longer necessary. In either case, the result could be the imposition of death penalties unevenly within a jurisdiction.

The majority, per Justice White's opinion, is held that while the Supreme Court in prior cases had upheld the constitutionality of some state comparative proportionality review schemes, it did not mean to imply that such a review was indispensable. Comparative proportionality review in those cases was considered only an additional safeguard against arbitrary and capricious sentencing, and not the critical feature of the constitutionality of those state statutes. The majority concluded by saying that "[a]ny capital sentencing scheme may occasionally produce aberrational outcomes... and there can be no perfect procedure for deciding in which cases governmental authority should be used to impose death."

Admittedly, there is no perfect capital punishment system, but before the state imposes the death penalty, it must be imposed with due regard for the principles of justice. A state court applying Pulley in two similar capital crimes may constitutionally impose the death sentence in one case while sparing the defendant in the other. It is hard to see a more arbitrary and capricious death sentencing system.

The race of the defendant and the race of the victim, often were the crucial but impermissibly applied factors which determined whether the death penalty would be imposed on the defendant."

In 1972, Furman invalidated the then-existing capital punishment statutes of the various states. Although each Justice wrote a separate opinion in Furman, it has since been accepted that Furman held, at a minimum, that the death penalty could not be imposed unless sentencing guidelines that created a substantial risk that it [will be] inflicted in an arbitrary and capricious manner." Gregg v. Georgia. The Furman court struck down the states' capital punishment statutes as it realized that they were being imposed in a nonrational discriminatory manner. The race of the defendant and the race of the victim, often were the crucial but impermissibly applied factors which determined whether the death penalty would be imposed on the defendant."

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Admittedly, there is no perfect capital punishment system, but before the state imposes the death penalty, it must be imposed with due regard for the principles of justice. A state court applying Pulley in two similar capital crimes may constitutionally impose the death sentence in one case while sparing the defendant in the other. It is hard to see a more arbitrary and capricious death sentencing system. Who will be saved and who will die? Factors such as race (or sex) could again become the deciding factor. This is exactly what Furman purported to prevent.

Justice Brennan in his Pulley dissent recognized the possible recurrences of events Furman attempted to proscribe: "Given the emotions generated by capital crimes, it may well be that juries, trial judges, and appellate courts considering sentences of death are invariably affected by impermissible considerations." A sentence's consideration of aggravating and mitigating circumstances, combined with some form of appellate review will not insure the end of arbitrary and capricious sentencing. However, comparative proportionality review for similarly situated, defendants "might eliminate some, if only a small part, of the irrationality that currently surrounds the imposition of the death penalty."

To require the states to implement comparative proportionality review would not be overly burdensome, especially when one considers that a life or death situation is involved. A court of state-wide jurisdiction would need only conduct comparisons between death sentences imposed by different judges or juries within the state. It is important to note that over thirty states had previously taken it upon themselves, either by statute or judicial decision, to conduct some form of review. These realize the importance of comparative proportionality review and thus are willing to accept whatever slight burden the review entails. Furthermore, the courts in at least the states of Georgia, Arkansas, Florida, Kentucky, Mississippi, Missouri, and Oklahoma have vacated death sentences after performing a review because they were convinced the death sentences were imposed in a comparatively disproportionate manner.

The Eighth Amendment's proscription against cruel and unusual punishment should not only be read to prohibit barbarous punishment and sentences that are disproportionate to the crime committed, but also for disproportionate death sentences that are or are not imposed for similar crimes.
Hofstra Accounting Program Rated 2nd In Nation

An independent survey of Certified Public Accounting firms has rated Hofstra University among the top ten schools for accounting students in the United States.

Hofstra was the highest rated New York school, placing seventh on the list, which included schools from all over the country.

The survey was conducted by the Personnel Newsletter for CPA firms, which asked the top 25 CPA firms in the nation to list the schools that produce the best accountants.

Other schools considered by CPA firms to have the most desired graduates were: Illinois, Michigan, Texas, Michigan State, Illinois State, Western Michigan, Virginia Polytechnic Institute, City University of New York — Baruch College, and Iowa.

"We are pleased that another independent group has verified the quality of the Hofstra Bachelor of Business Administration Degree," Dr. Herman Berliner, Dean of the Hofstra School of Business, said.

In 1982, Hofstra's undergraduate programs were reaccredited, and its Master of Business Administration Program was accredited by the American Assembly of Collegiate Schools of Business (AACSB).

Hofstra has the only Business in Nassau-Suffolk to have programs officially accredited by the AACSB, the most important business accrediting agency in the nation. Hofstra is one of the 200 Schools of Business in the country, out of approximately 1,200 to have earned AACSB approval.

The program certifies that a school has an appropriate number of faculty members with terminal degrees, including accounting, management, economics, marketing, finance, business computer information systems, and quantitative methods. There is an emphasis on good writing and oral presentation skills, as well.

The School of Business has the only chapter of Beta Gamma Sigma on Long Island, the business school equivalent of Phi Beta Kappa, and of Beta Alpha Psi, the national accounting honor society. Hofstra is the only university in Nassau and Suffolk Counties to have a Phi Beta Kappa Chapter (national honor society), an honor that only ten percent of all American colleges and universities qualify for.

The following academic departments constitute the School of Business at Hofstra: Accounting; Business Computer Information Systems; and Quantitative Methods; Banking and Finance; Management and General Business; Marketing and International Business; and Business Law. Students who qualify for admissions can enroll for business studies during the day or evening, on either a part-time or full-time basis.

Hofstra University is located in Hempstead, L.I., N.Y. Hofstra has a student body of 11,500 and 53,000 alumni throughout the United States.
HOFSTRA LAW ALUMNI

Continuing Legal Education Program

The Law School is pleased to present the third Hofstra Law Alumni Continuing Legal Education Program. These lectures are part of the Law School's efforts to provide continuing service to our alumni and we hope that you will attend. We believe they provide a unique opportunity to return to the Law School, meet with members of the faculty, and participate in a valuable professional activity.

LECTURES

LECTURE I
Tuesday, April 3, 1984
Professor Malachy Mahon
Professor Alan N. Resnick

"Uniform Commercial Code"
at 7:00 p.m.

"Bankruptcy"
at 8:00 p.m.

LECTURE II
Thursday, April 5, 1984
Professor John DeWitt Gregory
Professor Bernard E. Jacob

"Family Law"
at 7:00 p.m.

"Real Estate"
at 8:00 p.m.

LECTURE III
Tuesday, April 10, 1984
Professor David K. Kadane
Professor Aaron D. Twerski

"Drafting Legal Documents"
at 7:00 p.m.

"Products Liability"
at 8:00 p.m.

LECTURE IV
Wednesday, April 11, 1984
Professor Lawrence Kessler
Professor Leon Friedman

"Evidence"
at 7:00 p.m.

"Criminal Procedure"
at 8:00 p.m.

LECTURE V
Thursday, April 12, 1984
Professor M. Patricia Adamski
Professor Mitchell Gans

"Corporations"
at 7:00 p.m.

"Tax & Business Planning"
at 8:00 p.m.

APRIL 4
Dean's Hour Moot Courtroom
The Honorable John V. Lindsay,
Former Mayor of the City of New York, will deliver a Max Schmeritz
Distinguished Professor Lecture.

APRIL 25
Cocktail Party for Alumni sponsored by
Hofstra Law School (in connection with
the annual meeting of the New York
State Bar Association) will be held at the
New York Hilton from 5:30 p.m. to 7:30
p.m. Admission will be free.

APRIL 26
Third Annual Edward F. Corlough Labor Law Con-
ference: "Regional Labor Relations in Health Care,
Retail Food, and Transportation." Edward Chery,
the newly elected President of the New York State
AFL-CIO, will deliver the luncheon address. Admission
is $10, $15 for alumni, and $20 for current law
students.
BLACK HISTORY MONTH

by Dennis Pottinger

In commemorating Black History Month, we should pause a moment to reflect on the struggles of blacks in this country to cast off the chains of physical and mental slavery, and to establish themselves as a free and equal race.

Less than 150 years ago blacks were still slaves in this country. Through the efforts of the missionaries, black and white Abolitionists, the Emancipation Proclamation by President Lincoln on January 1, 1863, declared 'free' all persons held as slaves within any state. The Emancipation Proclamation was the seminal effort to recogntize blacks as equal citizens of the United States.

Freedom did not come easy, nor was it inexpensive. Freedom was won after many hard fought battles, which were financed by the sacrifice of many lives. The winning of freedom was the birthing of a long and winding road for the black race. There was still many more battles to be fought, because although recognized as free, our country was plagued with segregation and racial discrimination. Fortunately, segregation and racial discrimination has gradually lost its place in our society and is now becoming a remote and negligible existence in our future.

The struggles of the Black race have been unique, difficult, and enormous, but progress has been made. Black pride, unity, and determination have made them overcome the darkness of the underground railroad. It is with deep pride and gratitude that we take time out to reflect on the people, whose efforts have made us mindful of the light at the end of the tunnel. Although, there are many, we would like to pay tribute in the accompanying photographs to some of the people who were movers of men and people of destiny. They have earned their place in history, and their efforts will continue to influence our society. A man without history has no existence. It is through the understanding of one's history that molds one's destiny. One's future is just another step of his history.

The route of the underground railroad has been long, and there have been many stops along the way. Nevertheless Blacks keep marching on. Who knows where the next stop will be. Do you know?
GALLERY OF INSPIRATION

Martin Luther King, Jr. — One of the most memorable moments of the civil rights movements of the 60’s.

Shirley Chisolm — Former Congressional Representative. She had support of both black and white women throughout the nation. In 1972 she was an unsuccessful candidate for the Democratic Presidential nomination.


Andrew Young — Along with Rev. Jesse Jackson were protege of Dr. Martin Luther King. Andrew Young was former U.S. Ambassador to the United Nations. He is presently the Mayor of Atlanta.

Tom Bradley — Black Mayor of California

1st Black Senator & Reps.

Hofstra Celebrates
Black History Month

Hofstra University continues its celebration of Black History Month with a discussion of repression and reform in South Africa and an exhibit of memorabilia from the life of Dr. Martin Luther King, Jr.

The University will sponsor a forum on South Africa in the Student Center Theater, 2:7 p.m. February 28th. A panel will include Randall Robinson, Director of TransAfrica; Gay McDougald, Director, — Lawyers Committee for Civil Rights Under Law, South African Project; Dr. Bernard M. Magubane, Professor of Anthropology, University of Connecticut; and Morley Nkosi, Associate Professor of Economics and Director of African Studies at Hofstra. Topics will include “United States/South Africa Relations” and “State Repression and Constitutional Reform in South Africa.”

The 1984 NCAA Division II Men’s & Women’s Swimming & Diving Nationals are being hosted by Hofstra University on March 7-10, 1984. Peter Clark, the NCAA Meet Director, and Director of Hofstra University’s Swim Center is looking for fifty volunteer workers for each session. “We could sure use your volunteer help in assisting us to make this nationally cable televised event a big success,” said Eve Atkinson, NCAA Women’s Swimming Committee, and Director of Women’s Athletics at Hofstra University.

Volunteers who help out all four days will recieve free:
1. Admission to the total NCAA event (a $32.00 value)
2. NCAA Official Timers Shirt
3. NCAA Championship Hat
4. Admission to the Coaches Social at the University Club
5. NCAA Certificate of Merit

Fill out the form below today and return it to Peter Clark, NCAA Meet Director. He will contact you about your assignments. Thanks for putting forth that extra effort. Looking forward to seeing you in March.

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Yes, I would like to volunteer to work at the NCAA Division II Men’s & Women’s Swimming & Diving National Meet. I will be able to work the following sessions:

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
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<tr>
<td>Wednesday, March 7, 1984</td>
<td>9:00 a.m. to 6:00 p.m.</td>
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<td>Thursday, March 8, 1984</td>
<td>10:00 a.m. to 3:00 p.m.</td>
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<td>Friday, March 9, 1984</td>
<td>10:00 a.m. to 2:30 p.m.</td>
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<tr>
<td>Saturday, March 10, 1984</td>
<td>9:00 a.m. to 2:30 p.m.</td>
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Signature:

Name:

Address:

City, State, Zip:

Office Phone #:

Home Phone #:

Please return this form by March 5, 1984 to:

Mr. Peter Clark
NCAA Meet Director
Director of the Swim Center
Hofstra University
Hempstead, NY 11550
(516) 463-0683
PART ONE: DEBUNKING THE MYTHS
The fitness revolution has taken America by storm. A 1977 Gallup poll revealed that almost 50% of the adult population, or 55 million Americans, intended to lose weight. That number has been constantly on the rise — at least 75 million Americans now join the movement as of March, 1983.

It's all really rather hard to ignore. Maybe, just maybe, you can keep up with the times, is using fitness to sell everything from diet colas to designer jeans. Even television shows, series of fitness-oriented TV commercials!

Health food stores are opening up all over, gym and health spa memberships are soaring. Joggers are everywhere. Fast diets make fortunes, before anyone realizes that they don't work.

Why this preoccupation with fitness? What makes it all so irresistible? The potential benefits are many, including: fun, relaxation, athletic conditioning, freedom from illness and disease, fat reduction, enhancement self-image, vigor, longer life. Orthopedic surgeon Richard H. Dow, M.D., writes more succinctly in The Complete Book of Sportmen's Medicine: "Why become fit? Because fitness improves your life and makes your life more enjoyable. You will become trimmer, feel and sleep better; be more creative and energetic, and probably live longer. Indeed, the many medical benefits from a fitness lifestyle have been documented; exercise and a healthy diet will keep you better for longer.

For many healthy Americans, however, the most attractive aspect of a fitness lifestyle is looking better. As Fred said, "The body is the ego." Lisa Lyon, world women’s book in the world: "YOUR body goes beyond just changing your clothes to improving your self-confidence and significantly influencing the quality of your life."

For many years, words like "superfluous" and "unnecessary" have been used to describe those who became "too" concerned about their physical appearance and who took steps toward change. Today, the same people who spoke those words can be seen running or working out to firm up their flabby bodies. If law students have been slower to join the fitness revolution, it’s not really their fault. The law school experience is designed to be an all-consuming exercise for the mind. So what if you can’t do a push-up — you’re a law student, anyway. You can’t see your feet without deepening — you’re on Law Review. Law school, in its emphasis on academic achievement and analytical abilities, focuses only on the mind. The body is the other side of the coin, is minimal. This outlook, taken to its logical extreme, supposes that mankind’s exercise in life is to be an oversized, bedridden, brain in a Pyrex flask. At best, the outlook is merely a gross rationalization with the hidden effect of physical improvement.

Don’t be fooled! The ideal of the ancient Greeks — friend and body as coequal — is still alive and valid. Like the mind, the body must be trained to its fullest potential. There should be a balance between the two. Our minds have been preoccupied with all of our lives. Our bodies have been neglected. How do you train a body that deserve some attention now? In this installment, we will explore how to work your body.

We have already talked enough to take the first step toward a new you.

GET PSYCHED!

MYTH #1: PHYSICAL FITNESS IS JULY 4TH, FIFTH AND THEN SOME. False. Then what is “fitness”? It can be broken down into separate aspects: freedom from disease, strength, conditioning strength and endurance, optimal lean-to-fat ratio, balance and agility, and cardiovascular endurance. The last aspect refers to the heart’s capacity, along with the circulatory system, to do work (i.e., to deliver oxygen and nutrients to the entire body efficiently).

Research indicates that cardiovascular fitness may be a key to the preservation of youth and prolongation of life. To achieve cardiovascular fitness, you must push your heart rate to more than 60% of its maximum for at least 30 minutes three times per week (for people between 20 and 60, maximum is about 200 beats per minute). Activities like swimming, bicycling and jogging require much oxygen, resulting in heightened breathing and increased pulse rate, and are great for cardiovascular endurance. Such exercises are called aerobic. Exercises which can be performed without a marked and sustained rise in pulse or respiratory rate are called anaerobic. Examples are weightlifting and downhill slalom (as opposed to cross-country skiing). To achieve overall fitness, a routine should include both anaerobic and aerobic exercise, as well as stretching to maintain and improve flexibility. A properly constructed routine can improve overall fitness without heavy demands.

MYTH #2: DIET ALONE IS THE BEST WAY TO LOSE WEIGHT. False. Gaining or losing weight is simple mathematics. Instead of numbers, we deal with calories, which are units of energy. There are 3,500 calories of reserve energy in one pound of fat. This means that if you eat 3,500 calories more than you need, you will gain one pound of bodyfat. If you eat 3,500 calories less than you need, you’ll lose one pound of fat. The time, you lose, and how much depends on your body composition. Our concern on this side is not what you take in, but what you burn up. Calories are expended throughout your day, as "fuel." Reading your bloodstream at a desk in the library uses up about 90 calories per hour (that’s about the time you’d take in if you had a large apple or a light beer!). Aerobic activities like swimming or running use up 300 to 600 calories per hour, depending upon speed and intensity. By exercising, you cut down on both sides of the equation, making your weight loss that much faster and easier.

MYTH #3: I CAN LOSE 8 TO 10 POUNDS A WEEK IF I GO ON A DIET OR USE APPELITE SUPPRESSANTS. False. Studies show that exercise, rather than appetite suppressants and crash diets, is the only way to lose weight control. The present panoply of drugs for suppressing appetites only work for a few weeks, at the very best. Abuse of them may produce anxiety, restlessness, insomnia and drug dependence: Regular exercise not only burns calories, but it also increases the resting metabolic rate, which causes rounds the clock calorie burning. Regular exercise also restores a normal appetite, which for many people means a reduced calorie intake. You may shed pounds from a preset embarking upon an exercise program.

MYTH #5: IF I WORK OUT REGULARLY, I CAN EAT MORE AND GAIN WEIGHT. False. Numerous studies have shown that any type of vigorous exercise, if performed regularly, will tend to decrease your appetite. While weight training will inevitably increase muscle mass, you will tend to lose body weight if you have excessive fat deposits around your body. At the very least, you will maintain your body weight, as your muscle mass increases at about the same rate as your workouts burn off fat...and remember your metabolism — as it increases, so does the amount of calories your body burns up.

MYTH #6: WEIGHT TRAINING WILL MAKE ME MUSCLEBOUND. There is a term in myth here because there are some bodybuilders who handle except- tionally well, a diet of very few calories and who also do not stress your muscles. Such activities will decrease flexibility. If done properly, with correct form and posture, weight training will actually increase body flexibility. It will also strengthen your skeletal muscles to such an extent that you will have better manual dexterity for such sports as golf, baseball and softball. Many of today’s professional football players have highly developed muscularity and yet exhibit remarkable speed and agility on the field.

MYTH #7: IF I STOP WORKING OUT, MY MUSCLE WILL MELT. False. It is physically impossible for muscle tissue to turn into fat; it is just as impossible for fat to turn into muscle. A once-fat person who has developed his or her body has not changed fat into muscle; that person has merely increased his or her ability to turn energy consumed into muscle tissue. In other words, you will not lose the muscle. When you stop training, your muscles will gradually shrink back to their original size, which will take about as long as it took to develop them. You may want to continue to watch your diet, whether training or not, you will get fat. Former athletes who grow fat after they retire do so because they both lose muscle and gain fat. Similarly, their metabolisms revert back to their natural state. If you continue to consume more calories than you expend, you will gain weight. You won’t even work out.

MYTH #8: WOMEN WHO WORK OUT WILL GET BIG, MUSCULAR MUSCLES. False. It is amazing how many women (and men) even today believe that lifting a dumbbell, a couple of times will make them look like Lou Ferrigno. This fallacy is a particularly harmful rationalisation with which to avoid adopting an exercise routine. Very few men, with many years of hard training behind them, have developed the kinds of muscle mass desired by professional bodybuilders. In terms of ability to develop muscle, women have a natural advantage over men. Women are not as likely to see the kind of bodybuilding muscle mass exhibited by professional bodybuilders. In terms of ability to develop muscle, women have a natural advantage over men. Women have very high levels of estrogen and men have high levels of testosterone. In fact, women normally lack only one-tenth the testosterone level of men! For a woman to develop even a little muscle takes a good deal of effort, and for both men and women, is getting results, not in pregnancy, not in exercise. A proper analogy would be to an anti-egghead who refuses to read a book because he doesn’t want to "be too smart." Concentrate on getting some results before worrying about going too fat!

MYTH #9: I CAN’T WORK OUT BECAUSE I’M A WOMAN. False. You can continue all forms of physical activity while menstruating. In fact, most women find that their workouts relieve discomforts (lower back pain, cramps, fatigue, depression, etc.) after beginning to exercise and that they feel happier and more productive. With the natural change that comes with menstruation, you may need to cut back on your workouts for a week or two, but you will not lose the benefits you have already gained.

MYTH #10: I’LL HAVE TO TRAIN FOR LIFE IF I BEGIN WORKING OUT, SO I MIGHT AS WELL JUST BECOME A SLAVE TO MY WORKOUTS. False, but you will probably want to! With exercise, you find that your exercise tolerance is one of the most enjoyable things you do each week. It will relieve tension and will relax you so completely that you will feel good about the effect on your life. It will also enhance your concentration and studying, so that the time you spend with your books will be more intensive and productive.

MYTH #11: THERE MUST BE SOME GIMMICK TO SHAPING UP. False. All the gimmicks — why else would fast diets be so popular? Can you imagine how many of those ridiculous books that are "all dies have been sold each year? The truth is, there is no gimmick; but there is a few fundamental needs and followed closely, it will guarantee success in nearly all cases: diet, aerobic activity and resistance training. While this formula work for you will be the focus of our next two installments.

Rick Collins, a 3.L., is a health enthusiast, competitive bodybuilder and former instructor at the Valencia Health Club and Jack Lalanne/Holiday Spa. Tracey Epstein, also a 3.L., is an aspiring bodybuilder, runner and gourmet chef. She is the Features and Photography Editor of Conscience.
Is there hope after the MAGIC has gone?

by Pat McCartney

The Olympics are over, the college basketball season is winding down, so the time for Spring Training is here. Baseball fans are typically happy around Spring Training time — the slate is clean and once again faithful fans can safely state, "This will be the year we go to the Series!" However, one particular group of fans has had much more practice (11 years to be exact) at this annual prayer to Abner Doubleday. They are the followers of the New York Mets. Mets fans are necessarily unique. It's sinful for a Mets fanatic to lose hope, for to do so would realistically leave him with nothing. So, the fans continue to hope. We hope that maybe the Mets can finally climb out of the N.L. East cellar. We hope that, with good luck and everything going according to plan, the Mets can play 500 baseball for an entire season rather than a week. We hope that, with more than the grace of God, the Mets might even be involved in the pennant race in September. To hope for more than this, you need a case of Shea Stadium Bigger Beers.

Mets fans, unlike most others, tend to be optimistic without any reason to be. This was the case throughout most of the '70s. But, when the change in ownership brought Frank Cashen, a genius in Baltimore, to the Mets front office, Mets fans had real reason to think a good team would be two or three years away. Changes on the field brought more hope, but the return of Tom Seaver made it official. The Mets, in the near future, would become a good team. "The Franchise" would lead the Mets back to respectability. The midseason additions of Keith Hernandez and Darryl Strawberry had Met fans dreaming of a pennant in only a year or two. Some fans who blindly love their team thought a pennant could be had even sooner. A friend of mine, possibly the most optimistic Mets fan of all time, thought the Mets could win the pennant last year. Last August, with the Mets 20 games out, in dead last place, and with only 40 games remaining, he looked at me and with a straight face said: "If we could go 30-10, we could win the division." Not only was he serious, but even more incredible, he was sober. He is a fan who is truly afflicted by the lure of the Mets magic. Always hoping lightning will strike again.

The fear among Mets fans this year is that the lightning might never strike again. The magic left the Mets when Tom Seaver inexplicably became a Chicago White Sock. Frank Cashen took a big gamble, one that was to the man, was worthy to the fans of the organization; not realizing what Tom Seaver, the pitcher, was worth to the team. Cashen's blunder has deeply hurt, not only "Tom Terrific," but every Met fan as well. Frank Cashen will go down in Met history as a graduate of the M. Donald Grant School of Mismanagement. The Mets organization will suffer greatly but will recover. Despite speculation, Seaver probably will return to the organization upon retirement. The loss of Tom Seaver has shocked Met fans out of the magical fantasy land and into the real world. We now realize the mismanagement are so great that to overcome them one needs more than the wave of a magic wand.

Mets fans are no longer as optimistic as they once were. We can't get excited about spring training this year. New manager Davey Johnson has been taking all winter about his new team. The now disillusioned, disheartened Met fans are no longer satisfied with words. We can see through such enthusiastic double talk. We realize the pennant will be earned through hard work and quality play, not mystical magic as in the past. We look at this year's team and still see Hubie Brooks at third base; still see Ron Hodges behind the plate; still see a minor league double play combination in the form of Ron Gardenhire and Wally Backman. Yes, there are times Ed is rather be blind.

Has the magic left the Mets for good? I would say the magic will return to Shea once again when Tom Seaver becomes the general manager after he retires. Of course, that will be after he records his 300th career victory and quite possibly, another world championship. He will come back to New York as a winner which is more than can be said of the team and front office he left behind.

So, what can Met fans do in the meantime? Should we once again put on our now tattered masks of hope for the up-coming World Series? Well, as a true blue (and orange) Met fan, I must hope. I find myself hoping for individuals such as Keith Hernandez, Mookie Wilson, Jesse Orosco and Davey Johnson. I utter silent prayers for the rest of the team to show some character and to produce on the field, the way major leaguers should.

It's tough for a fan who feels doomed to root for another loser. That's why most Met fans have developed masochistic tendencies.

We keep showing up at the ballpark hoping not even for a victory, but just a good game. And, the masochists will show up again this year even through Seaver will never perform at Shea again. The difference between this year and last is that some of the fans will require proof (to regain a glimmer of hope) before returning to the stadium in numbers. I doubt 48,000 will show up on opening day like last — and rightfully so. The fans are no longer blind, just visually impaired. It will take time to bring us back. I thought about boycotting Shea for the entire summer but I know I'll be drawn back by the hope and promise of the future — no matter how long it takes.

Guilty! Is Coming!

Mc Carthy Wins
2nd Golden Gloves Bout

by Tracey Epstein

Randall McCarthy, a 3L at Hofstra Law School is the current winner of a Golden Gloves championship fight. On February 11th, McCarthy, a native of Elmhurst, Queens, won his second Golden Gloves bout. It ended in the third round when the referee stopped the fight. McCarthy's first title win was on February 11th — that fight ended in a knockout.

A former wrestler at the University of Rhode Island, Randy has been training for about a year and a half. After winning the Long Island Regionals, he went on to the Empire State Games last summer. Last season, Randy trained at the Empire Sports Club in Manhattan. Randy's exhibition record, so far, is 30-15. Congratulations, Randy and the best of luck in future bouts.
MPRE & CPLR
HEMPSTEAD LECTURES

**MPRE**  Lecture will be held on Saturday, March 10

10am - 2pm Lecture

2:30pm - 4:30pm  Practice Testing

Price Information:
Barbri Enrollees - FREE ($75. payment is required which will be credited toward your balance)
Non-Enrollees - $75.

**CPLR**  Irving Younger

18 hour lecture to be held as follows:

Sunday, March 11 - 10am - 5 pm  (1 hour for lunch)
Monday, March 19 - 6 pm - 10pm
Monday, April 2 - 6pm - 10pm
Monday, April 9 - 6pm - 10pm

Price Information:
Barbri Enrollees - $45.
Non-Enrollees - $95.

**Don't forget:** The Barbri deadlines for course discount is March 7.

Put down your $50 deposit by then to secure the low discount price now in effect.