



# CONSCIENCE

The Hofstra University School of Law Newspaper

Vol. 2, Number 9

"Asking you to ask yourselves . . ."

May 12, 1975

## Moot Court Feels Pains — and Joys of Birth

By Dick Seltzer

The first year of Hofstra's Moot Court Program has drawn to a close. Professor Soloff and the Moot Court Board, consisting of third-year students Alice Morey, Rona Seider, Beth Goldmacher, Lance Lieberman, Mitch Devack, and Tom Dugan, were the driving force behind creating the program, and setting the plans in motion.

After setting up the structure and writing the rules, 25 second-year students were selected as Advisors to develop hypotheticals and aid the freshman in brief-writing and preparation for oral argument. "Starting from nothing, we got ready to deal with the entire first-year class with a few months of hard work," commented Ms. Morey. "I really enjoyed working with Prof. Soloff," added Ms. Seider.

Then the fun began. Hundreds of students started scampering around the library, working for their hypothetical clients. This display of energy led Rona Seider to say, "I got off on the first-year students' interest, enthusiasm and sincerity."

Conferences were held where the guiding hands of the second-year Advisors attempted to keep the students moving in the right direction. Moot Court Advisor, Steven Porter, noted that "one difficulty was that the par-

ticipants ranged from interested, ambitious students, to those who really didn't care. Some students must be reminded that Moot Court is a 2 credit, pass-fail course, but other students had to be reminded that one could fail."

The reactions to different aspects of the program have been diverse, and can provide fuel for improvement by next year's Moot Court Board. Alice Morey indicated that most Moot Court Advisors were effective, but "some did not meet the expectations of the Board in communicating with the first-year students, and providing the assistance that is necessary to overcome their fears and perform effectively." This criticism was echoed by first-year student, Betsy Woolf, who stated, "I enjoyed oral argument the most, but did not get enough constructive criticism of the brief from my Advisor."

Advisor, Alice McInerney felt "frustrated that the first semester legal writing program did not give the students the ability to cite cases and statutes properly or a sound basis to construct a persuasive legal argument."

The freshman reaction to the program was generally positive. Here is a small sample:

Lou Scarcella: "I liked it. At first I thought it was too

demanding, but soon realized it was a worthwhile experience in sharpening up my legal research techniques and arguing before the judges."

Monica Hilton—"Moot Court was an excellent program, but there was too much time from the day we were handed the problem to the day of the argument. This overly-interfered with my regular work load, although I learned more working on my Moot Court problem than I learn in class."

Rick Stern—"My first reaction was that the program was an additional burden at a time when I was overworked. However, after getting into the problem, it turned out to be the most practical and rewarding experience in school. I finally got a taste of the reality of lawyering."

Most Moot Court Advisors would find agreement with the remarks of Board member, Mitch Devack—"There should be more programs like Moot Court where students can learn to write a brief and argue effectively. My own law school experience suffered because there was no Moot Court in prior years. Professor Soloff is to be commended, especially for acting above and beyond the call of duty by existing for four consecutive weeks on University Club food."



Getting prepared . . .



Mimi Hyman braces the podium awaiting a question from the bench.



Moot Court Judges Weinstein, Freedman, and Porter being persuaded by an eloquent argument from Dave Collins.

## 'Moot Court and Me'

### a first-person account

By Neil Weinrib

The three judges entered the room, their long black robes trailing behind them. We instinctively sprang to attention. They sat down. We sat down. It was all happening so quickly. Weeks and weeks of preparation, all in anticipation of that night when we'd be able to articulate our issues. And here it was. Moot court was about to begin.

I reached for the cup of water that had been placed before my partner and took a long sip—more out of sheer nervousness than actual thirst. I glanced across the room to where my opponents were seated and wondered how they'd be presenting their argument. Our case was concerned with an action to recover damages out of a negligently performed vasectomy which resulted in a normal but unwanted child. During the course of the operation, the appellant was given a blood transfusion from which he contracted serum hepatitis.

Will they come up with a shatter-proof argument? I wondered. Did they find a case on point which I somehow

overlooked? Will I get up to speak and suddenly forget everything I had so thoroughly prepared?

And had I prepared! I thought back to the few days prior to this evening. Each day the excitement had mounted. I spent hours thinking of what I'd say and just how it would sound. Frequently, I would talk aloud to myself as I'd be driving to and from school, attempting to get acquainted with the legal jargon: "Yes, your honor; May it please the court; I respectfully submit." Not to mention the strange looks I'd been receiving from passing motorists! Over and over again I had repeated these simple phrases—even while I was showering. I wanted my presentation to be flawless.

My opponent then introduced himself and began a summation of the facts of the case. I looked around the room. It was really crowded—filled with classmates as well as parents who had come to hear their embryonic lawyers argue their first case. I glanced at my partner and we both smiled defensively. I slouched in my seat and attempted to listen, but I was too excited to concentrate.

He had hardly commenced his

argument when he was stopped abruptly by one of the judges—a spunky young attorney from a prestigious Wall Street firm. "Explain the sales-service distinction," said the judge, unleashing a barrage of questions that never seemed to end. This judge, much to my surprise, had carefully studied the briefs and even read a law review article in preparation. He knew his stuff.

Constantly the judge took legal jabs and vicious right hooks as my adversary tried to present his contentions. I just couldn't believe it. That judge is going to slice me, I thought. He'll never give me a chance to state my arguments, let alone explain them.

My opponent finished his truncated argument and sat down—obviously relieved. His partner arose and began an impassioned analysis of why the appellants should be allowed to recover for their unwanted child. I kept looking at my watch, counting down the minutes. I scribbled a few notes and started getting my outline in order. It seemed like she had been speaking for only three minutes, when my turn came.

I stood up, rather shakily, and placed my outline on the lectern—or rather what was left of it. It seems a page was missing. I quickly looked on the table and down on the floor. "What the hell did I do with it?" I thought. I proceeded anyhow and attempted to summarize my main contentions. I hadn't stated my first contention when I was halted in the middle of my sentence. "Here it is," I thought. "He's going to get me now."

The judge then proceeded to drill me with questions. I answered him directly, or rather I clung tenaciously to my argument that the hospital should not be held strictly liable for the defective blood. There was no way I was going to concede.

Thoughts of public policy, warranties, malpractice insurance, and blood all raced through my mind. I tried to speak loudly and confidently, but I wondered how I was really coming across. Was my logic coherent? Soon the questions became less intense and I attempted to salvage my game plan. And before I knew it, I had run out of things to say. I was done—and still breathing! I slipped back into my seat and lunged for the water. There was only a little bit left, but it tasted good.

Moot court seemed to be worth all the aggravation and perspiration. And I felt like I was even closer to becoming an attorney.





# CONSCIENCE

The Hofstra University School of Law Newspaper

Volume 2, Number 8  
April 8, 1975

"Asking You to Ask Yourselves"

American Bar Association  
Class A Category 1st Prize,

Law Student Division,  
Best Law School Newspaper,

**Chad Russell**  
Editor-in-Chief

Associate Editor  
Managing Editor  
News Editor  
Sports, Cuisine & Crime Editors

Production Editor  
Business Manager  
Photographer

**Jim Freeswick**  
**Dick Seltzer**  
**William Irion**  
**Lloyd Nadel**  
**Pete Williams**  
**Josh Klapper**  
**Donna Gilligan**  
**Neil Weinrib**

CONSCIENCE is the official publication of the faculty and students of the Hofstra University School of Law. While CONSCIENCE is published with the approval of the School of Law, it does not necessarily reflect the opinions of the administration of the School or of Hofstra University.

The Editor-in-Chief of CONSCIENCE supervises the editorial, news, literary, advertising and informative content of the publication and has authority over all material that appears in that publication and over staff personnel.

It is expected that the Editor-in-Chief and the members of the CONSCIENCE staff will meet the responsibility that derives from the right of freedom of the press.

CONSCIENCE is distributed free of charge to all students, faculty, and administrative personnel of the School of Law. Subscriptions are available to others at a cost of \$5 per year. CONSCIENCE is published every three weeks, from September to May.

Copyright (c) 1975 CONSCIENCE Editorial Board

## Letters to the Editor

### Stein's Spying Challenged . . .

April 9, 1975

To the Editor,

Your interview with Ralph Stein (April 8, 1975) ends with Stein telling us that "You can only change government by being involved in government." This is a sad rationalization for Stein's activities as an agent of an Army domestic espionage network. The statement contains within it the supposition that a person can engage in immoral totalitarian activity without becoming an immoral totalitarian, that an individual's body can somehow perform all the actions of an efficient secret agent without his mind becoming that of an efficient secret agent. This is an impossibility.

A human being's actions define him. Once a man's mind and body begin functioning as that of an army spy's it becomes impossible for him to

retain the perspective of a spied-upon civilian. It would have been impossible for Ralph Stein to both have the views of a civilian and be the coordinator of the CIAB's "Left Wing and Anti-War" Desk. Obviously Stein was not only involved in government but he had become the government himself. His inability to change the army arose both from the attitudes of the officers he describes, and from the fact that he was now one of them.

Ralph Stein's lesson on how a person through just a few logical accommodations unwittingly ceases to be the man of his inner pretensions is a timely warning to those of us who are about to graduate from Hofstra and enter life.

Sincerely,  
Mark J. Fox

### . . . The Spy's Rebuttal

April 21, 1975

To the Editor:

Mr. Fox's remarks are based on factual inaccuracies and a viewpoint as to the means by which freedom-threatening government activities can and must be controlled which I find to be counterproductive. The former I can attempt to correct, on the latter I will merely give my comments.

The Army's role in responding to requests for assistance in suppressing the riots which ravaged many of our cities in the late 1960's was predicated on a firm Constitutional base (Article I, Section 8) supplemented by statutory authority (10 U.S.C. 331, 332, 333). Confronted with an unprecedented pattern of sporadic but often intense violence at a time when troop availability was low, the Army groped for a means to both accurately forecast the time and place of rioting and prepare adequately for deployment. The domestic intelligence program arose from this situation.

While much of the data collected in connection with this program was necessary and valid, inexcusable and indefensible excesses were committed by various military intelligence personnel as illegal aspects of a lawful program that, in some areas and under certain circumstances, was controlled inadequately, if at all. No more egregious departure from lawful activity occurred than the initiation and escalation of surveillance and data-collection of and concerning Blacks and students. Efforts to restrict these activities by military personnel who questioned their morality as well as efficacy spanned the range from slight to great, depending upon time, place and circumstance.

I strongly believe, and I think the record of the Ervin investigation into Army intelligence supports my conviction, that the presence of a large number of officers and enlisted personnel in the Army's intelligence branch who were not career professionals serve to blunt much of the thrust of the program, prevented many abuses and harms, provided (for the benefit of the professionals whose views were too often entrenched in the bedrock of

another era) a badly-needed balanced picture, and eventually resulted in the exposure of those aspects of the program which were and are unconstitutional, illegal and outrageously wrong.

As the Ervin hearings amply demonstrated, a very great danger to our liberty posed by the Army's activities lay in the all-too-little realized fact that most of the illegal and improper operations were formulated and carried out by that group that Justice Brandeis so eloquently warned us of: "(M)en of zeal, well-meaning but without understanding."

Such "men (and women too) of zeal" are to be found in every sensitive activity which, by its nature, poses an unremitting challenge to civil libertarians. The police are, to my mind, the prime example of this dilemma. From experience, investigation and study, I have learned that the "men of zeal," be they police officers, military personnel or government bureaucrats are never so happy as when left in the cocoon of a snug, self-defined subculture where they can defensively ward off inquiries and input from society while remaining internally secure—and rigid—in the company of colleagues whose background, education and experiences combine to assure limited vision and even less introspection.

I am very sure that it must be personally comfortable for an individual to remove himself or herself from any government activity which creates actual or potential civil liberties problems. I am not sure either how much we would know about such activities or what we could do to restrain and control them if the police and government agencies could cheerfully function without a continuous infusion of men and women with the "inner pretensions" Mr. Fox deplors.

Too often it is said that liberals are the only people who form firing squads in circles. There has never been a more pressing time for civil libertarians to get on target and aim straight.

Sincerely yours,  
Ralph M. Stein

### From A Myriad of Thoughts . . .

Half a decade passes quickly once it is gone. At last, with seeming swiftness, Richard Nixon and the Vietnam Era are gone. The evils are not. It is five years since the outrage peaked. For many of us that was one fifth of a lifetime ago—soon it will be one-fifth. We cannot, we care not to live again in those days. But we must never forget them.

CONSCIENCE is pleased to know that Professor Mahon has been appointed Executive Director and Special Assistant Attorney General for the latest, and hopefully definitive, investigation stemming from the 1971 Attica uprising. Those of us who know him applaud the choice, and hope his important duties will be completed expeditiously so that he will be able to resume full teaching duties next year.

Finally, we hope that elections for next year's representatives will be held early in the fall so that student groups will be able to establish their budgets and pay their bills from the beginning of the semester.

As this issue completes Volume 2 of CONSCIENCE, it is time to extend our gratitude to all who have helped put CONSCIENCE together this year. In addition to the work done by the staff, dozens have contributed their efforts to CONSCIENCE. We don't have the space to list them all, but we would like to extend a special recognition to those who have made two or more contributions—Dean Freedman, Paula Hepner, Roger Kaplan, Marilyn Levine, Bart Reiss, Margery Rosin, Jean Smiht, Ralph Stein, Andy Suesser, Alan Swiedler, and Associate Dean Twerski.

We give a "good-bye" and "good luck" to graduating CONSCIENCE colleagues Donna, Lloyd, Pete, Mitch, and Norman. They also get an invitation to join our growing list of alumni subscribers (\$5.00 payable to "CONSCIENCE" gets a year's worth). It will be a challenge to replace their support and enthusiasm for CONSCIENCE.

As the Top 40 song says "... see you in September."

**Best Wishes**  
**To The Class Of 1975**  
**And**  
**An Enjoyable Summer**  
**To All!**

### 'Review' Membership Route Announced

To the Class of 1976:

Anyone interested in becoming a member of the Review via the "publishable article" route should recall the following provision of the Review's by-laws, passed last September:

Submission of a comment, note, or casenote deemed publishable by the Board of Editors. This method of selection to staff membership shall be limited to law students who have completed their first year who submit a comment, note, or casenote no later than two weeks after the first day of classes of their last year, not counting the first day of classes. This amendment shall become effective on the first school day of the 1975-76 year.

Please note that the deadline in

the by-laws fails to take into account the fact that the Board of Editors will be swamped with work at the beginning of the fall semester. Thus, an individual wishing to have his or her article considered in the calmest manner possible should try to submit it long before September—early or mid-July sounds good for this purpose.

Authors of articles prepared with the objective of gaining membership must remain anonymous. Therefore, submit these articles to Inge Klomm (rm. 212), without the author's name appearing on the article—a cover letter will serve to identify the author. Mrs. Klomm will retain the cover letter and will identify the article after the editors have decided to accept, or reject it.

To be deemed publishable, an

article must pass a screening committee consisting of the Editor-in-Chief and two other editors. If two of the three vote yes, the article is given to the entire board to read, and an affirmative vote of seven of the ten editors will admit its author to membership. It is not, however, a guarantee that the articles will be published in the Review.

Note that the process for submitting an article solely for publication is not anonymous, and articles thus intended do not need the affirmative vote of seven editors to be accepted. Before offering an article for publication, indeed prior to writing, please consult with me concerning topic suitability and deadlines.

—R. Abrahams



Balsa Goes to Georgia

By Dwight W. Loines

The recent Balsa national convention in Atlanta, Ga. was a particularly rewarding experience for the Hofstra delegation in that Doug Browning, class of 1976, officially assumed the duties of regional director.

There were two other significant events worthy of mention here. The first was the closing banquet in honor of Joan Little, currently facing a murder charge in N.C. A lesser known concern raised by the case is a N.C. statute which allows any citizen to slay anyone designated an outlaw with immunity. Crim. Pro. L. 15-48. The statute is particularly suspect in that it is reminiscent of post Civil War black codes whereby demoralized poor whites were allowed to participate directly in a social order patterned on plantation society.

The second event was an address by R. Davenport, Dean, Duquesne Law School, who pointed to the need for a political posture clearly and realistically reflective of Black American interest. The struggle in America would be less vulnerable to manipulation and the world struggle would be benefited by a meaningful Black American participation barely glimpsed at present.

STUDENT BUDGET  
ALLOCATIONS

To: Student Organizations

From: Student Representatives

Re: Budget allocations for the 1974-1975 school year

The following sums of money have been appropriated from Student Activities funds:

Conscience	\$5,500
Christmas Party and Spring Picnic	2,000
Yearbook	800
Environmental Law Society	250
National Org. for the Reform of the Marijuana Laws	50
National Lawyers Guild	700
Black Americans Law Students Assoc.	1,400
Jewish Law Students Assoc.	450
Puerto Rican Law Students Assoc.	450
Hofstra Law Women	600
Film Series	79
Martin Frankel Memorial Scholarship	100

In addition, we have voted not to use any Student Activities money for the financing of any future trips outside the New York Metropolitan Area.



NEW YORK STATE  
BAR ASSOCIATION

ONE ELK STREET, ALBANY, NEW YORK 12207

AS A NYSBA LAW STUDENT MEMBER,  
YOU'RE ENTITLED TO:

- The Law Digest . . . sixteen issues per year
- The Journal . . . eight issues per year
- The State Bar News . . . eight issues per year
- Admission to all Association, Section and CLE programs at special rate
- Free utilization of the Association Lawyer Placement service
- Life insurance at unmatched low rates

DATE \_\_\_\_\_ \$3.00 DUES

NAME \_\_\_\_\_

MAILING ADDRESS \_\_\_\_\_

LAW SCHOOL \_\_\_\_\_

DATE OF BIRTH \_\_\_\_\_

I am in my \_\_\_\_\_ year of law school and expect to graduate in \_\_\_\_\_ of \_\_\_\_\_. If elected I will abide by the associations constitution bylaws and cannons of ethics.

SIGNATURE \_\_\_\_\_

BAR EXAM — FIVE "LIVE" LECTURES

BAR/BRI Will Offer Live Lectures in New York  
Practice This Summer at Hofstra.

Prof. David Schwartz of Brooklyn Law School  
Will Teach 5 Sessions On The CPLR.



BAR REVIEW

B.A.R./B.R.I. Course

401 7th Avenue,  
New York, N. Y. 10001  
(212) 594-3696

Materials Are Available Now.

For Further Information,

Contact Jeff Englander or Kent Moston



## More Letters to the Editors

### Student Seeks Writing Option

To the Editor:

One of our law school's greatest deficiencies is the fact that after the first year, students need not ever write a paper. In fact, even if they want to write, they may find it difficult, if not impossible, to find a course which offers a writing assignment as an alternative to a final exam. The only other possibility for a student who wants to write is to do independent research, which in effect precludes the student from taking another substantive law course, which he or she may not want to do. In view of the significance of research and writing ability, which is perhaps the most important skill that an attorney possesses, I would suggest two changes in the current academic structure, both radical departure from the past.

First, I propose that every student be granted the option to submit a paper in one course per semester, in lieu of taking a final exam for that course. This would enable students to write every semester, without having to forego a course. This would have secondary benefits both for the students and the faculty, as students who take the option would have less pressure during final exams, and there would be less pressure on faculty members, who will have less exam papers to read each semester.

Second, I would propose that work on our law review be opened to all students who desire to work on it. Law review work is an excellent experience and there is no valid justification for restricting the experience to an elite few, at the expense of the vast majority of the student body, whose money is used to subsidize the publication. I have no quarrel with the notion that those students who excel in writing exam papers are entitled to acknowledgement of their accomplishment.

The current medium, however, is inappropriate. An Honor Society of some sort would serve equally well. Writing good exams does not serve to justify the restriction of law review membership in a way that precludes the majority of the student body from participation therein. The only possible rationalization for this inequitable situation is that

those students with the best grades are best able to do law review work, an assertion for which there is little evidence, if any, and against which there is also ample evidence.

An example of the inanity which pervades the law review situation, is the first year writing competition, from which a student is determined to be "law review material" based upon a writing sample adjudged to be of law review quality, regardless of the student's grades. Last Spring a number of students were selected for membership on the law review in this manner. The inference to be drawn from this, it seems, is that these few people have proven themselves to be of sufficient ability to work on the law review.

Overlooked, however, is the inference which is drawn from the fact that there were x number of students who were turned away on the basis of this competition. That inference, of course, is that those persons are not of sufficient ability to work on the law review. The question that I pose is, where does this leave those students who are adjudged to be incapable in the writing competition, but who nonetheless are on law review solely because of their grades? Do they or do they not possess the "ability" to do law review work? I don't know, and I don't think anyone else does either. My point is that there is no real way to gauge ability to do law review work, so we should . . . base law review membership solely on interest. College newspapers, journals, etc., all over the country, are based solely upon interest, and there is no reason to suspect that these publications would be any better off if it were done any other way.

"Progressive" is a favored label of many faculty and students in our law school community used when describing Hofstra Law, but Hofstra can't remain progressive simply by calling itself so—the time has come to re-examine the structure of our education, and to mold that structure to conform to the needs and desires of today's Hofstra student.

Sincerely,  
Tom Costa

## Editors Rebut Costa's Complaint

To the Editor:

We would like to respond to some of the issues raised by Mr. Costa's letter to the *Conscience*. He makes the point that every year some students participate in the writing competition, are not admitted to the Review on that basis, and yet are invited to join the Law Review because they are in the top 5 percent of their class. From this, Mr. Costa concludes: 1) that there is no real way to gauge ability to do Law Review work and that, therefore, 2) membership in the Review should be open to all.

The two most important skills which the writing competition seeks to test are writing ability and legal analysis. Highly qualified people may fail to perform at an acceptable level on the writing competition for any number of reasons: they may not feel well; they may have personal commitments, e.g. to an employer, which limit available time; or simply, while having the ability to analyze legal problems, they may be deficient in writing ability.

The assumption implicit in accepting the top five percent of the class is that these people have demonstrated over the course of a year a high proficiency in legal analysis. To the extent that they are poor writers, this deficiency may be corrected by editing. It is not the job of the editors, however, to tell a student how to think. Thus, while it would be preferable that all students on the Review be able to write well and be able to analyze legal problems in a scholarly fashion, only the latter skill is absolutely necessary.

The writing competition is a frank acknowledgement that the people at the top of the class rankings do not have a monopoly on ability. Likewise, the fact that students may gain membership by submitting an article of publishable quality recognizes that the writing competition is not perfect.

We agree completely with Mr. Costa that more emphasis should be placed on writing skills at Hofstra. The Review recognizes the benefit of going through the editing process, and allows non-Review students who do not wish to take on all the responsibilities of Review membership to be published.

The nonwriting responsibilities of Review membership necessitate our taking issue with the suggestion that membership be opened to the entire student body. These responsibilities, which include cite-checking, reading galley sheets against manuscripts for errors, and reading page proofs against galleys to check for the same, are not exciting jobs. They require long, tedious hours and must often be completed within narrow time constraints. Yet it is these functions which permit us to warrant to our readers that the material they are about to read is accurate. From an administrative point of view, we must be able to rely on the Review's members to do these jobs when asked and to do them well. The Review would never be published if our first opportunity to assess the ability of the members to do their jobs came after the jobs were done badly or not done at all. Thus, requiring of our members a minimum, demonstrated ability is a practical necessity.

Anyone with the ability to perform certain skills and the willingness to work long hours may be admitted by one of the three, completely anonymous, methods of gaining membership in the Review. If the quality of the Review, the only significant public face of the Law School, is to be maintained and improved, however, membership standards cannot be compromised.

Very truly yours,  
Frederick Eisenbud  
(Editor-in-Chief)  
Robert Abrahams  
(Ed.-in-Ch. elect)

### WOMAN

Like a glazed-eyed animal,  
I am driven by your movements.  
As if I were a hand picked hyacinth,  
I feel caressed by your gaze.  
As if I were a starving carpenter,  
Your touch will free me from my routine.  
When I am alone with my love,  
The hourglass glides through its motions.

Bart Reiss

### BUSINESS MANAGER WANTED

Conscience is seeking a Business Manager (10 percent commission) and a Circulation Manager for next year . . . Please contact Chad Russell (483-7868) or Donna Gilligan (212-424-1078) for further information.



### Faculty Profile

## 'Lightning' Larry Kessler

by Allan Heussinger

As the sun lowers in the West, "Lightning" Larry Kessler can be seen flashing his way from the Neighborhood Law Office to the Law School onto the basketball courts.

Professor Kessler brings with him to Hofstra a vast background of experience. He has served as an Associate Professor at the University of Cincinnati, College of Law, Senior Trial Attorney for The Legal Aid Society; Law Clerk for U.S. District Court Judge for the Southern District of New York, Edward C. McClean; he has also published numerous socially-oriented articles on environmental law, due process, and indigent representation.

When asked what appeals to him the most at Hofstra Law, Prof. Kessler remarked that he is very impressed by the activism of the faculty at the school in terms of its involvement in the active practice of the law despite their pursuit of teaching duties as well. "At Cincinnati and many of the other schools it is either a very small percentage or maybe none of the faculty that is litigating and here you have a substantial number of people who are continuously involved." Kessler thinks that this adds a dimension to the way the material is presented in class and the nature of the discussion throughout the school.

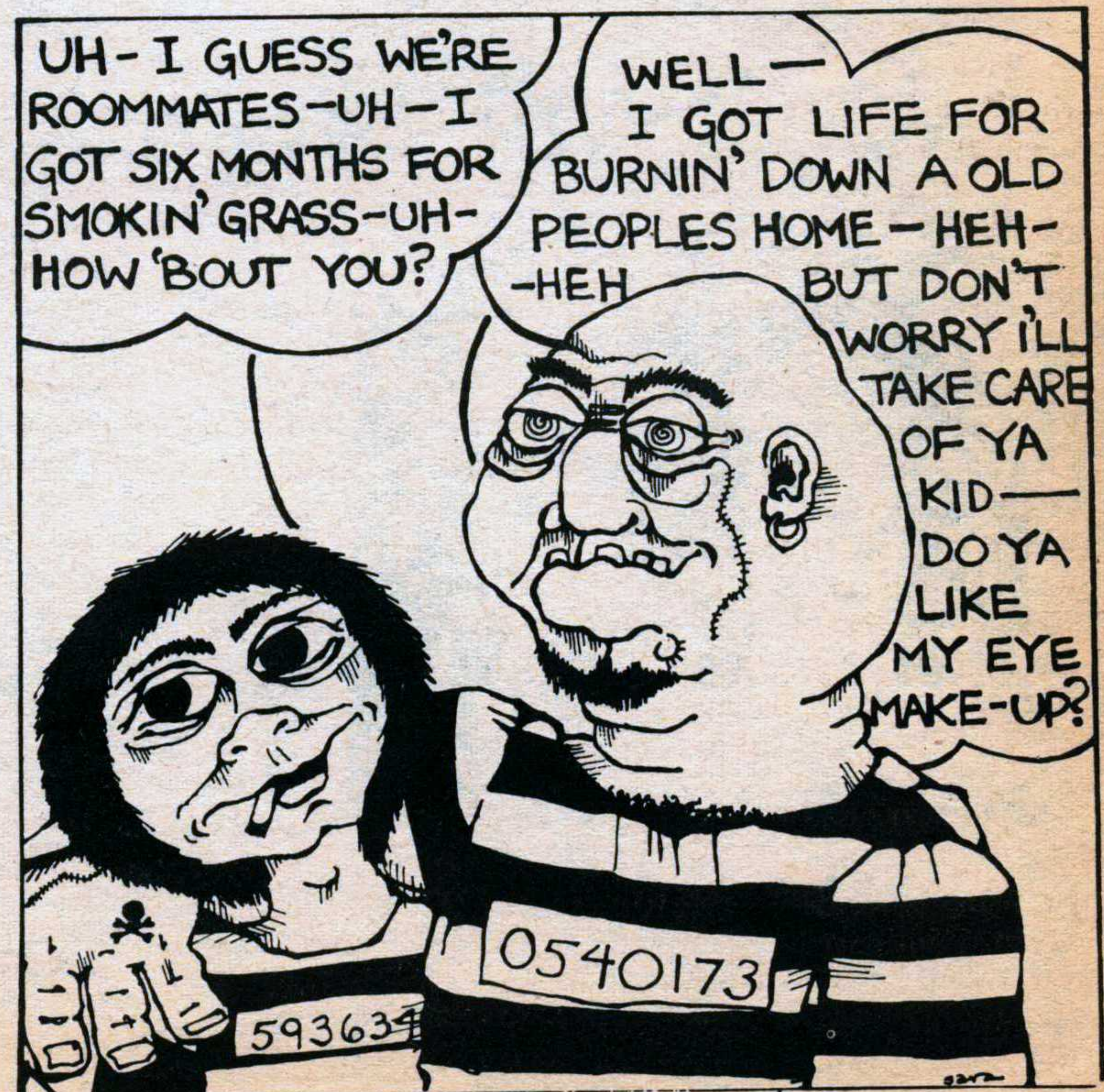
As one of the staff attorneys for NLO, Kessler sees the program as "just amazing." He regrets that he never had an opportunity to take such a program. To him it is perhaps the most interesting course offered at the school in that for all practical purposes "you really are the lawyer."

Professor Kessler would like to see major reforms in the criminal sentencing structure. "Too many people with economic-oriented crimes and with limited criminal backgrounds get sent to enormous, oppressive penal institutions . . . There should be a substantial reduction in the length of sentences and the manner and place in which they are served for people who do not have substantial histories of violence. This does not mean an Allentown surrounding, but rather a smaller, more widely distributed institution where people actually do constructive work in a restricted environment."

The conversation then turned to the increase in persons seeking a legal education and law school admissions policy. Says Professor Kessler: "That is a really insoluble problem developing into quotas and the like. The problem comes from the attempt to establish an aristocracy of intellect." In his view the admissions tests are culturally biased and it would be more valuable to the education of all the students to have a disparate social, economic, and geographical background in the student body, and if that means taking people who did less well on the objective tests, then it is well worth doing.

Professor Kessler is constantly amazed about the intensity of student concern about grades. It seems to him that it is inherently destructive to an interesting academic institution. "There is in the law a body of material that has an interest in it of itself. But if one's concern is entirely the grade, that tends to get lost in over-concern. This kind of concern does not realistically reflect the kind of differences that are going to come out of it."

What does "Lightning" Larry like to do in his spare time? "I play a lot of basketball." You can usually find Larry in the gym on Friday afternoons but if you're a real good player, forget it! "That's no fun," says Larry, "I have to find the proper level of mediocrity to make a good game."





# DKK: A Continuing Quest

A couple of weeks ago, the editors of Conscience sent me out to interview David Kadane, one of the most respected and well-liked members of the faculty at Hofstra Law School. During that interview I had the unique opportunity of seeing a side of Professor Kadane rarely seen by students in his classes . . . he sat with his back to me. At any rate, Professor Kadane is one of the most interesting men I've had the pleasure of meeting. In fact, I've been wanting to interview him for the past two years [although strangely enough he expressed no desire to interview me]. What follows are excerpts from Professor Kadane's statements on various topics, ranging from the Middle East crisis to the humorous aspects of nativity.

by Mitchell Gilbert

C: I believe that you were fifty years old when you took a leave of absence from LILCO as General Counsel to become a Peace Corps volunteer. Where did you serve and what prompted you to make such a move?

K: Let me say, first of all, this was 1964. Yes, I was fifty years old. I served in Tanzania for two years. I was in the Attorney General's Chambers, and I negotiated and drafted commercial contracts, contracts with private firms, and commercial treaties with a number of countries, like Red China and Switzerland . . . and I was involved with a number of commissions that were appointed by the President of Tanzania involving the cooperative marketing movement in Tanzania, the way Tanzania diamonds are marketed, and a number of things like that.

C: That's not your typical Peace Corps experience.

K: No, it was not a typical Peace Corps experience . . . nor was my wife's. She was the Organizing Secretary of the Tanzania Freedom From Hunger Committee. She is a nutritionist with many years of experience with the U.N., especially at the United National Children's Fund . . . UNICEF.

C: Is there a large starving population in Tanzania?

K: Tanzania is one of the poorest countries of the world. There is a list at the U.N. of the 25 poorest countries in the world, and Tanzania is among them.

C: I'm looking at your resume . . . it's obvious that you have a long list of achievements. Which do you consider to be your greatest?

K: It hadn't occurred to me that I had any great achievements. And since I don't regard any of them as great it's not possible for me to talk about a "greatest."

*"I have no modesty, sir. I have a little bit of humility . . . no modesty whatever. I know what I can do, and I do it reasonably well."*

G: I take exception to your modesty, but . . .

K: I have no modesty, sir. I have a little bit of humility . . . no modesty whatever. I know what I can do, and I do it reasonably well.

C: Why did you decide to join the faculty at Hofstra?

K: Well, I was getting ready to leave my previous job . . . Long Island Lighting Company . . . I had planned to for a long time. I gave over a year's notice that I was going to leave. Anyway, I was going to open a law office for the poor in Nassau County . . . I didn't know how I was going to pay for it, but I was going to open it up. And a friend of mine, Bernard S. Meyer, then a Supreme Court judge, had met Dean Mahon, and knew that Dean Mahon was interested in the possibility of having a clinical program at Hofstra. So, he brought us together one day, and the beer was both draft beer and cold, and things went well . . . so we decided to team up.

C: What do you consider to be your greatest weakness?

K: My greatest weakness is being overbearing, even to the point of frightening a significant number of people. I don't particularly mind that when they're witnesses whom I'm cross-examining.

C: Are you alluding specifically to students.

K: This has happened to me with respect to students, yes. It concerns me.

C: A frequent criticism of Hofstra Law School is that too much emphasis is placed on creating a reputation as a "national law school" at the risk of too many students failing the New York Bar Exam. What are your feelings with respect to this issue?

K: I see no inconsistency between insisting on high standards and passing the New York Bar. Nor do I see any inconsistency between passing the New York Bar and studying the common law and statutory law of the United States without a great deal of emphasis being placed on New York statutes.

It seems to me that a well-trained law student should be able, with a decent bar review course, even if he started out knowing no New York Law, to get through the Bar. And I think . . . I'm not sure if all my associates would agree with this . . . that one of the responsibilities that we have as a law school faculty is so to train our students, whether they want so to be trained or not, that they will be able to pass the bar exam with a bar review course.



*"The funniest thing that ever happened to me was, of course, being born. It's a hilarious, hilarious joke, and I still can't stop laughing at it."*

But the biggest impediment to doing that is not in the subject matter of what is taught at all, or even the techniques that are used to teach it. I think the biggest impediment is a certain degree of intellectual languor on the part of the students, many of whom think that the time to really learn the law in a course is in the four days before the exam.

I don't think you can be a successful part-time law student . . . I think you have to start at the beginning of the course. I think you have to read the material before class . . . and when there are things you are doubtful about, I think the student should damn well get to the library and look it up . . . and puzzle it through . . . and read more about it. And if he's still confused, talk to the teacher about it. But I don't notice too much of that . . . and I strongly suspect that most of those who have trouble with the bar are the ones . . . not all, but most of them . . . are the ones who thought they could get through law school on an eighteen-hour-a-week basis.

C: What would you say is the funniest thing that ever happened to you?

K: The funniest thing that ever happened to me was, of course, being born. It's a hilarious, hilarious joke, and I still can't stop laughing at it.

C: I know that you've probably thought about this next question, and it seems like an unfair question, but . . . do you have any solutions to the political situation in the Middle East?

K: Well, I don't have any solutions. I think the world is moving towards a resolution of these conflicting interests. I don't think there is a solution, if by solution one means some miraculous way of satisfying all the needs of all the parties. Instead what is needed is a practical political resolution rather than a solution.

And I think fairly plainly what we're drifting towards is the creation of a new state, which will include the west bank and the Gaza strip . . . and will be a Palestinian state, quite separate from the state of Jordan. Hopefully, it is a state that will have decent relations with the state of Israel, and hopefully the boundaries will be so adjusted between Israel and the Palestinian state, as well as between Israel and Syria, so that Israel will feel reasonably secure and not subject to the agony of having her security turn on the continuance of the American political stance.

C: A somewhat related question . . . as a Jew, do you feel threatened by recent manifestations of anti-Semitism in this country and around the world?

K: Not in any new way. I've always had the feeling that there is a substantial amount of latent anti-Semitism. But I think there is certainly less problem today than there was, for example, when I got out of law school. It was most extraordinary for a Jewish graduate of a law school to be able to get a job in an important Wall Street law firm. Today, that's history and no longer is true. I don't mean to say that there isn't anti-Semitism today. I mean rather to say that such anti-Semitism as there is is social and is officially frowned on . . . and as a consequence of the official frowning, I think attitudes of people change. I think that is exactly what is going to happen with respect to the disabilities that blacks are under.

C: Is there anything that you really wanted to do and haven't already accomplished or attempted to accomplish?

K: Oh, sure! But they're mostly in terms of understanding, rather than doing. I've never had the feeling that I'm going to change the world, although I've always wanted to do what I can with respect to change . . .

There are lots of things that puzzle the devil out of me . . . that I just don't understand . . . and I want to . . . and I hope before I die, to improve my understanding of some of these things. They have to do mostly with the way people are put together . . . and may be the most important of all is trying to understand human unselfishness.

*"I've never really been able to comprehend selfishness or hate . . . I just don't understand . . . maybe because I've never experienced hate . . . how one person can hate another."*

I've never really been able to comprehend selfishness or hate . . . I just don't understand . . . maybe because I've never experienced hate . . . how one person can hate another. I understand fear and I can see how a person can fear another individual or fear a group. I also can understand how a person can be misinformed and can have stereotypes. But with all of that . . . you can have a stereotype, and new evidence comes in . . . it's possible to change the stereotype. But hate is inconsistent with those ideas.

C: Looking at your resume, it is obvious that you have invested, and still do invest, a great amount of your time attending to the problem of youth. (Professor Kadane is Chairman of the Nassau County Youth Board and a member of the executive board of the Family Service Ass'n. of Nassau County.) What do you feel are the largest problems facing American youth in 1975?

K: I suppose I agree today, as I agreed with Paul Goodman some years ago when he wrote his book entitled *Growing Up Absurd*, that sensitive youth growing up in our society and seeing the sins and the unwillingness of a great many people, for a variety of reasons, to do much about fixing them up, must wonder about the gap there is between what the grownups say and what the grownups do. What we say is beautiful . . . but what we do is very sluggish and . . . well, we really don't seem to be willing to try to solve our problems. We want to sweep them under the rug. And above all, we don't want to treat as our problems, problems of our neighbors, not recognizing that we may be, or will be, next.

Just as an example, youth in America, and particularly in areas like the suburbs, know well that it's extremely difficult to find a place in the suburbs where one can have any kind of a facility that will serve youth . . . a facility such as a teen center or a small residential center for runaways or for young people who have been discharged from various institutions and are not yet ready to take their place in society at large.

*"I think the basic problems that we have with our youth stem from the fact that they haven't yet been completely brainwashed into accepting the imperfections of our society."*

We turn our backs on these people, unless we happen to be those families who are directly involved with it. This is an example of the kind of absurdity that we expect our youth to adjust to in our society, and it must be extremely difficult to try to make such an adjustment for somebody who's sensitive. And then we see to it that our youth don't get jobs. Every time you see the unemployment rate, you might as well double it or treble it for young people . . . and then double it again for black young people.

I think the basic problems that we have with our youth stem from the fact that they haven't yet been completely brainwashed into accepting the imperfections of our society. I wish that more of them felt they'd really like to do something about it . . . I'd like to help them.

C: If you had the opportunity to give one piece of advice to fledgling lawyers, what would that be?

K: Well, I'm going to give you a very flippant answer. It would be never to take advice from somebody who is prepared to give only one piece of advice.

I could give you some cliches if it would make you happy . . . like "Be true unto yourself!" . . . How about that for a nice cliché?

C: (look of amazement)

Frankly, I wasn't looking for a cliché . . . but . . .

K: Alright . . . Never mix the client's funds with your own . . . There!

C: (imbecilic laughter)

K: ("cliche'd laughter")

C: Thank you, very much.



## People's Bookstore Here

GIVE US YOUR TIRED  
YOUR USED . . .

The problems involved in buying and selling used books confronts us all at the beginning of each semester. We offer true relief from the frustrations of notices falling off bulletin boards, unanswered phone calls, lugging unwanted books around only to find that you have missed your "connection." No longer will the students of Hofstra have to make the long trek into the city from Barnes and Noble to the Woolworth Building and finally to St. Johns in search of hornbooks, texts, Gilberts, Legalines, etc. Best of all, no longer will you have to pay the exorbitant prices for new books.

The Hofstra People's Bookstore is here to serve you.

Give us your tired, your used, your saleable books. The "Bookstore" will sell them for you at a convenient centrally located outlet in the Law School. You set the price; we accept the books on a consignment basis and sell them within a specified time at the beginning of the semester. If unsold, we return the book to you.

The Bookstore will provide a service long needed at Hofstra. We will be open for business for the summer session as well as for the fall. Further information on where to leave your books and where to buy them will be conspicuously posted in the near future.

Your support in this venture will benefit you. Support your local, 19th century free enterprise libertarian entrepreneurs.

Barry, Jeff, Keith

## Prof. King Urges Merit Selection

The New York State Joint Committee on Court Reorganization recently had the benefit of hearing the views of Prof. King urging the adoption of the merit system for selecting judges. Prof. King felt the following criteria should be utilized in selecting the most capable candidates for judicial office:

- 1) Personal qualities and characteristics;
- 2) Preparatory education and training;
- 3) Professional attainments and special experience;
4. Political, Ethnic and other affiliations.

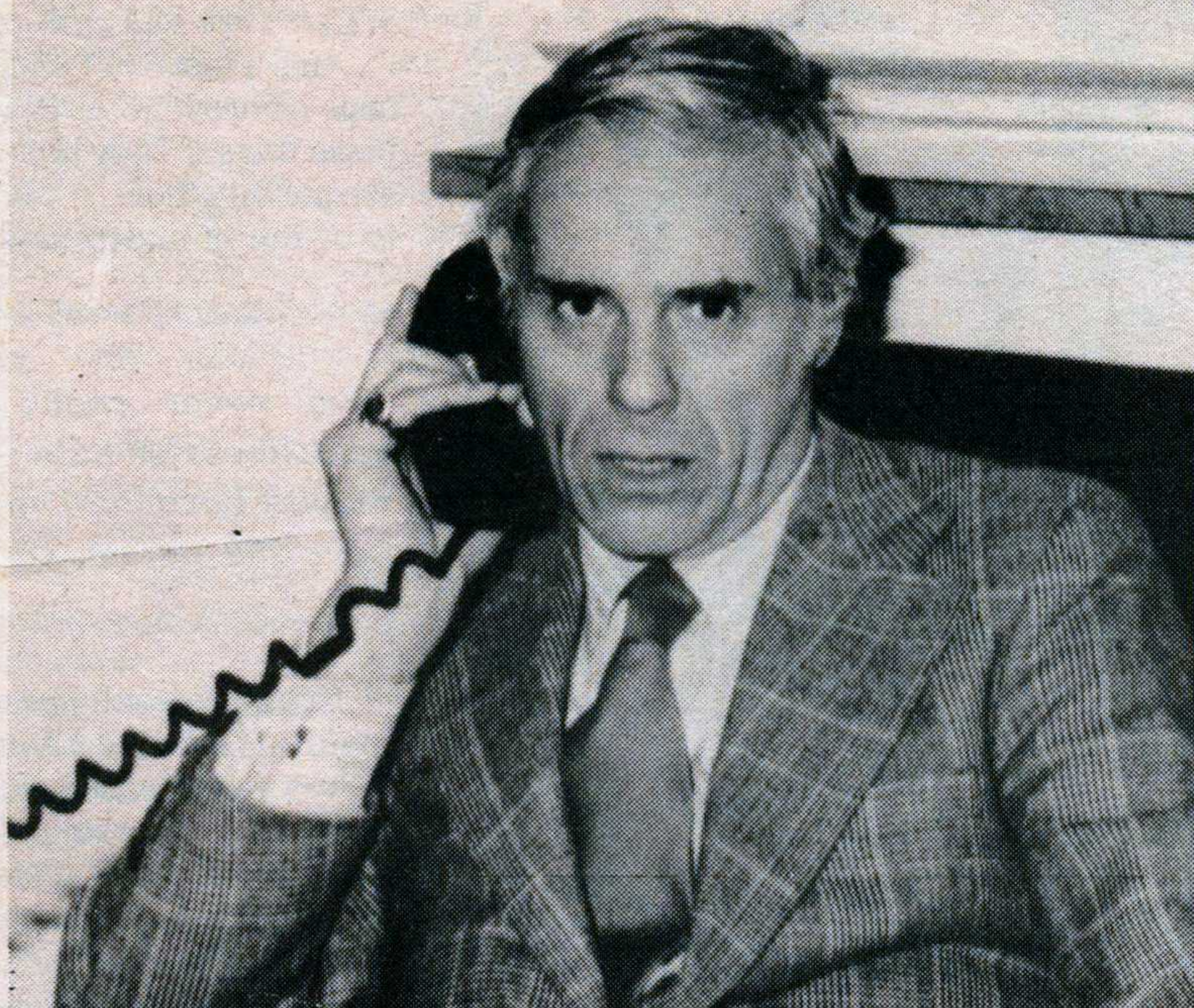
One of the problems associated with the merit selection system is devising an equitable structure for the nominating commission whose responsibility will be to select the judges.

Dr. King recommended the following composition of a Judicial Nominating Commission:

1. A judge appointed by the Presiding Justice of the Department in question.
2. A recent law graduate. Such an individual would have recent and in-depth knowledge of the law, but without pre-conceived traditional approaches, and with a sensitivity to current needs and objectives in judicial administration and, hopefully, an open mind to the goals of the judicial system.
3. A legal scholar concerned

## Court Commentary

### Baseball Arbitration



Eric Schmertz

Professor Schmertz has served in the capacity of arbitrator for Major League Baseball. Among the cases he has participated in was the recent Ralph Garr controversy. He is also a nationally prominent labor-management arbitrator and mediator, and one of the three public members of the N.Y.C. Office of Collective Bargaining. Prior to entering the service in World War II, Prof. Schmertz was drafted and signed by the Cincinnati Reds.

By Leo Schoffer and Jon Falk

"Any conflict situation ought to be adjudicated on a civil and orderly basis, so that if indeed we can arbitrate instead of strike, and if the arbitration process produces essential justice and meets the basic needs of the parties without the disruption of the lives of individuals as a result of a strike, we ought to experiment with it. It is no different in a baseball setting," commented Professor Schmertz. Thus, the Baseball Player's Association and management have formulated a means of avoiding holdouts and other player-management disputes, by inserting in each player's contract a clause providing the option of seeking out an arbitration hearing.

Schmertz explained that a player, dissatisfied with a club's offer, can start the process off. The player chooses a salary which he "honestly" believes he is worthy of, and submits it to the arbitrator. The team also submits its final offer, and the arbitrator must elect between the two, with no compromise allowed. This is known as last demand arbitration.

In the proceeding the player is analogous to the claimant, in that he has the burden of making out a prima facie case, one which establishes his worthiness of the salary demanded. Often accompanied by counsel, the player presents both batting and fielding statistics, and any other pertinent information in support of his position. The team, in its rebuttal, may show player weaknesses or demonstrate that their salary offer is consistent with his ability.

In the arbitrator's decision, Schmertz explained that other factors can be considered. This may include the city where the team is located, the attendance figures, and salaries of ballplayers of comparable skill. However, he was quick to point out that the financial condition of the organization is not to be considered.

One may question why every ballplayer does not seek arbitration in an effort to obtain a higher salary than that offered him. Confessing not to have an expertise in pre-arbitration negotiations, Schmertz suggested that the clubs are now making their offers with arbitration in mind. That is, a club will hold back its very best offer to the player who is set on going to arbitration, and will submit a lower figure at the proceeding. Therefore, by electing arbitration, the player may run the risk of winding up with a salary below that which he otherwise might have received.

Prof. Schmertz sees arbitration as a viable means to alleviate a problem which has caused the teams, the players and the fans to suffer. He envisions the extension of arbitration to other sports.

- with the internal quality of judicial decisions, knowledgeable in the development of the law and imaginative in assessing the responsiveness of the judicial system to meet the demands of the present and the future.
4. An attorney of distinguished experience.
5. A representative of minority groups in the community.
6. A representative of ethnic or religious groups in the community.
7. An individual who has worked

- in supportive social services with the courts or in the community at large.
  8. Two persons of diverse political affiliations who have knowledge of, and worked in the context of, diverse human, economic and political problems in the community.
- Professor King stated that this type of composition would be non-political and best able to meet the objective of nominating the most competent people for service on the bench.

## LSD Plans Meeting

Come to Montreal. Meet law students from all over the country and attend ABA Section and Committee Meetings.

The Law Student Division has reserved the Royal Victoria College (a dorm) at McGill University, McGill University is downtown Montreal close to all hotels where ABA functions will be located. All LSD meeting activities are at McGill University. Two hundred and fifty single rooms are available. The costs are \$10.50 per night per person (per room), \$11.50 per night per person (room and breakfast). The meeting registration fee is \$25 per person which includes materials and some meals. Registration deadline is July 1, 1975.

A separate check covering first night's lodging deposit must accompany registration fee. The registration fee should be made payable to the Law Student Division, American Bar Association. The lodging deposit

should be made payable to McGill University.

Mail your application and payment to Law Student Division, American Bar Association, 1155 East 60 St., Chicago, Illinois 60637.

The Second Circuit is sponsoring the "New York Legal Liner" (Amtrak) which will be leaving Penn Station on August 8th at 9:10 P.M. arriving in Montreal at 9:05 A.M. August 9th. Departure from Montreal on August 13th is at 5:10 p.m. arriving in New York at 6:35 a.m. on August 14. The round trip fare is \$39.00. Mail your four dollar "non-refundable" deposit immediately to Connie Raffa, 1364 82 St., Brooklyn, N.Y. 11228; the balance is due by July 1, 1975. The fare may be reduced to \$33.50 if there are more than 30 people. The night trip has the added advantage of a pub, dinner and club car. Plan to party through the night.

For further information contact Darryl Gavrin.

## Clerking for Judges

by Dick Seltzer

A N.L.O. II student has the option to be a judge's clerk for four to five weeks of the semester. Professor Spizz, executive director of N.L.O. feels that "being a clerk gives a student a first-hand look at the judicial system from the view of the umpire." Alice Morey, who clerked for Supreme Court Justice Burstein, considered her experience as being "five of the best weeks in law school . . . seeing what practicing attorneys are really like gave me great confidence."

Jeff Englander spent four weeks with United States District Judge Weinstein, and commented, "I learned more practical trial technique as a clerk than in my three years of law school." With a feeling of satisfaction, Prof. Spizz stated, "The judge's have been very pleased with the students' work without exception."

The following is a list of students who have participated in the clerkship program and the judges with whom they have worked:

David Drucker—Supreme Court Justice Widlitz  
Jeff Englander—U.S. District Court Judge Weinstein  
Kent Moston—County Court Justice Young  
Lloyd Nadel—Supreme Court Justice Pittone  
Joseph Oppen—Supreme Court Justice Burstein  
Rona Seider—Supreme Court Justice Harnett  
Claire Weinberg—Supreme Court Justice Oppido  
Mike Davis—U.S. District Court Judge Weinstein  
Beth Goldmacher—N.Y. Court of Appeals Judge Fuchsberg  
Sheila Derman—Supreme Court Justice Lazer  
Stu Gittleman—Supreme Court Justice Harnett  
Lorna Goodman—N.Y. Court of Appeals Judge Fuchsberg  
Mary Mintzer—N.Y. Court of Appeals Judge Fuchsberg  
Ken Riddett—County Court Justice Young  
Mark Soroka—Supreme Court Justice Kelly  
David Weiner—Supreme Court Justice Harnett  
Alice Morey—Supreme Court Justice Burstein

## — BRIEFS BRIEFS BRIEFS —

● The ABA's House of Delegates has adopted a recommendation of the Law Student Division urging redefinition of rape and related crimes in terms of "persons" instead of "women," and revision of rules of evidence in order to protect the prosecuting witness from unnecessary invasion of privacy and psychological and emotional harm by:

a. Elimination of corroboration requirements which exceed those applicable to other assaults;

b. Revision of the rules of evidence relating to cross-examination of the complaining witness;

c. Re-evaluation of rape penalties;

d. Development of new procedures for police and prosecutors in processing rape cases, and;

e. Establishment of rape treatment and study centers to aid both the victim and the offender.

● The third annual conference on Women and the Law will be held on Saturday, November 22, 1975 in New York. It will be planned and sponsored by the Metropolitan Law Women. In the past, the conference has been held in February, but this year a change in date was necessary to avoid conflict with the national conference which will be held in Philadelphia in March, 1976.

The metropolitan conference planning, focusing on the status of women in this International Year of the Woman, has been started by the steering committee. The steering committee is made up of one or more representatives from each law school in the metropolitan New York area. It is essential that Hofstra have a representative on the committee, preferably a student entering the second year. All steering committee meetings are held in Manhattan on week-day evenings. Any student who is interested in representing Hofstra, should get in touch with Jean Smith at 212-675-6817.



# Spring Picnic Empties Library

By Lloyd Nadel  
and Pete Williams

Chief Justice Zeus decreed an estoppel on the precipitation on May 3rd to allow the legal learners and learners to romp and play on the Elysian Acres of Eisenhower. With a TRO on the LLL (Levy Law Library), the turnout of LL.Bs, LL.Ms, and just plain BAS was S.R.O.

The highlight of the day's festivities was the first annual "Larry Ross" softball game. What do YOU think the sides were? The faculty, with a little help from the alumni, challenged the third-year students and as predicted, went down to a humiliating defeat, 14-6. Captain and Assistant Dean David Benjamin moved for a continuance at the beginning of the proceedings due to the absence of

such venerable stars as Backstop Burt "Out For a Walk" Agata, Eric "Silver Fox" Schmertz, and Assistant Captain and Associate Dean Stu Filler. An informed source said Filler was at the park in the morning, setting up, but after sizing up the student squad, opted for a birthday party at the Big Shea instead. Third-year Captain Tom Feinman used his depth of bench to outclass the faculty squad. After the visitors failed to score off Mike Berns in the first inning, the home team pounded Leon Friedman for 6 runs. The explosion started with back-to-back circuit-breakers by one of the Bench Jockeys and the Little Man. Then, sizzling singles by Fred Eisenbud, Mitch Schrage, Mitch Devack, Jerome Harris, Berns, and Mike Spero sent Leon to the outfield and

brought in Stu Rabinowitz to quell the student uprising. But the second shift of Joe Oppen, Marshall Trager, Don Sapir, Barry Pasner, Lance Lieberman and Yogi Bookheim voided Stu's scroogie. Meanwhile, Kent "Sparky" Moston kept the professorial bats unusually silent. Such second year students as Garry Seligson, and Eugene Schwartz had to bail out the teachers with some hits. Citing concern for his personal health, Abe Ordovery retired in the 6th inning without injury. Rookie faculty members Posin, Kessler, Hirschson and Meyerich had their problems adjusting to the pressures. Several students questioned the strategy decision of Captain Benjamin in withholding the services of John DeWitt Gregory from the match.

For those who chose not to imbibe in the national pastime, there were numerous volleyball games and other activities. One heated V-Ball contest pitted John Hogan, Dave Drucker, Mike Vacarr, and Sy Attie against Eric Goldstein, Charles Tadduni and John and Marti Szostak. In a not-so-heated match, Gene Axelrod and 17 girls tapped the ball around.

For those who chose not to compete in corporeal competition, there were hamburgers, hot dogs, blocks of cheese, loaves of bread, pretzels, chips, soda, beer and Sangria punch in garbage pails.

As darkness descended, the legal eagles returned to their contingent remainders.



Who is that male chauvinist playing King of the monkey bars?



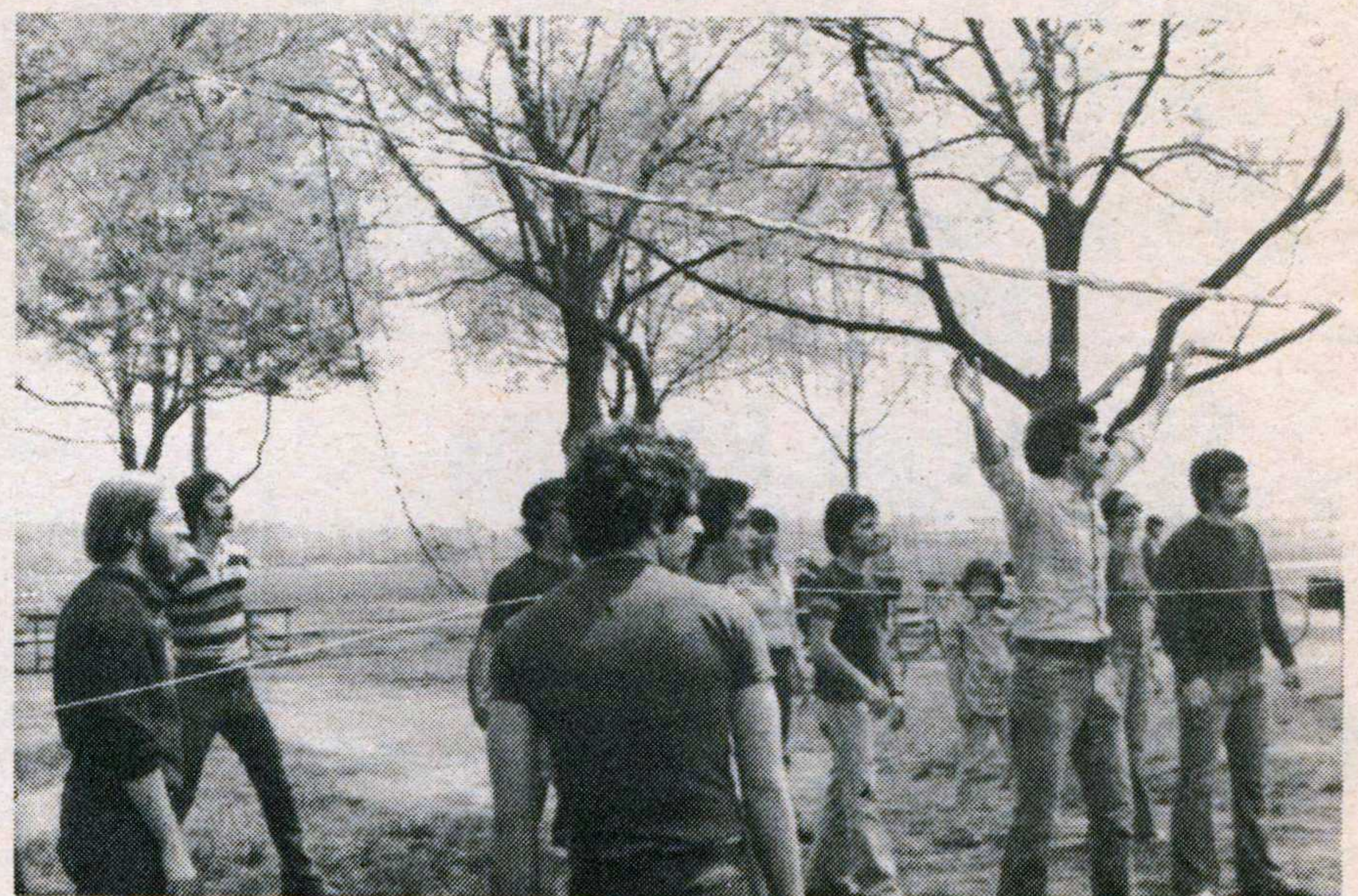
It's munchie time!



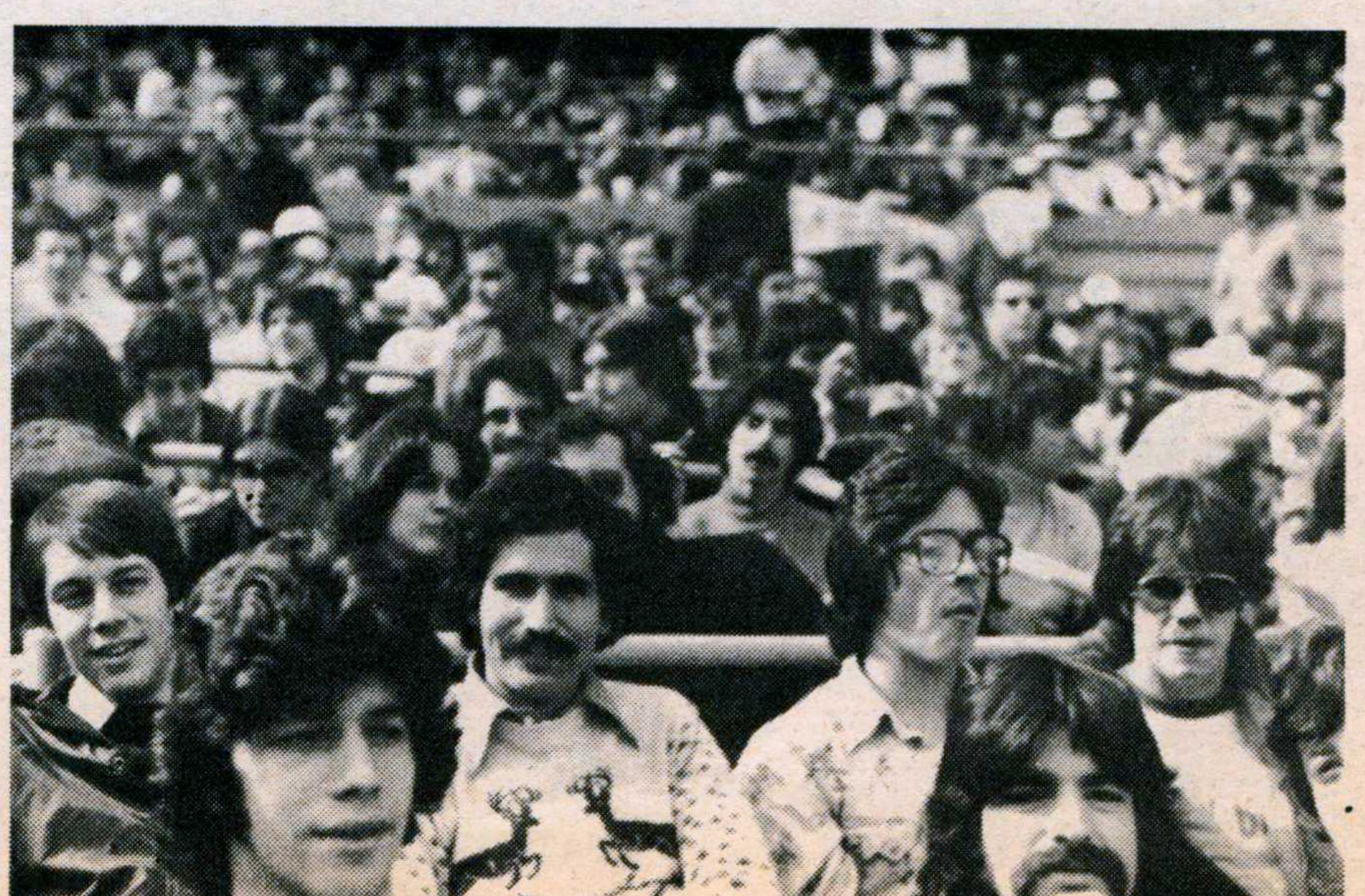
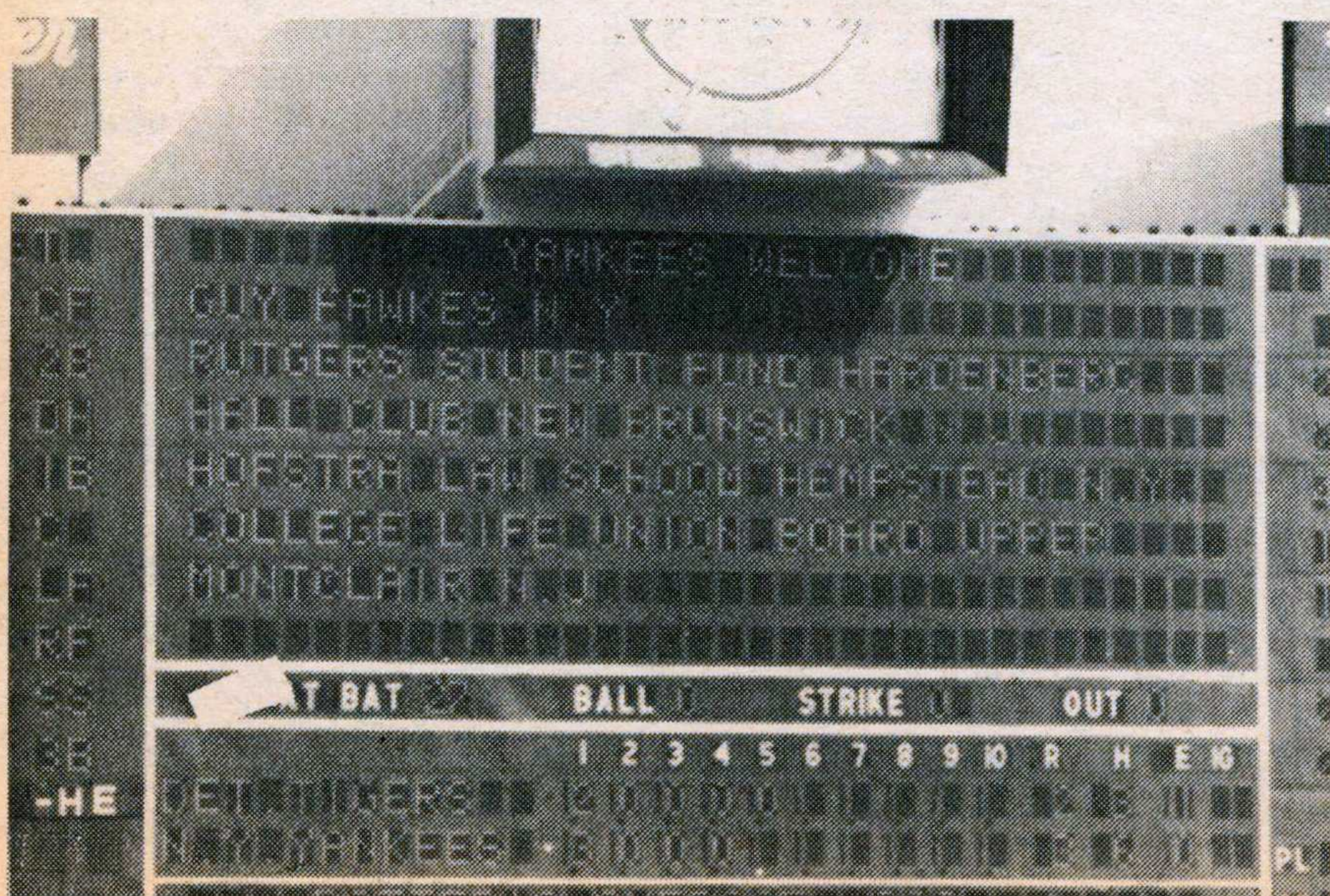
Professors Posin and Ginsburg having an eating contest with Dean Benjamin acting as judge?



Women's volley ball team involved in an exciting game . . .



. . . as men's team can't seem to find the ball!!



Law students cutting classes to attend opening day at Shea.



## 'The Kubbard' fodder and grog

By Nadel &amp; Williams



Roy says "Howdy."

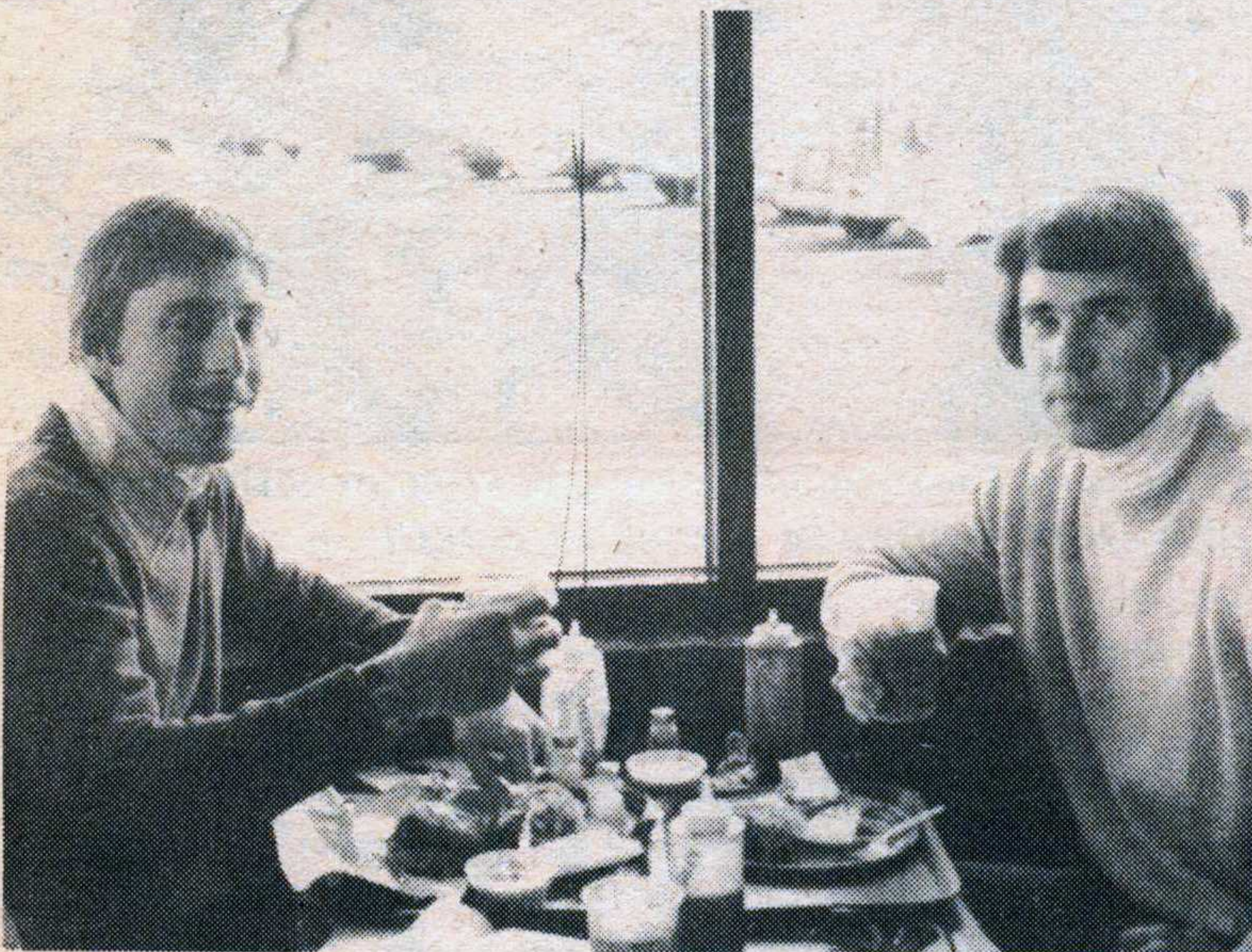
We was hankerin' for some chow, so we mosied on down toward the Golden Arches. Tiring of Big Macs and Quarter-Pounders however, we decided to take some advice from Horace Greeley and go West (to West Uniondale). As we neared the

Pike, our appetites were triggered by the campfire aroma of roast beef.

So we hitched our mules to the corral, checked our irons, and quick as a bullet, grabbed us some grub. After a "howdy" from Nellie Bell, the cowgirl, we sampled 99 cents worth of sliced cowhide on a roll. For less than a buck, there's no finer treat anywhere. For another half-buck you can get a holster of fries, which is more than a bag, but less than a barrel. For yet another 6 cents, you can treat yourself to a bag of fries and cole slaw, replete without globs of gunky mayo.

The Burger, C. (cheese) at 79 cents is a better buy than the bunch of burger and bun barns barter. And even the Western fried fowl is tastier than that of a certain Bluegrass Officer. Unlike the dry plateaus, the Cokes feature plenty of water, after the ice melts. The vista is highlighted by the golden white dome of the Coliseum under which the Tomahawks play, across the street.

As we rode off and watched the moon rise, we queried: "What was that Family Restaurant? It was Roy Rogers with a 2.8 G's.



Cuisine editors agree—"Happy Trails"

## Still More Reasons To Take The Marino Bar Review Course

**Reason 5: The Marino Bar Review Course concentrates on the specific principles of New York law which have repeatedly appeared on past bar exams, rather than attempting the impossibility of covering the entire subject area in a 3-hour lecture.**

**Reason 6: The Marino Bar Review Course is the oldest and most experienced course in New York State and has been helping thousands of law students to pass the bar exam for almost 30 years.**

**Sign up now and avoid  
last minute hassles.**

See your  
Marino Reps:  
**LIZ BLOCK**  
**ERIC GOLDSTEIN**  
**MIKE SPERO**

**Marino Offices:**  
53 Hilton Ave.  
Garden City, L.I.  
516-248-3995



Lloyd Nadel

## Bench Jockeys

- the legal ballfields -



Pete Williams

**BASELINE BABBLE.** It could be the next dynasty. Winning games by 17-1 and 20-0 could be just the start. Two teams were so intimidated, they didn't even show up. The WEST PUBLISHING COMPANY, uniformed in the Company colors, maroon shirts with a gold key, swept into 1st place with a 60 record and nailed down a spot in the intramural playoffs. Jeff "Golden Arm" Liebowitz had the good stuff when he needed it. Mitch Adler held the defense together with some smooth fielding at shortstop.

Garry Seligson paced the club's attack with a half-dozen home runs. Andy "Home Run" Hodes gave up on the long ball to hit .850 and showed he does know how to play the field. In one game, he blocked the plate on a 250-pounder and was still holding onto the ball to preserve the shutout when they scraped him off the backstop. The team was in high spirits going into the playoffs. "We're going all the way," said Michael Kent. "If the defense hold up, there's no one around who'll stop us," remarked Jeff Liebowitz. "I play better on grass," commented Michael Benjamin.

In the other division, MONTY'S DEALERS were dealt out of the playoffs despite a .600 record. They dropped the opener when their deuce couldn't match 8 runs by the CINCINNATI REDS. The DEALERS outbid the opposition twice on the road, but returned home to lose to the APPLEJACKS, a tall team, in the last inning 12-11. In that final frame, Marc Abbott was on second with two out when Alan Stauber unloaded a booming drive to right field for a triple. With the tying run 60 feet from the dish and the potential tie-breaker diggin' in on the portside, a screwball down and out did in "Indian" Tom Dempsey. A weak fly ended the DEALERS' hopes for all the chips. Ambling wistfully back to the sidelines, Dempsey observed: "How the ---- can you get good wood on the ball when the ---- bat is made out of aluminum?"

With nothing left on the line, the DEALERS took the finale for the show money. It was the last hurrah in the intramural loop for such multi-sport athletes as Charlie Connick, Marc Rosenbaum, Dave Drucker, Jon Hacker, Ira Freiman, Mike Berns, Robert Wong, Norman Kent, Stauber, Dempsey and Jesse.

**SPORTS BANQUET.** In one of the year's more gala festivities, participants in the first annual "Judith T. Younger" Bowl waived the trip to Syracuse and got together in Pt. Lookout for some foam and fodder in the Kehoe-Amols residence. It was a typical turn-out—all the RAVENS and half the Q's showed. The players reminisced and danced to music, punctuated by Keith Jackson on the call at the Braves-Bullets game in the anteroom. By the way, after a tight first half, the RAVENS managed to pull the game out to win the Law School Championship and make the beer the Q's treat.

### JOCKEY BRIEFS

Third-year person Rona Seider drove race cars on the Can-Am circuit before deciding there was more future in the Code than in the carburetor.

Leon Friedman doesn't believe in waiting for the World Series. Students may see all televised Yankee games on WPIX in his office.

The law school's answer to Connors and Newcombe, Szostak and Shooltz (???), are in the midst of a continuing tennis rivalry with Big John leading all the way.

Howard Leventhal is on the road back to health. Steve Silbiger challenges anyone to a contest in KNICKERBOCKER memorabilia.

Richie "Sonny" Shuleva won the intramural wrestling championship for the fifth straight time in the 177 lb. weight class.

Shuleva and Ron Carman, who passed up tickets to a Rangers-Islanders game, did an outstanding job refereeing the RAVENS-Q's game.

Congratulations to Norman "Duke" Kent for correctly answering the last two Jockey Interrogatories. In response to what was Dave DeBusschere's best year as a pitcher, Kent answered in meter:

In all of the four years that he threw  
DeBusschere's best year was 1962.

It was in the minors, for Savannah, he won—  
He compiled a record of 10 and 1.

His E.R.A. was mighty fine,  
I recall it being 2.49.

Since baseball is really where my heart lies,  
I now have a question for you guys.

It's a simple one if you're clever  
Who won the first Met game ever?

His name rhymes with another Met 3B  
sacker—  
Can you name also that cracker jacker?

Without relying on outside sources, the  
Editors quickly answered this upstart's  
question:

He sat next to Casey when he was a bench  
warmer,  
He followed Mantilla and Zimmer to the Hot  
Corner.

He wore Number 1 and you didn't have to  
take a second look,  
For it was quite obvious that this third-sacker  
was Cliff Cook.

The Mets started out by losing 9 straight.  
Pennant chances would be slim at that rate.

So Casey got desperate and threw out the  
book,  
To win the first game came Northwestern's  
Jay Hook.

Kent also knew the three American League Triple  
Crown Winners:

1956—Mickey Mantle—Yankees—.353, 52 home  
runs, 130 RBI

1966—Frank Robinson—Orioles—.316, 49 home  
runs, 122 RBI

1967—Carl Yastremski—Red Sox—.326, 44 home  
runs, 121 RBI

**JOCKEY INTERROGATORY:** Glenn Resch was  
in goal when the Islanders came back from a 3-0  
deficit to win 4 in a row against the Penguins in the  
quarterfinal round of the Stanley Cup Playoffs for  
the first time in 33 years. In 1942, the Maple Leafs  
came back from 3-down to beat the Red Wings. Who  
was the Maple Leaf goaltender during those 4  
straight wins?

## New Sports Editors Announced



Jon Falk



Leo Schoffer

### Special to CONSCIENCE

Hempstead—In a surprise Press Conference held  
earlier today, the Sports, Cuisine, Crime and Social  
Editors announced their retirement from the  
CONSCIENCE staff. Known primarily for their  
back page humor—Bench Jockeys—a mainstay of  
this publication for two years, they will soon utilize  
their witty style in autographing unemployment  
checks. The editors plan a short respite in Wounded  
Knee. Jon Falk and Leo Schoffer will be taking over  
as new Sports Editors.

## People About . . .

Pat Moore, '74, recently named Secretary of  
Hofstra University's Alumni Senate . . . Elissa  
Epstein, '77, has become vice-chairperson of the  
Nassau County Democratic Committee . . . Nor-  
man Kent, '75, just returned from London, England,  
where, as the national law student representative to  
the ABA's Section of Litigation, he attended a week-  
long conference on the English Barrister: His  
Practice, Skills and Techniques . . . Steve Ohrbach,  
'76, has agreed to write a People About column for  
Conscience beginning this fall . . . Monroe  
Freedman's new, controversial book on legal ethics  
will be published this week . . . Jonathan Gradess,  
'73, has been hired to establish a Suffolk County  
neighborhood law office for Hofstra.