

CONSCIENCE

The Hofstra University School of Law Newspaper

Volume 3, Number 2

"Asking you to ask yourselves . . ."

October 14, 1975

Enthusiasm High As D.A. NLO Expands To Suffolk County Program Is Initiated

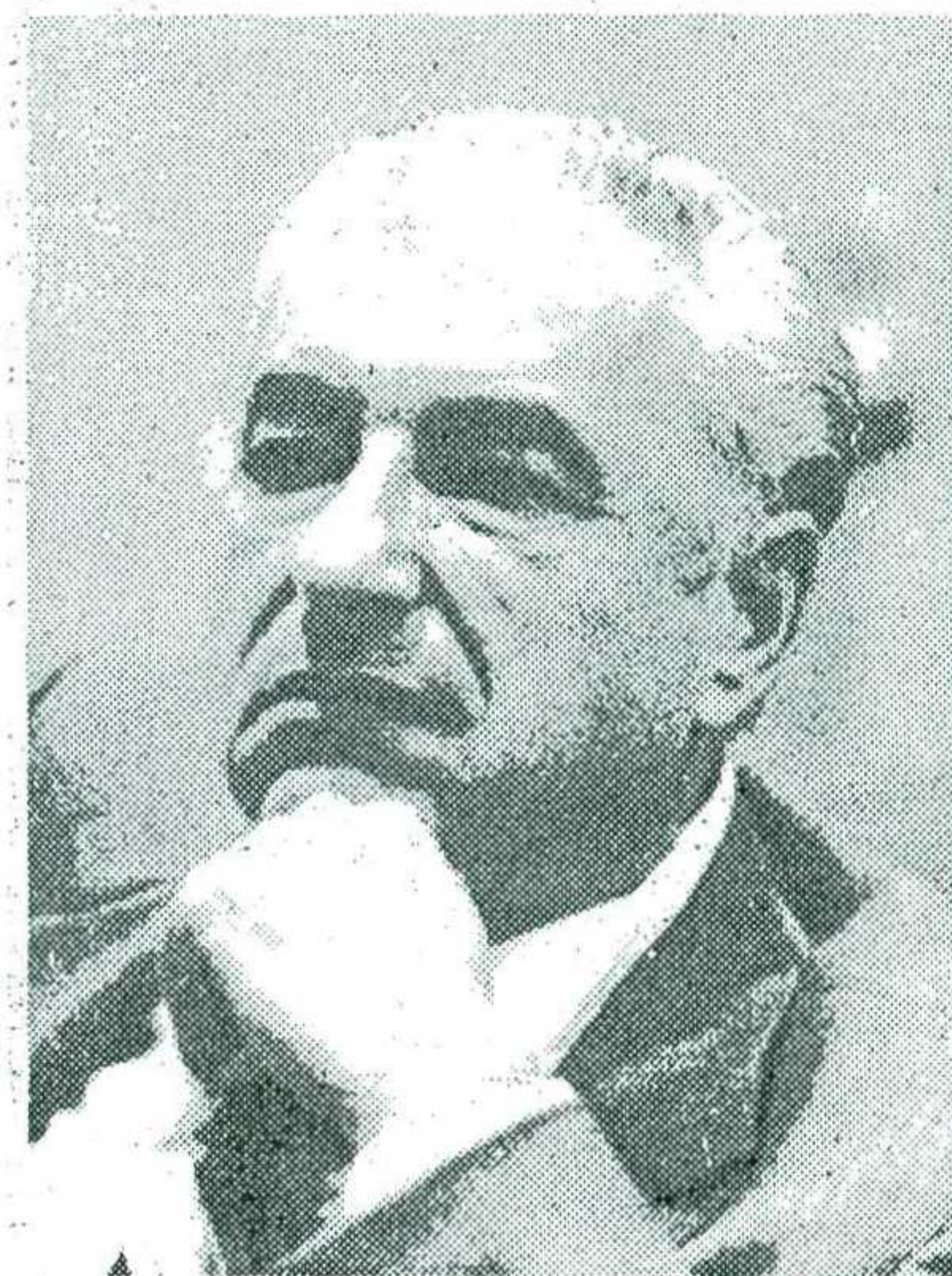
by Neil Weinrib

The District Attorney's Clinical Program has been in progress for just over a month, and already it is being hailed as a success by the students and faculty of Hofstra as well as by the Office of the District Attorney.

The program was approved earlier in the spring, the result of a proposal initiated by Dean Filler in conjunction with District Attorney Denis Dillon. It is currently under the direction of Professor Herman Hillman.

At the present time, three third year students are enrolled in the clinical program for the fall semester, although it was originally designed to handle about 12 students. Those participating in the program are Joan Axinn, Donna Hunte and Eric Liff.

These "legal assistants" are under the direct supervision of an Assistant District Attorney in the Homicide Bureau. Moreover, each A.D.A. is assigned to a judge in the Nassau County Court, thus permitting the students to work with those who administer the system.



Prof. Hillman

As far as duties are concerned, the law assistants do just about everything the A.D.A.'s do and maintain a normal workload way in excess of the 32 hours minimum requirement. They pick up a case at its inception and perform the necessary investigations, interrogate witnesses, answer motions, prepare trial memoranda of law, prepare the proposed jury charges, and prepare witnesses for trial.

And that is only the beginning. The law assistants are physically present at the counsel table in the courtroom from the voir dire through the final verdict, and are present during most pre-trial conferences including the plea bargaining. In addition, they attend midway hearings, bail reduction hearings, and perform

general research functions including the preparation of at least one appellate brief.

Besides their heavy workload at the D.A.'s office, the law assistants attend regular seminars with Professor Hillman. At the seminars, all the students are present to review and discuss their written work and the descriptions of their work experience. They also perform self-evaluations on their individual experiences.

Professor Hillman also provides reading assignments with respect to various ethical considerations within the criminal process such as plea bargaining and the discretion that is vested in the District Attorney's decision of whether or not to prosecute.

All this the law assistants do—and only for 11 credits. Each week Professor Hillman receives progress reports from Harvey Levinson, Chief of the County Trial Bureau, who is helping to coordinate the program. So far the response has been great.

Professor Hillman says, "the experience of a real work situation involving professional responsibility has had enormous impact on the students and has supplied all the motivation that is needed for learning. I discern," he added, "preliminary evidences that the presence of our students in the District Attorney's Office has affected, in a positive way, the daily functions of the prosecution."

"The students," says Hillman, "have been successful in breaking up the heavy workload and improving the preparation of cases by supplying 'back-up resources' in the way of extensive research."

"On the basis of one month's experience," he said, "both District Attorney Dillon and Harvey Levinson have been 'delighted with the performance of the students.'"

Behind the Scenes

Joan Axinn, one of the participants in the program, was asked for her reaction to what she has learned so far. "I love it," she said. Joan described herself as "extremely enthusiastic" and said that she's been in court practically every day and able to sit in "behind the scenes" on selection of juries, plea bargaining, and conferences with the judges. In fact, she is surprised "200 people haven't applied" for the program.

Professor Hillman, asked why he, an expert in real estate, was involved in the area of criminal law, admitted that it was "outside his field" but em-

phasized that he has "an interest in the administration of justice and the ethical and professional responsibilities of lawyers." In addition, he said, "the experience has been a great education for me."

Anyone at all interested in litigation and the criminal process would be well advised to look into this clinical program. It is only open to third year students and is offered on a pass-fail basis. Students are screened by Professor Hillman and must possess some knowledge of criminal procedure.

NLO I or any other relevant legal experience is a prerequisite, and is considered along with a good law school record. Most of all, this clinical program actively serves to bring the student out of the library and one step closer to the law.

Close Races Decided As New Reps Are Elected

by Josh Klapper

A number of closely contested races were culminated last week with a run-off as this year's student representatives were elected. The new reps are:

First Year, Sec. A—Gary Small, Sec. B—Michael Patrick, Sec. C—Abe Gross
Second Year—Shelley Sherman, Steve Shepherd

Third Year—Darrell Gavrin, Joel Marcus

At Large—Doug Carter

Important policies will be established by the student reps in the coming weeks. All students are urged to make their voices heard in the decision-making process. "I think all our meetings should be open and I welcome student opinion on all matters," states newly-elected rep., Shelley Sherman.

Budget allocations and parking problems are among the issues to be dealt with this year. It's up to the students to supply the necessary input so that appropriate decisions can be made.

Many thanks go to Chairman Ira Sturm and his Elections Committee of Larry Rouse and Neil Weinrib, who worked many hours on running a successful election.

By Richard Seltzer

In September 1970, the Neighborhood Law Office was founded by Prof. David Kadane at 73 Main Street in downtown Hempstead. In the beginning, the office was run by Prof. Kadane and one secretary, Ms. Geri Moore. As the office established itself as a viable legal services organization, expansion became inevitable. Prof. Harvey Spizz was hired in 1971 and is now the executive director of the office.

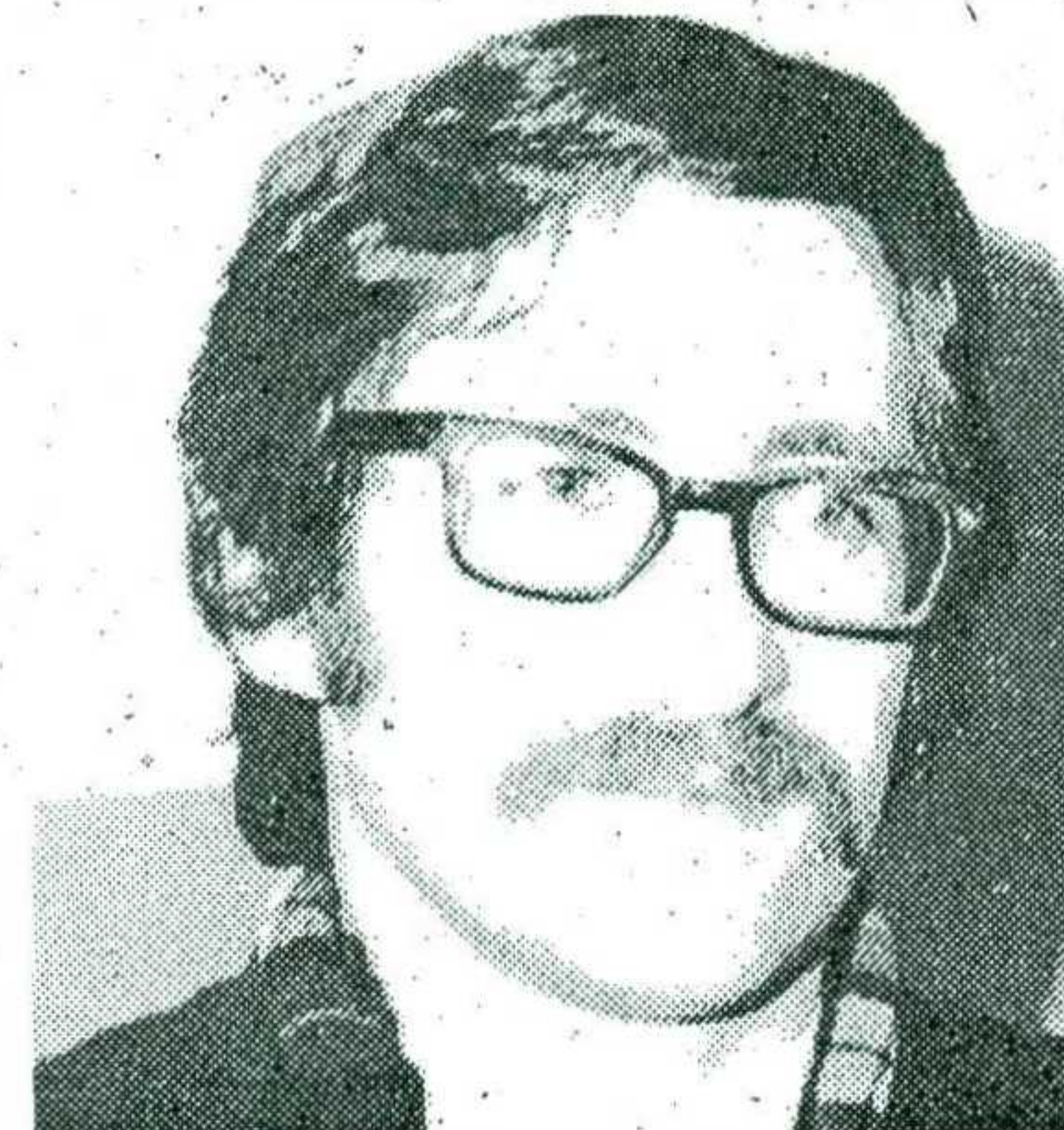
In 1973, Prof. Charles McEvily was hired, and Prof. Harvey Weinig joined the staff a year later. Jonathan Gradess and Susan Kluever are the most recent additions to the fulltime staff of attorneys. Of course, the backbone of the office consists of five secretaries, Ana Poveda, Margo Reed, June Henkel, Janet Farrel, and Geri Moore, who is now the Administrative Assistant.

Suffolk Office

The climax of this expansion occurred this past summer when a second office was opened in Suffolk Co. at 1027 Little East Neck Road, North Babylon.

What is the N.L.O. all about? It is an office that serves a dual function—to help solve the legal problems of poor people and to provide a meaningful learning experience for law students outside the classroom.

The N.L.O. handles cases in criminal law, family law, consumer law, landlord-tenant,



Prof. Harvey Spizz

administrative law, advice and formation of Not-for-Profit Corporations. In short, the N.L.O. is able to handle any case, except those that produce fees. "I think this variety of cases is unequalled by any poverty law office in the United States," commented Prof. Spizz.

Besides the daily servicing of clients' needs, the office is also involved in the law reform litigation. For example, one case involves challenging the constitutionality of the taxing procedure of the City of Long Beach School District.

The N.L.O. gives the students the opportunity to see the relevance of what they are studying and gain important experience in relating to a client

and his legal problem.

The responsibilities for running the office are divided between N.L.O. I and N.L.O. II students. N.L.O. II students handle interviews, appear in court on misdemeanors, violations, small civil matters, Article 78 proceedings, and uncontested matrimonials, and do outreach work at community youth centers. In the opinion of Prof. Spizz, "the N.L.O. II student is way ahead of the game in terms of confidence and independence."

Two Or Three Cases

The experience of the approximately 30 N.L.O. I students usually depend on the individual. In the beginning of the semester, each student is assigned two or three cases. From this point, the



Ms. Geri Moore

experience will depend on each student's level of maturity and ability to accept responsibility. An N.L.O. I student can be assigned to a team with an N.L.O. II student and a staff attorney, or he might report directly to the attorney.

The activity in the office fluctuates, but in the words of Geri Moore, "you never know when things will happen, such as someone walking in with an eviction notice at 4 o'clock on a Friday afternoon!"

The atmosphere at the office is friendly and cooperative. With hundreds of cases to handle, the smoothness of the operation depends on everyone's willingness to pitch in. One of Ms. Moore's favorite experiences at the office occurred when a student forgot to inform a client of a required court appearance. Disaster was averted when Ms. Moore discovered the oversight and got an adjournment of the hearing.

Although the need for legal services to the poor is tremendous, the resources of the N.L.O. are finite. "The hardest part of the job is turning down people who need help because of case overload," states Ms. Moore. When asked about the possibility of opening a third office in Riverhead, Prof. Spizz responded, "In order to do that, we would have to provide helicopter service."



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Volume 3, Number 2
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"Asking You to Ask Yourself"

American Bar Association
Class A Category 1st Prize

Law Student Division,
Best Law School Newspaper

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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 four weeks, from September to May.

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Vote "Yes" on E.R.A.

We urge the passage of the Equal Rights Amendment to the New York State Constitution in the general election next month. Not only is it long overdue, but the passage of the national Equal Rights Amendment remains uncertain, making the state amendment all the more crucial. If passed, the amendment would be implemented with the beginning of next year. Why postpone it?

The persistence of sex-based discrimination is perhaps the greatest single anachronism within our society. Unfortunately the courts are unable to recognize this consistently in the absence of a written guideline. The E.R.A. will fill these gaps in the application of justice.

Contrary to the glib, but foolish rhetoric of opponents, the amendment will not force the removal of the "Women" and "Men" signs on restrooms, nor will it lead to the destruction of motherhood and apple pie.

Any referendum in an off-year election suffers from voter neglect. Even if you vote for nothing else, please remember to vote YES for the New York Equal Rights Amendment on November 4th.

Parking . . .

Everyone in the Law School is aware of the parking problem around the law school. While we condemn the use of parking in prohibited areas as a solution, we also realize that it is, in a sense, a defiance born of frustration. There are roughly sixty more students in the present first year class than in the class of 1975, so despite the laudable addition of the tennis court parking, the problem has grown over last year.

Law students are often reminded of the ample space available on the North Campus lots, but given the number of heavy books and the distance involved, those lots are not a realistic alternative to those around the Law School.

If we consider a "center of activity" analysis, the reasons for designating parking around the Law School for law students, faculty, and staff only, become compelling. For most of them, their long day's activities are concentrated in one building. Few venture any further north on the campus than Memorial Hall. Let those who have classes, live, and eat on the North Campus park there.

Student Directory

Almost every year, somebody has made an effort to put a student directory together for the Law School. Yet nobody has ever received a single copy. These past efforts have failed for a variety of reasons—lack of time, interest or money.

Last year, after considerable effort on the part of several students, the directory died because a minimal \$200 was not appropriated for it by the Representatives. This expense is useful to all students, even if only to remind ourselves of each other's existence. We ask for support for compilation and distribution of a directory this year.

Letters to the Editor

WBAI . . . 'A Need To Survive'

To the Editor:

Moving back to N.Y. after a prolonged absence, I searched for those intangibles that provide a modicum of stability. Thanks to a very close friend, I was reintroduced to an important part of the media—my friend Barry literally and figuratively turned me on to the Pacifica radio station in N.Y., WBAI (99.5 FM).

For those who have not been fortunate enough to come into contact with this phenomenon, the Pacifica Foundation is a non-profit corporation which is wholly subsidized by its listeners. What this means is that WBAI is not subject to the control and manipulation of huge commercial conglomerates that dictate programming on most other radio and television stations. It is a radio station that offers programs unique in their social and political attitudes.

However, what this also means is that WBAI is subject directly to the fluctuations of the economy, i.e. it gets only as much as its listeners can afford to give. Since we are not living in the most prosperous of times, WBAI is suffering like the rest of N.Y. The

consequence of all this is that this station is at a "peril point" and its role as a vital member of the N.Y. community is in jeopardy.

WBAI must survive. It performs a service offered by no other form of media. Its programming spans every conceivable form of music, sensitive and topical areas of news and offers talk shows that sometimes have great and sometimes little relevance to life and reality.

My purpose in writing this rambling discourse is that you can help WBAI survive. I am sure that by giving the station a chance you will find, as I have, that it is an extremely important addition to your otherwise confined exposure to the media. All I ask is that you turn to 99.5 FM, listen and if you like what you hear help them maintain their integrity as an independent spirit by sending a donation of any size to WBAI PO BOX 12345, Church Street Station, N.Y., N.Y. 10249.

Please help a vitally needed alternative continue to be vital.

Sincerely,
Jeffrey Robinson

Former Student Involved In Wounded Knee Defense

Brothers and Sisters,

Hi people! This is the first of hopefully many letters in which I will try to keep you apprised of the situation we are facing here. There is currently a war going on within the United States, and yet the East and West Coast regions of this country are unaware of it.

Within the past two weeks, over 30 AIM people have been arrested in different parts of the country. One AIM member and three horses have been killed. The man was killed by the "goon squad" on the Pine Ridge Reservation and the horses were killed by FBI agents in two large scale assaults. In one assault, seven people were arrested on the Rosebud Reservation when 200 FBI agents in full combat gear, supported by helicopters, stormed the property of AIM spiritual leader Leonard Crow Dog.

In another raid, 100 FBI agents invaded the Shawnee Reservation in Oklahoma looking for weapons. Seven people were arrested in Kansas on weapons and explosives charges when the car in which they were riding exploded, four miles north of the Oklahoma border. The Secret Service issued a report that the seven were part of a large guerrilla force headed towards Oklahoma to engage in terrorist activities there, including an assassination attempt on Ford.

A few days later, seven people were arrested in Minneapolis on weapons charges. Every AIM member arrested is represented to the courts as a suspect in the June 26th shootings in which two FBI agents and an Indian were killed; thus outrageous bails are being imposed. Two examples are Norman

Charles and Robert Robedeau, arrested in Kansas: Norman's bond is set at \$75,000 and Bob's is \$125,000 (i.e., held without bail).

In the Rapid City area (where I am based), the Atty. General of the state, William Jenklow (who won the last election on an anti-AIM platform) just "legitimized" a local white, right-wing paramilitary organization—Posse Comitatus. The Posse's slogan is: "The best law firm is Smith and Wesson, backed up by a 12 gauge injunction . . ." The group has claimed credit for the shot-gun destruction of a Defense Committee attorney's car last month and has offered a \$12,000 reward for the assassination of exiled Dennis Banks. The past two weeks has also revealed increased surveillance of the Defense Committee House, including aerial surveillance by Army helicopters on a daily basis. Our attorneys in Kansas and Oklahoma have also reported Army copters hovering over their homes and offices.

It would be great if a local support group could be established at Hofstra. We need outlets for media releases, money, legal researchers. Any assistance would be greatly appreciated.

I hope to be hearing from you soon.

In struggle,
Bruce Ellison

The Hofstra chapter of the National Lawyers' Guild received this letter from Bruce Ellison (Class of '75) who is currently working on the staff of the Wounded Knee Legal Defense-Offense Committee. Anyone interested in doing research for the WKLO-DC should leave a note at the Lawyer's Guild Office in Room 030.

Admissions Committee Has Openings

Of the various student committees throughout the school one of the most active but least well known is the Student Admissions Committee. It is an outgrowth of discussions between interested students and Dean Freedman two years ago regarding the importance of admissions and the need for student input in the process.

The discussions also centered upon the continual rise in numbers of applications received and recognition of the fact that LSAT and GPA scores should not operate to exclude applicants with good potential and low scores. It was felt by all involved that a determined effort should be made to read every application received no matter how low the LSAT's and GPA's in order to search out students who could demonstrate their qualifications through other experiences or criteria.

The Committee was organized

last year and included all interested students who responded to notices of its formation. Work began fairly late in the Admissions year to consider applicants who received comparatively lower scores and grades. The function of the Committee was not to reject but to give an application which might not otherwise have been considered an opportunity to be thoroughly reviewed. Recommendations were passed on to the Dean, who then made final decisions.

The full group of 20 committee members was subdivided into smaller groups which met each week to consider 20-30 applications a group. Every two weeks the full group assembled to discuss recommendations of the sub-groups and to select applications to be sent with the Committee's recommendation to Dean Freedman.

Members of the Committee observe strict rules relating to

the nature of confidentiality involved in this work. It is viewed as an additional aid to applicants who might otherwise never be considered.

Last year by the time the Committee began to operate most of the class for the next year had already been selected. This year the student work will begin as soon as the first applications are finalized, which should be around the middle of November. Therefore, in the coming weeks the Student Admissions Committee will hold an open forum for those students who might be interested in joining in the work. At this time there appear to be about ten positions open.

The meeting will be an opportunity to more fully pursue issues raised in this article and by the entire admissions process. Anyone interested in working on this committee should realize that a significant time commitment will be necessary.

Pot: A Plague on No One's House

By Richard Seltzer

A sports reporter recently asked Tug McGraw, the New York Mets pitcher, whether he preferred astroturf or grass. "I don't know, I never smoked astroturf!" replied McGraw.

Now that marijuana is finally being smoked and joked about by the rich and middle-class citizens of this country, the state legislators are beginning to respond by de-criminalizing marijuana. Now that 26 million people have tried pot at least once, and over \$5 million has been spent researching all aspects of the marijuana situation, the public is beginning to realize that marijuana, by itself, does not have any serious adverse effects on the human being.

This conclusion (which pot-smokers have known for a very long time) has been supported by the latest research sponsored by the federal government. The National Institute of Mental Health financed a study of marijuana smoking in Jamaica, where the consumption by heavy users is said to be 10 to 25 times that of their American counterparts. This study failed to confirm any serious adverse effects from smoking marijuana.

Millions Smoke Pot

The National Commission on Marijuana and Drug Abuse has reported that between 1965 and 1973, 93 percent of approximately 1.5 million pot arrests were for simple possession. Unfortunately, most of the people getting arrested are young, and the laws are often used to discriminate against life styles.

The marijuana lobbyists, headed by the National Organization for the Reform of Marijuana Laws (N.O.R.M.L.),

have only recently been able to reap the rewards of years of effort towards reforming the present, repressive situation and educating the public about this often controversial subject.

In July, governors of Colorado and California signed similar bills reducing marijuana possession penalties. Possessing an ounce or less of marijuana now calls for fines up to \$100. Amounts in excess of one ounce are punished as misdemeanors and selling marijuana still remains a criminal offense.

Two weeks before in Maine, James B. Longley, the country's only governor elected as an independent, signed a bill establishing a maximum \$200 civil fine for possessing not more than an ounce and a half of marijuana.

Good News, Bad News

With Alaska's action in May, four states have passed new laws this year discarding jail penalties for minor marijuana violations. Oregon was first to adopt a marijuana fine law in 1973. Seven states have reduced penalties to a maximum of ninety days. Nebraska has a one-week sentence for possession of up to one pound.

In a backward step earlier this year, Indiana outlawed items like roach clips and hash pipes, but exempted papers, believing many Hoosiers still roll their own cigarettes.

The best news from New York recently came from the New York Court of Appeals, reversing a conviction for possession of marijuana found in a car after a "routine traffic check." The Court stated that it was unconstitutional for police officers to make random, "gratuitous and arbitrary" stops of motor

vehicles. *People vs. Ingle*, 36 N.Y. 2d 413 (1975).

The United States District Court for the Central District of California has held that the use of trained police dogs to sniff out marijuana concealed in a trailer was an invasion of its owner's reasonable expectations of privacy, and in violation of the Fourth Amendment. The Court held that the marijuana found subsequent to the dog's sniffing was "fruit of the poisonous tree" and must be suppressed. *State vs. Solis*, 17 Cr. L. 2064 (3-27-75).

Test Case

The Alaska Supreme Court has been the most liberal by holding that a state has no right to invade a citizen's constitutionally protected privacy by banning the use of marijuana in the home. *Ravin vs. State*, 537 P2d, 494 (1975).

Test cases on privacy grounds are also being litigated in other states. The only problem with this approach is that it will still be illegal to bring the pot home.

It has been estimated that \$3.5 billion worth of pot is consumed annually in the United States. The U.S. Customs Dept. has revealed that at least 233,000 pounds of marijuana were brought into this country in the last six months of 1974.

It seems reasonable to predict that once the government decides that it wants to distribute and tax pot, it will be legalized. Considering the number of backyard crops that are harvested annually, it is apparent that many people will not wait for legalization. Unfortunately, the risks are still grave in 45 states. Now that the reform movement is realizing significant results, let's keep up the pressure. For further information, contact: N.O.R.M.L., 2317 M Street, N.W., Washington, D.C. 20037.

CULTURE CORNER

A TRIP TO YOUR LOCAL BANK

Look around.

Do not be thrifty with the shadow of your gaze.

Look once more at people in their empty boxes.

Walking—but motionless.

Do not permit the boundaries of your heart to close.

When they do, you're wrinkled inside.

Laugh, laugh, laugh,

As if you were an alien.

Enjoy your melon when it is ripe!

Bart Reiss

SAN FRANCISCO

by Neil Weinrib

It's a tumultuous day, this president's day
as weary crowds gather
hoping to catch a glimpse
of the man they've seen on the evening news.

Pressed tightly against fragile barricades they
stand,
surrounded by rows of large men in blue
while little children twist and stamp in awe
their miniature flags
dancing in the breeze.

And soon he emerges
but only for an instant,
a smiling figure herded by his guards
he waves to the people who clamor for more.

Suddenly a gun barrel is angrily raised,
and a shot is fired crisp and clear
thousands of eyes dart to see
wondering if their leader lies,
an assassin's long sought motionless prize.

But the bullet fails to strike its target
and bounces against the gray cement
where a child gently picks it up and asks,
"How is the president?
Is he dead?"

Family Court: Slice of Life

By Margery Rosin

Most law students have some idea as to those matters adjudicated in Family Court, and may have thumbed through the pertinent Family Court Act, which was inadvertently noticed as one of the numerous volumes of McKinneys.

Having served a summer clerkship in the Queens Family Court, I would like to share with you some of my experiences.

Those matters adjudicated in the Family Court are matters which, as the name suggests, pertain to the family. These matters include child support, child abuse, persons in need of supervision, adoption—i.e. all matters pertaining to the family with the notable exceptions of legal separations, annulments and divorces.

Those individuals that find themselves as plaintiffs and defendants in the Family Court may never find themselves as parties in other civil and criminal actions, and therefore their knowledge of the court system is often limited to a great extent by the experiences they undergo in this milieu.

Some of these cases concern—
Child custody. The mother's own foster mother brought charges against the mother of the child. The mother claimed she

had been raped, and babies had been switched in the hospital. The baby is now 3 years old. The foster-mother does not want the mother to get custody of the child. The child is being taken care of by a friend of the foster mother.

Child support. The respondent is on strike. He cannot presently pay child support. He claims that his wife beats the children and throws them against the wall because he isn't able to provide any money.

Violation of order of protection. The husband has an alcohol problem. The judge determines if he doesn't report to Creedmore State Hospital for voluntary treatment, he will be sent to jail. His wife is agreeable, but says he will never make it. On another violation of order of protection, the Judge had reduced the sentence of defendant from 30 days to 15 days. The defendant had claimed he was contrite and would no longer harass his wife. Immediately after his release, he broke into his wife's apartment and broke the living room windows.

Assault. Plaintiff wife told her husband she wouldn't wash his clothes as long as he stayed with other women. He bit her finger and cut her head with a knife. She needed seven stitches. There was

a warrant for his arrest.

Child neglect. Bruises inflicted by the father were testified to by the child. The father enters a plea of "involuntary neglect" and the child wants to return home.

Poor Representation

Many individuals represent themselves in the informal proceedings of Family Court, and only a limited amount are represented by attorneys. Some attorneys do not appear—they are present instead in a "superior" court. Other attorneys have not been paid, and as an aside, you hear of that missing witness, "Mr. Green." Some of the private attorneys do their clients a great disservice, and are unaware of cases with great impact on their clients' position, i.e. in the matter of child support and subsequent remarriage—*Windwer v. Windwer*, 33 N.Y. 2d 612, 301 N.E.2d 440, 347 N.Y.S. 2d 458 (1973).

Some legal attorneys, who carry an incredible case load, seem much better prepared, and are more aware of the rights of their clients.

The unsung heroes of the Family Court are the Judges. Although there are many justified criticisms of the judiciary, little has been said about the burdens that some of

these judges assume. None of the judges that I saw were judges that spent a short time on the bench, and then disappeared into chambers.

The city family court judges begin shortly after 9:00 a.m. and many of them seem anxious to clear the court calendar and are willing to work beyond the scheduled court hours. Indeed, the scheduled hours are to 5:00 p.m., 4:00 p.m. in the summer, (though this past summer, because of the city's financial crisis, summer hours were extended). I sat with one Judge who took in Intake 147 cases in one day. Another day I saw 33 cases adjudicated by the middle of the afternoon.

The informality of the Family Court procedure may be noted in many ways. Judges dispense advice as well as give decisions, and more than one husband was educated that "women have the same rights as men these days."

Judges Rotate

The city has recently initiated a new policy in which there is rotation among the city judges. A judge may be assigned to Manhattan one month and Staten Island the next. Although this may serve as a spur in some of the courts, many Judges are legitimately disgruntled. Indeed

many problems occur when the same parties appear at different times before different judges.

In the case of a wife assaulting her husband, one judge ordered the child to appear as a witness in Court. When the child was brought in pursuant to the Judge's direction, a second judge refused to hear the case with the child present in court.

The judge is often limited by bureaucratic decisions in being able to give a satisfactory judgment. One judge, firmly convinced that an Alternative to Detention program would be of benefit to a youngster on probation, was informed that this program was only available to youngsters who were on parole.

The Family Court is sometimes considered a stepchild of the Court system. Its determinations do not have the constitutional implications that are often present in criminal and civil proceedings. Its decisions do not often reflect many of the legal concepts that are evident in the substantive law of contracts and torts. Yet, those who are interested in law as it may be applied to the individual in his most basic societal unit, the family cannot help but be intrigued by the intricacies of Family Court.

HOFSTRA LAW SCHOOL: A Reappraisal

by Will Nix

At the end of my first year, I wrote an article (Conscience May 20, 1974) in which I examined what seemed to me to be the salient characteristics of Hofstra Law School. Looking back at the substance of that article, my concern is with whether all the changes that have occurred since that time have been positive ones. Therefore, may I offer the following ideas:

TEACHING

A. The methodology of legal education has remained fundamentally the same for the last one hundred years. Christopher Columbus Langdell, then Dean of Harvard Law, developed the case method approach to legal study in order to develop analysts skills rather than have legal students commit statutes to memory. With the exception of the few clinical courses and a scattered selection of substantive courses, appellate case study is still the rule.

The problem method is making some inroads but a fundamental reexamination of the goals of law school and the best methods to reach them is long overdue. Perhaps, this should have been done by those with backgrounds in educational methodology rather than lawyers bred by the system that needs redirection.

A strong push from the administration is needed to foster the use of audio visual and other educational technology developments in the study of law. A blue ribbon panel of educators might be appointed to study these possibilities so that what is quite frequently a passive transfer of information from teacher to student could become a more active process.

B. As an interim proposal (perhaps a modest one) I suggest that it be possible to obtain xerox or mimeographed copies of professor's class lecture notes. If it is true that we are fostering analysis here, then the availability of these notes should not make any difference to the teacher. The test then becomes whether the professor is truly teaching analysis or merely transferring information from his notes to the students'.

EXAMINATIONS AND THE GRADING SYSTEM

A. The chief problem with the present system—as it is in almost all schools—is that there do not seem to be objective models for grading. The system allows for too many variables. Most professors do not prepare a key. "perfect" answer and much of the result is hit and miss based strongly on stylistic and organizational factors that should not be so heavily weighed. The time lag between the taking of examinations and receipt of results is excessive. While it must be remembered that many professors have multiple courseloads the three to eight week delays could certainly be trimmed.

B. One's grade should depend on which professor he had as little as possible. The discrepancies between sections in the basic five second year courses (Business Organizations; Evidence; Criminal Procedure; Individual Tax; and Wills and Trusts) should be eliminated through the same method as was used to eliminate these variances in the first course—a statistical ratio weighting.

C. There appears to be no follow-up to exams at all. This is not surprising since the examination method of evaluation is an expedient choice for the convenience of those who administer them. Nevertheless, some review of one's strengths and weaknesses in a course seems absolutely mandatory if one is to profit from taking an examination at all.

From my experience in this area, the reviews now available merely state what issues were missed in the question and are hurried inquiries. Perhaps after returning exams to students, a post-examination review session followed by such an individual session might increase the value of the examination procedure.

D. In connection with the above, the lack of recourse for the grade one receives leaves little open for reevaluation. Several professors have procedures for reconsideration but attach possible penalties (in the form of potentially lowered grades) or only allow those in the D or F category to participate.

The latter merely discourages all but those who have nothing to lose. It seems possible to devise some system that would allow for legitimate review of an exam (by people other than the professor) that would provide some system of recourse against challenged evaluations.

E. Generally, two things regarding examinations merit comment: First, the recent movement towards open-book examinations makes sense since memorization is not supposed to be a factor in examinations vis a vis ability to use the materials. Secondly, the timing of examinations needs to be reconsidered. The "too much to do in too little time approach" that creates pressure in many exams is deplorable.

The whole focus of legal training is not to make quick pressured decisions but rather to use careful reasoned analysis after adequate consideration. Professors should take their own examinations and time them themselves.

PROFESSOR SELECTION

A. The Dean of the Law School has frequently placed

great emphasis on the quality of the faculty as a "teaching faculty." Yet, prior to a faculty members' selection (and usually since then as well), neither he nor most other faculty members have seen the candidate teaching in the classroom. Selection by paper-credentials and personal interviews is used instead of actually observing the person teach. While the overall results have been good, it seems that before being given two year employment contracts, candidates for teaching jobs should be seen functioning as teachers!

B. The student evaluation sheet results should be available in printed booklets to students as they are on the rest of the campus.

C. Why aren't professors required to take education courses in order to improve their vistas as teachers? This certainly might help in achieving more varied techniques of education in law schools.

STUDENT-FACULTY COMMITTEES

A. One of their primary difficulties is that nearly all of the proceedings are secret. Unlike faculty meetings, these committees are not open to the general, interested non-member. They should be opened except under extraordinary circumstances where student privacy is required.

B. The minutes of these meetings should be posted regularly in a designated spot so that everyone will be able to inform himself about their activities.

FACULTY MEETING COUNCIL

A. At best, the attention span and involvement of the faculty council members with the issues before it could be described as dispassionate. The body generally serves to accept committee recommendations with little debate on the merits and administrative proposals and with little creative input of its own. The level of debate will never be characterized as elevated. Try it for an interesting afternoon sometime.

B. There are important decisions affecting the entire student body made at these meetings. While students do have representation (less than 20 percent of the total body) such representation should be increased so that at a minimum, students compose from one-half to one-third of the total voting body. All efforts for the past five years to achieve more equal voting power have been quashed by votes at the meetings.

STUDENT REPRESENTATIVES

A. Generally speaking, the first year representatives are very aggressive in pushing for student-oriented changes, while the upper-class ones are more casual about their responsibilities.

B. In what is probably their most important responsibility—budget allocation—student representatives have floundered. Minority student organizations and expensive parties have prevailed over more universal activities in disproportionate amounts. Parties should have reduced budgets and be funded through admission tickets.

The overwhelming share of the student budget should go to the activities of the majority of the students such as Conscience, the Art and Landscape Committee, etc. Proposals for the \$200 funding of a student directory for the law school should not be totally rejected in favor of sending representatives to some meeting (in which few participate) elsewhere in the U.S.

C. As another part of the budget, the representatives should be foresighted enough to devise a carryover fund to finance activities that need money in the fall before the allocation budget hearings are held.

"... it is important that both student and faculty participation in the law school must range beyond the activities that benefit only themselves and a few others..."

COMMUNITY PARTICIPATION

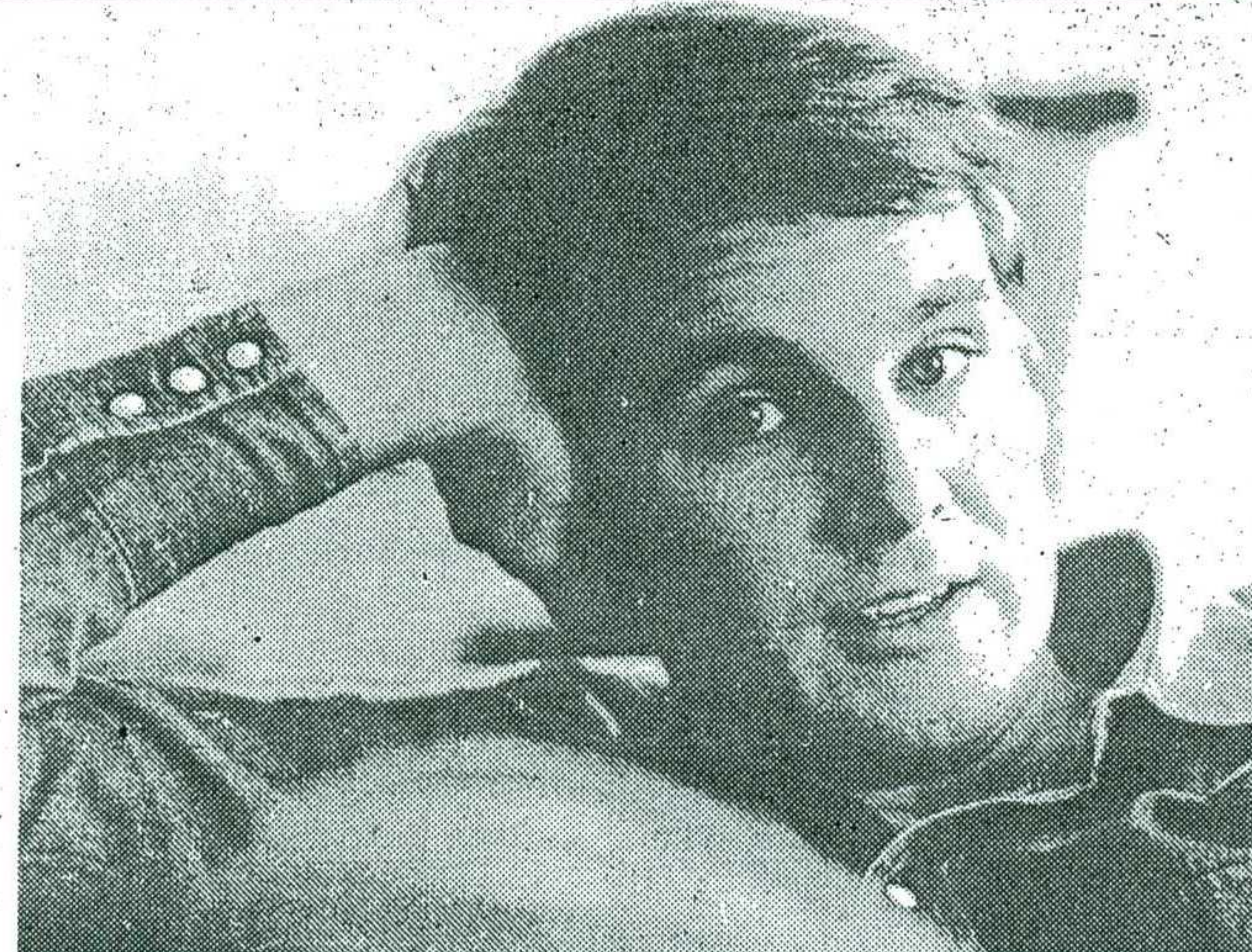
Kudos should go to organizations such as the Community Legal Education Program, the Advance Practice Institute, NLO and the Moot Court Program for drawing positive attention to the law school during the past few years. Also the Dean's columns in the Law Journal (which may be a double-edged sword) have drawn the interest of many, and like activity by other faculty members, is to be encouraged.

LAW SCHOOL PHYSICAL ENVIRONMENT

A. Temendous strides were made during the past year to overcome the sterile look of the school on the inside and outside. Bushes, trees, plants in the lounges, posters, and supergraphics all appeared as a result of the work of about a dozen students and faculty members on the Landscape and Art Committee.

B. A fund-raising drive is required to supplement the generous private contributions that made the above possible. (Student funds were refused by the student representatives at the budget hearings.) The funds derived could be used to buy attractive framed paintings and posters, fund further supergraphics in the stairwells and elsewhere, and overcome the shoddy appearance of past decorative efforts (such as the mounting of the framed portrait immediately inside the glass doors of the library).

If the funds were sufficient, it might even be possible to overcome the visual disaster of the downstairs lounge



Will Nix

with its non-color-coordinated furniture and checkered neo-Marriott style floor. This is particularly important in reactions to the school of outsiders. Denis Dillon, Nassau D.A., called the law school the most sterile place in which he had ever been. Reactions of interviewers from law firms aren't likely to be very different.

C. Trash problems in the lounges and classes reflect general student irresponsibility. Mundane as it is, it is necessary for everyone to dump his own in the receptacle.

CONTRIBUTIONS AND RECOGNITIONS

A. There are a great many people who make contributions to the law school that go either unrecognized or unprized. For members of activities such as Community Legal Education, Law Fellows, Conscience, First Year Advisors, and other such activities, some Law School certificate of achievement of contribution ought to be awarded.

B. A similar certificate of achievement ought to be given to Law Review and Moot Court program staff participants. Further, a listing of each year's participants should be formally framed and mounted somewhere in the school as recognition for posterity.

C. An attractive plaque ought to be purchased and mounted prominently to recognize donors to the law school.

LIBRARY

Two systems are really overdue. One is some means of ensuring quiet and shooing offenders out into the lounges. The other is an adequate system for protecting books. The present level of book theft is inexcusable. That future lawyers remove books temporarily or permanently to add to their own shelves is astounding. Some alarm or checking system must be instituted to halt this rate of depletion. Locking the basement door and checking briefcases at the main door might solve the problem simply.

ALUMNAE

While a newsletter currently circulates to alumnae, much closer ties need to be kept. The efficacy of using alumnae as placement ties and including them in law school activities should be obvious.

Very little seems to encourage this at the law school. Perhaps it is time to begin establishing an active alumnae program that begins to work before people graduate (via class gifts to the school and designation of a class secretary who will correspond with alumnae to solicit contributions to the school as well as to keep people informed of activities of fellow classmates).

MISCELLANEOUS

A. CURRICULUM: Legal research instruction should represent a substantially increased part of the curriculum. Perhaps a three-year program could be developed where the student learns the basics including computer research. Other practical courses such as how to run a law office, how to counsel clients, and how to be a judge might be very welcome additions to the present curriculum.

B. TRANSCRIPTS: The present transcript includes two offensive items. One is the score students made on the LSAT examination. This score was developed to predict how one would do in his first year of law school, that is, a success-failure prediction. It should not be sent out to prospective employers or used in any other way; to do so is unprofessional.

The other item is class rank. Many law schools have eliminated the class rank or else switched to a fractional system where the class is divided into quarters. Hofstra Law should do the same. When class rank can vary by as much as twenty to thirty places based on a triple digit decimal designation (2.867 can be top half and 3.0 can be top quarter) then the time has come to stop using such a system.

C. STUDENT BODY COMPOSITION: While the law school has been making great strides towards diversity, it is still very uniform in its racial, ethnic and geographic composition. While the proportion of women is one of the highest in the nation, we still need to diversify in order to build a nationally based law school.

D. PARKING SPACES: Even with the addition of the tennis courts parking is impossible. Perhaps the solution would be to have the lot surrounding the law school designated for law students-faculty only. The University Provost opposed this idea last spring but perhaps pressure might be brought on him to change his mind.

E. LAW SCHOOL SIGN: People often have difficulty

(Continued on next page)

Group Formed by 1st Year Students

A new student organization, the Moderate Law Students Association, has been formed this year by Liam Twomey and Neil Platt. It is the hope of the founders that the new, issue-oriented group will fill what they see as a gap in the school's visible ideological spectrum.

Tomorrow's meeting of the group will be its third since its founding. Attendance in the past has averaged around ten persons, but Mr. Twomey expects the number to increase as the group

becomes better known and embarks on specific programs. Most of the membership currently comes from Sec. C. Mr. Twomey admits that part of the difficulty in attracting members is that its constituency, those with a centrist or conservative viewpoint, is almost by definition the least politically active.

The Moderate Law Students Association hopes to change that image, by "presenting a reasoned and objective viewpoint on issues which affect the legal

profession," according to Mr. Twomey. He cited the abortion issue as an example of questions which do not always get a hearing from all sides in the Law School.

As with most groups in the school, its size is still conducive to an informal structure, so MLSA is yet to elect any officers. The group invites anyone interested in airing their views or just listening to stop by at their "luncheon" meetings, which are usually held Wednesdays, at Noon in Room 238.

Hofstra Moot Court Team Chosen Will Face Rutgers, Columbia

Three third year students have been chosen to represent Hofstra Law School in the National Moot Court Competition this fall. On November 5th, they will make their appellate arguments in the Regional Rounds of the competition to be held at the New York City Bar Association headquarters.

James Freeswick, Nancy Hobbs and Andrea Ryan were selected from the six-person

team on October 1st on the basis of their arguments before Profs. Agata, Friedman, Gregory, Or-dover and Rabinowitz, who thought they were the U.S. Supreme Court.

Then, as it shall be in November, the case on appeal was a civil anti-trust suit. However, unlike the school competition, the Regionals call for the team members to argue both sides of the case.

Ethics Quiz - How Far Can A Lawyer Go?

What are the limits of a lawyer's professional conduct in defending a client against criminal charges? Score yourself on how well you know the Code of Professional Responsibility. If you score 90% or less you need to do some homework.

	Yes	No	Don't Know
Ms. Hortense Mason, an attorney, is contacted by James Allen, who wishes her to defend him against a homicide charge.			
1. Assume Allen is a fugitive at the time he contacts Ms. Mason, and that he reveals to her his whereabouts. She advises him to surrender, and he does so. Is she later obligated to reveal, upon police questioning, Allen's location at the time he contacted her?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. What if Allen had jumped bail, and did not surrender after talking to Mason. Is she obligated to reveal his present hiding place?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Allen informs Ms. Mason that the police are looking for a particular gun alleged to have been used in the crime, and that he has hidden that gun at his home. May the attorney advise Allen to destroy or bury the gun?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Allen informs her that he has previously appeared before a grand jury, and that he gave perjured testimony at that time. May Mason reveal this fact to the authorities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Assume Allen tells her that he intends to give the same testimony at his trial, and then does so. Must Mason notify the court of this fact?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. In the course of investigating Allen's case, Ms. Mason interviews a number of his friends and acquaintances. From one of them Mason receives unprivileged information, which she is convinced is accurate, of an unrelated crime committed by two people, one of whom was an attorney. Her client was in no way involved in the offense. Is she under any obligation to notify the police of what she has learned?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Mason files a motion to dismiss the indictment on the ground that it is defective. Recently another trial court in the same jurisdiction had denied a motion brought on precisely the same grounds by one of Mason's partners. The prosecutor neglects to brief or argue this precedent in opposing Mason's motion. Is Mason under any duty to disclose this precedent to the trial judge deciding her motion?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reappraisal (Continued from page 4)

finding the law school. A sign like the others recently erected on campus would help.

F. GIMMICKS: In addition to everything, Hofstra Law needs something else that is unique to it. One suggestion might be to be the first law school to install a computerized legal research terminal. West Publishing Company and several other corporations have been developing these systems for a number of years now. Having one in the law school and receiving training on it might well be a jump on the future that would benefit students highly and attract a great deal of positive PR for the school.

CONCLUSION

While the primary focus of our activity at the law school has to be academic, it is important that both student and faculty participation in the law school must range beyond the activities that benefit only themselves and a few others. During the last year and a half the size of the student body and the building itself has burgeoned. With this has come a substantial loss of the personal attributes of the law school.

This trend needs to stop. My sharpest criticism of the school's recent evolution is that, contrary to the letter extolling its virtues in the school bulletin, the school is becoming the impersonalized institution it was created to avoid. To halt this trend will require nothing less than active involvement in non-selfish activities as well as thoughtful responsibility by faculty and student members. If this movement does not change, the loss will be ours.

Editor's Note: The views in the foregoing article are the author's and do not necessarily represent those of CONSCIENCE or its staff.

- 8. During Allen's sentencing, the clerk informs the judge that Allen has no previous record. Allen has in confidence told Mason of prior convictions. Is she bound to disclose this fact to the judge? ☐ ☐ ☐
- 9. May she disclose it? ☐ ☐ ☐
- 10. What if the judge asks her a direct question on the matter? ☐ ☐ ☐

Answers to Ethics Quiz
(Continued in next issue)

The Code of Professional Responsibility through its ethical duty. A lawyer is bound to report the misconduct of other lawyers to the relevant authorities. See DR-1-102-3. ABA Informal Decision-1210 which Mason learns of. As to the lawyer, the Code imposes an additional as any citizen. This would apply to the criminal activity of the layman 6. Yes. Mason is under the same moral obligation to report crimes its occurrence. DR-7-102(B); DR-4-101(C) (3).

5. Yes. Once again, a revelation of past criminal activity (the grand jury perjury) is privileged. As to the future crime of perjury, Mason should attempt to dissuade her client from this course of action. If he persists in his plan, she must withdraw from the case. Since the communication as to this future criminal activity is not privileged, Mason then must take steps to prevent its occurrence and, failing that, to inform the court of 4. No. Evidence would not be privileged. Such conduct as future criminal activity, such concealment or destruction law. See DR-7-102. Thus Mason may not advise her client to engage in his or her client zealously, he or she must do so within the bounds of the least in most jurisdictions, a crime in itself. While a lawyer may defend 3. No. The concealment or destruction of physical evidence is, at obligation may not exist for ordinary citizens. See DR-4-101; DR-7-102. police. See ABA Opinion #155 (1936). The Code imposes on lawyers an urge Allen to surrender, and, if he did not, then reveal his location to the a crime (bail-jumping) will be committed. Thus Mason would have to facts in the attorney's possession indicate beyond reasonable doubt that held that an attorney must disclose a client's confidences, since "the also has an affirmative duty in this context. On these facts it has been whereabouts by proper authorities, she may not refuse to do so. But Mason McCormick on Evidence, § 95. Thus if Ms. Mason is asked to reveal Allen's crime continues, and any disclosure related to it is not privileged. See however, is a crime in itself. As long as Allen refuses to surrender, that must, not may, reveal it to the police. ABA Opinion 23 (1930). Bail-jumping, of a non-continuing nature, and hence was privileged. Thus, Mason neither to his whereabouts prior to surrender would be related to criminal activity in the first instance, it has been held that any disclosure by Allen as an ethical obligation upon an attorney to do one or the other.

2. Yes. In order to answer these and the following questions, one should have a sense of the relationship between the Code and the law regarding both privilege and the suppression of evidence. In certain situa-tions, the law of attorney-client privilege demands that a lawyer maintain particular types of confidences. The Code in no way alters such legal ob-ligations. Similarly, in situations where the law requires reveal confidences or secrets when permitted under Disciplinary Rules or required by law or Code calls for no different result. "A lawyer may reveal confidences or the law neither requires nor forbids disclosure where the Code may impose court order." [DR 4-101 (C) (2)] There are situations, however, in which the law neither requires nor forbids disclosure where the Code may impose

In the first round (4 P.M.) the Hofstra team will be the Respondents, arguing against Rutgers-Newark. In the evening (8 P.M.) they will switch over to the Petitioner's side against Columbia.

The winners will be determined by actual members of the judiciary under a point system. Each team may receive up to 100 points for their brief. Each round of argument is also marked on the basis of a 100-point maximum, leaving a potential perfect score of 300 points.

What If N.Y.C. Defaults?

Nobody knows what will happen if New York City goes bankrupt. On Thursday, Nov. 6th, a panel will meet in the Court-room at 7:30 p.m. in an effort to find out.

In addition to Professors Ginsberg and Hillman, who are setting up the agenda, the panel will include attorney Lewis Kruger, a bankruptcy and insolvency expert, who is now Chairman of a subcommittee of the New York City Bar Association's Bankruptcy Committee, reviewing into municipal bankruptcy law.

Dr. David Grossman, another panelist, is an executive vice president for Chase Manhattan, and a former City Budget Director.

Announcing the plans, Prof. Ginsberg remarked that they are "hoping to precede the event."

CLASS DAYS SWITCHED

As the schedule for the fall semester now stands, there are 13 Mondays, 15 Tuesdays, 15 Wednesdays, 14 Thursdays, and 13 Fridays. In order to balance the number of days in the semester, on Tuesday, December 2, Friday classes will meet, and on Wednesday, December 3, Monday classes will meet . . .

Hofstra Phone Nos.

(All numbers 560 exchange)

Admissions	3491	FIRE	3456
Arts & Crafts Rm.	3794	Gallery	3257
Athletic Office (Tickets)	3578	Graduate Admissions	3345
Bookstore	3251	H.E.L.P.	3433
Box Office (Playhouse)	3283	Housing	3200
Chaplains	3270	Infirmery	3325
Chronicle	3366	Information	3535
CLEP	3644	Law School	3636
Concerts & Organizations	3384	Law Library	3638
CONSCIENCE	3644	Library	3387
Counseling Center	3565	Little Theater	3638
DORMITORIES:		Craftsmen's Guild	3568
Tower A	3332	Nexus	3323
Tower B	3335	Outreach	3664
Tower C	3348	President's Office	3271
Tower D	3208	Program Board	3649
Tower E	3213	Registrar	3401
Tower F	3375	Security	3458
EMERGENCY	3456	Student Senate	3364
Financial Aid	3451	Veteran's Affairs	3206
		Women's Center	3580

ABA-LSD NEWS

Student Input Urged in Faculty Hiring

By Kim Steven Juhase
(Based on an interview with
Second Circuit Governor
Connie Raffa)

The Board of Governors of the Law Student Division of the American Bar Association in their fall meeting in Chicago gave final approval to a resolution suggesting to the ABA that law school accreditation regulations include a suggestion that would permit a law school to allow student input in determining the criteria for faculty tenure.

The resolution which was originally passed by the LSD House of Delegates in Montreal this summer, was introduced by the Student Bar Association President's Caucus and passed by a vote of 10-5. It will be referred to the ABA Committee on Continuing Education.

The Board of Governors, which includes the 13 Circuit Governors of the LSD and LSD's six national officers, also voted to make the Black American Law Student Association (BALSA) President an ex officio member of the Board of Governors after they heard a detailed presentation by BALSA President Ken Harris.

Harris told the Board that he considered the LSD an umbrella organization of all law students but that there is very little minority participation within the

LSD. This action would be "one way to make the LSD a positive vehicle for communication to minorities" according to Harris.

In order to be fair to other groups, the Board decided that it would, on an individual basis, consider applications by other groups such as the SBA President's Caucus and La Raza for the same ex officio status.

During the summer, an ABA Special Committee of Law Students released a report on the LSD. After an intensive study of the Division, the Committee concluded that though LSD had many bright spots, there was plenty of room for change.

Specifically, it offered 18 different suggestions as to how the LSD could be improved including the abolition of the LSD House of Delegates and requiring that LSD representatives be elected schoolwide. Currently many LSD delegates are appointed by either the SBA President or a Committee of the SBA.

To reply to the report, the LSD at the Chicago meeting, established a Committee which is due to issue a preliminary statement this month.

Other resolutions acted upon by the Board of Governors were:

A resolution urging the ABA to actively oppose "all attempts to eliminate predominantly minority institutions of legal

education." The resolution was introduced by the Governor of the 13th Circuit (Arkansas, Louisiana, and Texas). He pointed out that there are only four predominantly black schools left when 20 years ago there were seven.

A resolution was passed requesting the establishment of an LSD-ABA Special Committee on Law Students' Rights and Privileges. The Committee would study such subjects as uniform student grading, minority admissions, due process in disciplinary actions and freedom of speech in law school publications.

First Woman To Head Student Bar

Chicago, Sept. 29—"The Law Student Division has the potential to make professional legal organizations more responsive to the needs of the country," says Lynne Z. Gold, newly-elected president of the American Bar Association's 20,000 member Law Student Division, the nation's largest organization of law students.

Gold, 37, a third-year student at Villanova Law School, Villanova, Pa., is the first woman to hold the office of Law Student Division president.

Hofstra Law Women Push NY E.R.A.

By Mimi Hyman

This coming Election Day, Tuesday, November 4, every Hofstra Law student who is a qualified New York State voter can demonstrate a commitment to the principle of equal rights by voting "Yes" for the Equal Rights Amendment to the New York State Constitution.

The amendment will add a "Section 13" to Article One of the state constitution and it reads: "Equality of rights under the law shall not be denied or abridged by the State of New York or any subdivision thereof on account of sex." This amendment has passed two successive sessions of the New York State Legislature. The voter referendum is the last step in its becoming part of the state constitution.

Apathy and Confusion

The greatest problem facing those of us seeking passage of the Equal Rights Amendment is the apathy of our fellow voters—students and non-students—who philosophically support the principle of equal rights but who are either unaware of the impending referendum or who don't realize the importance of going to the polls on November 4th to cast the all important "Yes" vote on the referendum. There is, in fact, a well-organized opposition to the E.R.A. and, therefore, it is necessary that every qualified

voter supporting the amendment make his or her voice heard on the issue.

There has been some confusion between the New York State E.R.A. and the United States E.R.A. They are two separate amendments to two different constitutions. The proposed E.R.A. to the U.S. Constitution passed Congress in March 1972 and was ratified by New York State in 1972, but it must be ratified by three-fourths of the states (38) within seven years to become effective. To date only thirty-four (34) states have ratified this important amendment.

We have no idea when, if ever, the necessary number of states will ratify the U.S. Equal Rights Amendment. When ratification does come, two more years must elapse before the amendment takes effect. The New York E.R.A. on the other hand, could be in force by January 1, 1976! What's more, passage of the state E.R.A. can provide momentum to the drive to get the federal E.R.A. ratified.

Clearing Myths

Myths have been perpetuated about the E.R.A. to the effect that, once effective, it will actually take rights away from women. Nonsense. Such myths are based on the misunderstanding and sometimes deliberate misrepresentation of the E.R.A.

What the passage of the state E.R.A. will provide is the constitutional protection needed to end the inconsistencies of the courts in determining case by case whether discrimination based on sex is legal.

It will also help to ensure that every citizen of New York State will be treated under the law on the basis of his or her own merit, and not on an arbitrary and irrational basis.

Contrary to the myths about the effect of the E.R.A., it will NOT force women to leave their homes and go to work, it will NOT invalidate present laws which protect women from sex crimes such as rape, it will NOT make wives legally responsible for 50 percent of the financial support of their families and it will NOT force integration of the sexes in public restrooms and sleeping quarters of public institutions.

What To Do

What can you do to resolve an issue that should have been resolved almost 200 years ago?

1. Vote YES on the referendum on November 4th. (Make sure you are registered to vote in the November 4th election.)

2. Know what E.R.A. means. Explain it to others and see to it that they, too, vote on November 4th. (If you would like background information and analysis of any particular aspect of the E.R.A. or if it's likely impact upon particular area of the law, contact Mimi Hyman by leaving a note in the Hofstra Law Women mailbox located in the Administrative office.)

Let your voice be counted in this positive step forward for equality of rights under the law.

What's It All About, Anyway?

Unanswerable Questions

by Gary Small

There is no guarantee of justice in man-made law. There is also no guarantee of justice in the absence of law. The law in any society is nothing more (or less) than the aggregate of any number of systems of beliefs, policy considerations, rules, customs, norms and values (and value judgments) of that society. It provides something of a mirror image of the society; more accurately, it reflects the views of the more influential and persuasive moral, political and economic forces within that society. Emanating from men, even men of great wisdom, it remains fallible.

Knowing this, or even disputing it, it seems only proper to ask what the limits and scope of respect for law in a society should be. Better, or worse, yet, how should a lawyer address himself to this question, limiting its scope to his or her options, if indeed there are any options.

The Code of Professional Responsibility of the American Bar Association offers some guidance. Canon 1, Ethical Consideration 1-5 states, in part, that, "Because of his position in society, even minor violations of law by a lawyer may tend to lessen public confidence in the legal profession. Obedience to law exemplifies respect for law . . ."

A mental picture of lawyers, actively and intentionally breaking the law for purposes of convenience and deceit is unpleasant and unacceptable. But what about breaking the law out of conviction, morality, conscience.

Was it acceptable, for example, for lawyers to actively aid civil rights demonstrators in breaking selected Southern laws in the struggle for human dignity?

Was it acceptable for lawyers to aid, abet, and counsel draft resisters throughout the Vietnam war?

It has been argued that these acts were not only acceptable, but commendable. The argument flows from the concept that law is fallible, and sometimes promotes injustice rather than justice. When good men and women perceive this, their acts must be those which address the injustice, regardless of the fact that it is legalized injustice. Good lawyers may do no less.

The law is a moderating, a controlling societal force, which lends itself inherently to social and behavioral control. We have the responsibility to ask what the implications of that control must be, and what the consequences for those controlled are.

It is contended that a higher order of morality and truth, a universal order of human values governing human conduct is paramount to specific societal law, and that this universal overrides specific societal law when in conflict with it. For anyone who questions why concepts of morality and truth have anything to do with human law, I ask whether any system of law purports to function independent of these concepts as foundation and as fundamental theoretical backdrop for specific law?

But what can be the guidelines for exercising this sense of morality and truth? Are we presented with clear and actionable standards by which we may govern ourselves, or are our actions and the standards themselves only to be judged according to each separate set of facts and circumstances?

Are good lawyers those committed to the law, or those committed to

Take a Trip

By Michael P. Asen

September 30th—I'm sitting in Real Estate Transactions cleaning out my notebook and seething with an onslaught of dissension about being here, so I decided to get it down for all of the immediate world to see. (The immediate world, of course, being your usually narrow ivory tower crowd.)

After twenty-five months of listing "law student" as my profession, I'm edging to try something new. I'm sick of staring at the same oligopoly of books written by the same prep stars, who sometimes, but not often disguise themselves with separate surnames.

I just found a "Problem" handed out in administrative Law (an indicator of how often I clean out my looseleaf). What does that course have to do with administrative law? It's almost (but due to the context of what we're here for), but not quite unbelievable that you can go through 30 hours of that course and have no idea how to conduct yourself at an administrative hearing. Ah, but now I'm nitpicking. You know it and I know it. The whole thing is embarrassing.

Yesterday, I was asked by my employer to drop off an affidavit at Sullivan and Cromwell. Forty-eight Wall Street. You know, every law student should take a special trip to Sullivan and Cromwell. It's a goddamn brownstone with finished beams inside an art deco palace. As I arrived a barrage of wire-rimmed lawyers walked out of the elevator—a crew that would have made John Foster Dulles think his firm had shifted even further towards the right. But enough with directions—Go there, see it for yourself . . . and then take the IRT one more stop to Clark Street in Brooklyn and tour the St. George Hotel (currently a warehouse for welfare recipients).

You must do this, as it might remind you of the true meaning of equity. Equity you see is comparing the clients living on Madison and 122nd Street with those on Madison and 38th. (And you can bet your ass that F. Lee Bailey hasn't been to Harlem for a while. I'm sorry—that was out of line.)

I'm rambling now and I apologize for it. I just wanted to cry a little. I cry only to remind myself.

their consciences? Are the two inherently similar, or inherently antithetical?

Finally, if we say that acts of conscience for lawyers and others are paramount to the strict adherence to man-made law, is it fair to applaud only those acts with which we concur because of our own particular values and beliefs?

Richard Nixon and his cohorts almost certainly acted with the conviction that their actions served a cause and a set of values so morally suasive and valid as to justify the breaking of the law.

Those who interfere with court-ordered busing are possessed of their own concepts of morality, legality and conscience, and of their own view of man-made law.

We are left, lawyers no less than others, with individual choices that are of necessity selective and subjective, perhaps no more so than is the law itself.

Guild's Plans Grow

This year the Law School is witnessing the establishment of a large and active chapter of the National Lawyers Guild. 35 students, attended the first general meeting of the Guild to discuss plans for projects, programs and other activities over the next year.

The Guild, part of a national organization whose purpose is to lend legal skills to those fighting for meaningful social change, has planned an ambitious program this year at Hofstra and invites all interested students to join in.

Among the projects planned by the Guild so far this year are:

- work with a rank and file caucus in the N.Y.C. area called Outlaw, specifically around the firings and suspensions of workers active in the recent fight for a good contract

- work with the Long Island Bail Project

- work with Nassau Cty. Legal Services on an area to be determined

- work around a civil suit against Rockefeller and Co. stemming from the Attica rebellion and massacre

- work with the Eastern Farmworkers Assoc.

- research and education around the new Federal Criminal Code (S-1)

Each project will give students opportunities to do research in numerous areas, supervised by attorneys as well as opportunities to write briefs, prepare witnesses for and appear at hearings etc.

At the same time the projects will examine the political nature of their work and its ramifications in terms of social change. Students interested in one of the projects can sign up on the bulletin board opposite the placement office.

The Guild also plans a series of educational forums on alternate Wednesdays. The next forum will be on Wednesday, Oct. 15 at 2 p.m. and will be about "Lawyers and their role in the making of socialist revolution." They also plan to be active in pressing for school reform in such areas as curriculum, admissions, and counseling.

Chapter meetings are tentatively planned for alternate Thursdays (on the weeks between the forums).

People About

Early in the semester (and in the life of this column) is the best time to discuss the policy and purpose of *People About*. Last semester I suggested to the Editor that he should get someone to do an article about the outside legal pursuits of our professors. Recognizing another potential source for filler, he readily agreed, and suggested a regular column. Unforeseen (sure, Steve, sure) by me, he suggested that I do the column. The rest is history.

Enter disturbing visions of other columns of this "type." ("Did R.H. really see L.L. and S.B. at the A&P having an S & W?") So, rule the first—no gossip. Before you turn quickly to the sports page, I should add that the theme of the column is brief reports on newsworthy items within the Law School. "Newsworthy" is determined by both myself and the person involved. Rule the second—all those reported in my column have the option of review and veto (with the exception of previously announced items). Some items have already been vetoed and I respect those decisions, in all senses. Anyway, who needs the hassle? So, that's the way it'll be.

The length of the column no doubt will vary with your activity, interest, contributions, and my diligence. Not too much this month:

Dan Mooney ('73) is running on the Democratic ticket for the First Legislative District seat on the Nassau County Legislature. Engagement: Kathy Neubart ('77) v. Stuart Rosenthal, a U of Miami Law School transfer. —Steve Orbach

—MORE PEOPLE—

Carol Miller ('77) can be heard nightly from 10-2 on WPLJ... Prof. Rabinowitz now promises "It's all going to come together by Election Day..." Pat Dunn ('76) has been invited to join the *Law Review* on the basis of an article he submitted... Josh Klapper ('77) lost a first prize trip to D.C. in seventh grade by misspelling "shepherd" in the N.Y.C. Spelling Bee... —Ed.

LSD Roundtable Will Focus On Federal Courts Admission

How will the new admission rules proposed for the Federal Courts affect your legal career? The Law Student Division of the ABA at its Annual Second Circuit Fall Roundtable Conference will supply the answers on Saturday, October 25, 1975, at 10:30 a.m. when a panel of four distinguished judges and lawyers will discuss the issue focusing on what the proposed rules will require; and what a law student can do now to meet the requirements.

Members of the panel include Federal District Judge for the Eastern District Jack B. Weinstein who has written the definite work on the new Federal Rules of Evidence; Whitney North Seymour, Sr., former President of the ABA, of the Association of the Bar of the City of New York, and of the N.Y.C. Chapter of the Legal Aid Society; Robert L. Clare Jr., Chairman of the Committee on Qualifications to Practice before the United States Courts in the Second Circuit; and Simon Rifkind, a former Federal District Judge for the Southern

District of New York and a member of the Committee on Qualifications.

The panel discussion is just part of a day long list of activities which begins at 9 A.M. and ends at 6 P.M., with a wine and beer party at the New York University School of Law. Beginning the day will be an address by the highly controversial newly elected Secretary-Treasurer of the LSD Carol Coe.

Also scheduled will be an election (open to all) for Chairperson for the 2nd Circuit Women's Caucus and a BALSA caucus chaired by Joanne Epps, National Secretary-Treasurer of BALSA.

At 1:30 P.M. there will be a showing of the highly acclaimed film *Attica*. The film, which is in color, covers the factors leading to the bloody confrontation, and its aftermath.

Concluding the Conference will be a special guest speaker, Ramsey Clark, former U.S. Attorney General and a member of the defense team for some of the Attica defendants.

Curriculum Profile:

Chutzpah at Hofstra

By Neil Weinrib

Were you one of those unfortunate students who so eagerly registered for Evidence I sometime in July and then, just a few days before the start of classes, discovered to your surprise that you had been bumped out of the course? That you were not alone—39 others were similarly axed out of Evidence? And what was the explanation from those who are responsible for planning our curriculum?

It was explained to me, one of the "Frustrated Forty," that due to the overwhelming demand for Evidence, the school was forced to adopt an arbitrary cut-off date of July 25. And anyone who returned their registration materials after that date was summarily excluded from the course.

Moreover, it was pointed out that the registration form contained a not-so-conspicuous disclaimer which stated to the effect that students would be treated on a first come, first serve basis. I was also informed that this particular kind of dilemma had never before occurred at our young law school. Yet I hadn't been late in returning my registration packet. Why me?

Freedom of Choice

Argument with the administration was to no avail and I, for one, was compelled to shop around for another course. Was this process at all fair? Not at all. For one thing, once a student is knocked out of Evidence, he is severely deprived of his freedom of choice. In other words, he or she must then elect to take Income Tax now instead of next semester as originally planned, and then take Evidence I in the spring with another professor—or else wait and take it next fall. In pure and simple terms, one's plan or semblance of a plan is just blown away. The student, as a result, is pushed into an academic corner with a teacher and course sequence which effectively deprives him of any choice.

But all was not lost, I soon discovered. I was told that if I wanted to take Trial Practice, I would then be allowed to sign up for Evidence: the old quid pro quo. Like I didn't have enough problems—now I had to consider taking Trial Practice!

Well, by the start of school I had just about given up all hope of being enrolled in Ordovery's Evidence. Then someone mentioned to me that a group of students was getting together to see Professor Ordovery about this problem, and asked me if I'd care to join the demonstration. A veteran of many causes, I respectfully declined, having already had enough tsuris. Instead I attempted to acclimate myself into the world of Tax.

Confrontation Wins

However, the next day in Bus Org, I was informed by my source, "Law Throat," that many of those students who had stormed Professor Ordovery's office, had somehow been successful in getting into the course. Again it seemed, the politics of confrontation was truly paying off! So I naturally debated with myself as to whether I should join the job. But by this time I was already waist deep in gross income and the IRS Code! "Forget it," I said, "my mind is made up. I'm sticking with Hirschson."

Shouldn't the administration, in light of the increased growth of the student body, have been prepared to equitably deal with this kind of situation? Wouldn't it have been fair to all the registrants involved, to have thrown their names together into a lottery and then chosen them at random?

"And what have you learned," I asked myself, in the true Socratic tradition? I have learned that chutzpah and not fairness is the rule at Hofstra—that the student is often bounced around like silly putty, with as much freedom of choice as a fourth grader.

"ATTORNEYS-in-RESIDENCE"

TOMORROW, WEDNESDAY, OCTOBER 15, 1975, 12:00 NOON

In the Courtroom - Room 308

"HOW TO READ A FINANCIAL STATEMENT"

JEFFREY M. NOVICK, ESQ.

Mineola, N.Y.

No matter what area of law you move into, you simply must have a basic knowledge of how to read financial statements, which constantly pop up whether the matter be corporate, criminal, bankruptcy, matrimonial, real estate or almost every other branch of law.

Jeffrey M. Novick is an attorney associated with the Mineola law firm of Freedman & Weisbein, and a Certified Public Accountant. He has spent several years with major accounting firms and several years in the general practice of law. He is a member of both the County Bar and the State Society of Certified Public Accountants.

You will be given sample financials and Mr. Novick will lead you through them, highlighting the important flags and signals that they contain.

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'Dandy' Dan Posin

By Bart Reiss

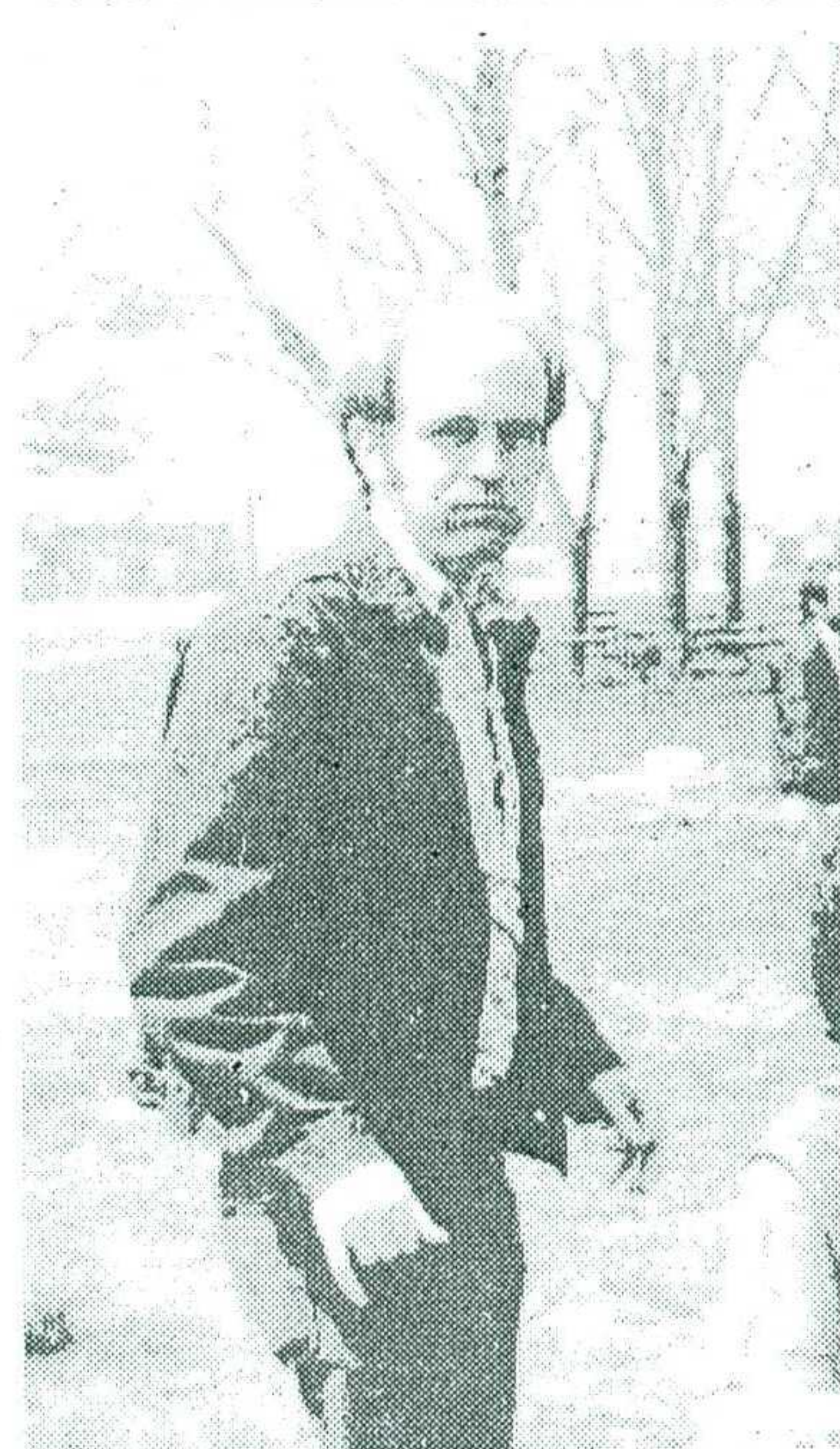
"Quisha Kabisa!" This interviewer looked incredulously at Dan Posin who uttered these words and who went on to explain that when an individual is finished with his meal in Kenya, East Africa, he says these magic words to his waiter in Swahili.

Professor Posin did his undergraduate work at the University of California, Berkeley. He then entered Yale Law School where he received his J.D. degree and his M.A. in Economics in a combined four-year program. Immediately after completing law school, in 1967, Attorney Posin worked for Ralph Nader gaining valuable experience in corporate problems.

Possibly the most interesting job that Professor Posin had prior to teaching at Hofstra was in 1969, when he was a faculty member at the University of East Africa in Kenya for eighteen months. While he was at the University, he taught Economics, and he became involved in the business problems of a developing country. Why did he take such a remote position? Because he felt that he had been locked into the educational system from the first grade until the time of Law school. Also, he "wanted to knock around a little and take a few chances." That was partly why he took the Nader job, and thus when this opportunity in Kenya became available, he again felt that the rewards of such a venture would be worth the risk.

Dan Posin remained in Kenya just long enough so that he was not subject to U.S. taxes on the income he earned in Africa. Professor Posin explained that if you stay abroad for eighteen months, you are not subject to a tax on that money. Obviously, Professor Posin enjoys utilizing his background in taxation.

After these sundry jobs in the public domain and work he did in his capacity as Chief Legislative Assistant to Congressman William F. Ryan of New York, Attorney Posin worked for sixteen months in a San Francisco-based Corporate Law Firm, where he concentrated on tax and security problems. Becoming more fascinated with Tax Law, he decided to develop his expertise further by taking an L.L.M. in Taxation at New York University.



Prof. Dan Posin

He feels that students should gain experience in practice before pursuing any L.L.M., because one usually does not know what he will be interested in until he gets a taste of the real world. During his Tax program at New York University, Professor Posin continued to think that he would enjoy teaching as a vehicle to seriously explore tax questions conceptually. He realized the fact that the practice of Tax Law is a type of "solitary profession!" You rarely go to court and seldom have one to one contact with other individuals. Professor Posin thought he would enjoy the classroom experience, the extended contacts with other faculty members and students, and the independence that teaching would afford him. "When you are teaching, you study the areas you wish to study in the order and continuity you wish to examine them."

Attorney Posin was asked what appeals to him at Hofstra Law School? He replied that one thing that really impressed him was the atmosphere at the school. While Professor Posin is aware that most law schools are grim places, he says that if a law school experience can be pleasurable, Hofstra is the place! Also he thinks that the high calibre students at Hofstra are both academically intelligent and interesting in many other ways.

In the Business Organization Course Professor Posin is teaching this fall, he tries to integrate the private point of view of making money and the societal question—Should the society change the rules by which these people attempt to make money? Recently, Professor Posin saw the movie "Rollerball" which was "not a really good movie," but which nevertheless dealt with the questions, though poorly, of what would happen if corporations take over the world. Attorney Posin paused, laughed, and said in a facetious moment he was thinking of assigning this movie to his Business Organization class.

When asked what his favorite restaurant was in the past few weeks, he said that he loved Cafe Des Sport, a French restaurant with a genuine Parisian flavor in the West 50's.

Professor Posin candidly admits there are pleasures that go beyond studying the Internal Revenue Code. If you were to open an issue of Playboy magazine from a couple of years ago, you would find an amusing satirical article written by Professor Posin lodged among the glossies.

Photographer Wanted For

CONSCIENCE

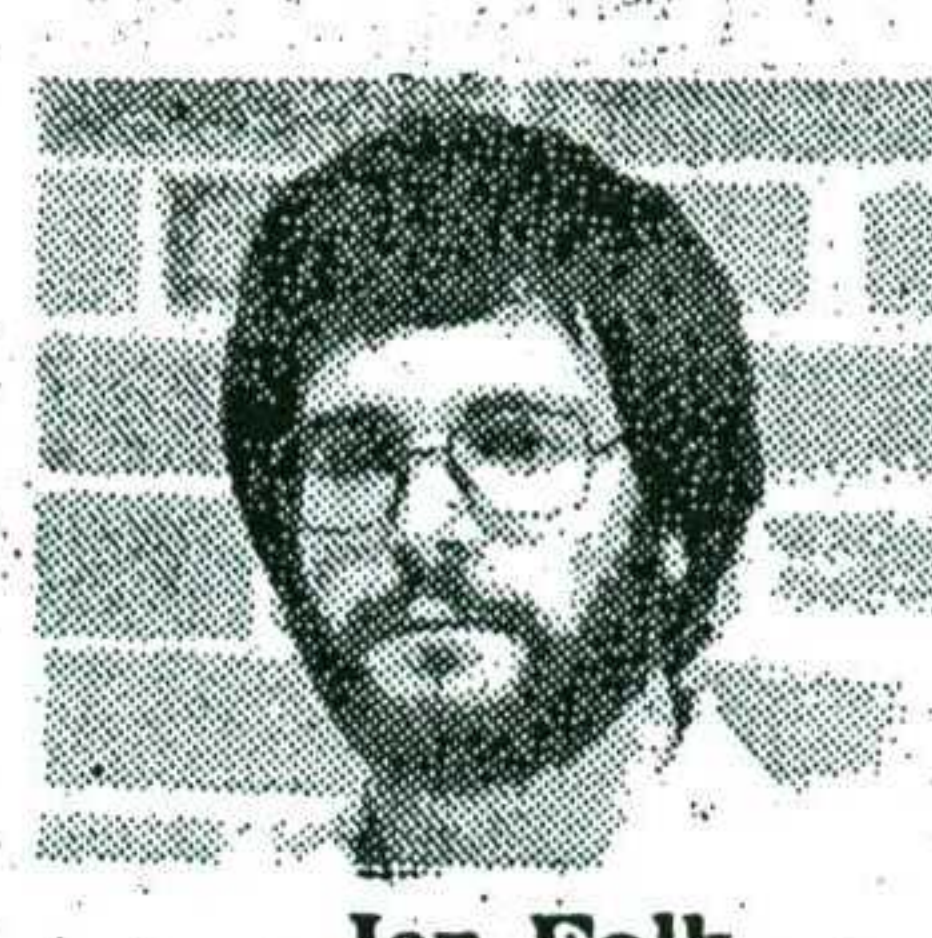
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Jon Falk

Although most students do not realize it, the Hofstra Law School faculty can boast of some outstanding achievements in the field of athletics. The following are the responses by a group of professors to the question "What is your most memorable athletic achievement?" At the end of the responses are the names of those professors spoken to. See if you can match the answers with the professors. Drop off your answers to the Conscience office by October 30 to be eligible for the grand prize.

1. "In one game of shuffleboard I beat Professor Agata—I was so excited and emotionally overwrought at the event that I forgot the score."
2. "I was captain of my high school volleyball team."
3. "I once played tennis with the intercollegiate champion, Mr. Julius Seligson. Although I don't remember the score, I can assure you it was no contest."
4. "I made the all-star punchball team in the 5th grade at P.S. 86 or, it was playing for the Science High school football team in the annual game between the juniors and the seniors. In the game I ran for two long touchdowns and that was the first time I heard the crowd cheer for me—that's why I went into teaching."
5. "I almost drowned while doing the breast stroke in a color war at camp when I was 11 years old."
6. "I once ate forty pounds of spaghetti at one sitting, or, I suppose taking a whitewater canoe trip in northern Maine when I didn't know anything about whitewater canoeing, and coming out unscathed."
7. "I played basketball in high school and in one game against our arch-rival I had half of my team's points, however we lost 40-27."
8. "I was accepted on the track team at CCNY as

BALSA REGIONAL FLOATING LAW DAYS

The Northeastern and Midwestern Chapters of Black American Law Students Association will sponsor its annual law day activities on October 17th, 18th, and 19th. These "floating" law days will be held respectively at Howard University's Dunbarton Campus, Washington, D.C.; Columbia University, New York City; and Suffolk Law School, Boston.

This activity is one of several to aid qualified minority students seeking admission to law school. The Hofstra University chapter of BALSA will participate in this regional effort in addition to local minority group student recruitment.

LIBRARY COMMITTEE

The Library committee, which was formed last semester, is seeking new student members. If you are interested in joining this faculty-student committee, please leave your name and phone number at the Library reference desk or contact Pat Dunn, chairman.

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a miler. One of the reasons for believing that there is such a thing as the grace of God is that we are permitted to forget such things as our best times."

9. "In one football game while playing linebacker, I intercepted a flea-flicker and ran for a touchdown."

10. "In my youth I was quite an accomplished swimmer, and I held an instructor's rating while being a lifeguard."

11. "I was my team's leading scorer in a game against the New England high school champs. It was a great moment for me as the cheerleaders cheered me on."

Answer Sheet

Professor Burton Agata _____
Professor Herman Hillman _____
Professor Abraham Ordovery _____
Professor John DeWitt Gregory _____
Dean Stuart Filler _____
Professor David Kadane _____
Professor Stuart Rabinowitz _____
Professor Leon Friedman _____
Professor Linda Hirschson _____
Professor Daniel Posin _____
Professor David Diamond _____

Ramrods Quash J.D.'s

First-year student Steve Zimmer took time off from Contracts and Property to score five touchdowns and throw for another as the RAMRODS defeated the J.D.'s 60-0 in an inter-law school rivalry game. Quarterback Sonny Shuleva engineered the RAMROD offense which scored on all but one possession of the ball. Equally impressive was the RAMROD defense, led by the strong pursuit of Stan Levin and Marc Abbott. The defense allowed only one first down. Mike Kent had several nice receptions for the J.D.'s who never lost their aggressiveness despite trailing throughout the contest.

NEWS BRIEFS

By Margery Rosin

ABRA-LSD

—ABA, Law Student Division will hold its annual Circuit Roundtable on Oct. 25th at New York University. This roundtable will include law students from the 2nd Circuit—New York, Connecticut, and Vermont.

LABOR LAW SEMINAR

—A six-week Labor Law Seminar is being held on Saturday mornings from Oct. 4-Nov. 14 at the Law School. Dr. George Roukis, arbitrator and former deputy assistant Secretary of Labor is conducting this program which is being offered by Hofstra and Cornell Universities.

PARALEGAL PROGRAMS

—The American Bar Association has given final approval to eight institutions for their paralegal programs. These schools are located in Mass., N.J., Pa., Calif., Minn., and Maryland.

PROF. KING: COURT REORGANIZATION

Professor Josephine King, while testifying before the New York State Joint Committee on Court Reorganization suggested that two members of a judicial nominating commission ought to be a recent law school graduate and a legal scholar. She feels that these members would be "tough on professional qualifications." She maintains that such a factor would be most important as a judge's responsibility is not only the determination of the dispute before him, but his acts and subsequent judgment which will play a role in the evolution of the law.

EQUAL RIGHTS AMENDMENT

September 9th marked the opening of the headquarters of the Manhattan Coalition for the Equal Rights Amendment . . .

UCLA law professor Kenneth Karst, an ACLU voluntary attorney, successfully undertook an appeal concerning the conviction of Stu Singer for selling the Militant, a newspaper, at Los Angeles International Airport in May 1974. Karst alleged the city was arbitrarily deciding which newspapers could be sold on the basis of their content. The appeals court, in overturning the conviction, noted that the city's basis for selecting which newspapers could be sold violated the First Amendment. This decision may have implications for other cities' regulations which ban the sale of certain newspapers at public facilities.

GAY RIGHTS

The General Welfare Committee of the New York City Council defeated a gay rights bill on Sept. 11th. The bill would have prohibited discrimination based on "sexual orientation in housing, employment, and public accommodations." Lieutenant Governor Mary Ann Krupsak spoke for the bill and was jeered at by some of the bill's opponents when she referred to rights guaranteed everyone by the Constitution.

"Tempora et mores mutant, et nos in illis mutantur." "Time and customs change, and we must change with them."