HOFSTRA UNIVERSITY SCHOOL OF LAW

CONSCIENCE

The Hofstra University School of Law Newspaper

Volume 3, Number 6 | "Asking you to ask yourselves . . ." | March 9, 1976

FINANCIAL CRISIS MEANS TUITION HIKE

by Margery Rosin
and Josh Klapper

The University needs are such that the law school faculty has voluntarily accepted an immediate 6 percent cut in salary and the administration has agreed to a 10 percent cut.

According to Dean Monroe Freedman, the Law School is in no way responsible for the University's precarious financial position. Indeed, the LAW School shows a surplus in the current year after paying expenses, bond service, and its share of University costs. The School in fact has returned a surplus to the University, a portion of which is transferred back.

The Dean commends the law school faculty for responding in such a responsible way, taking note that although others in the University have been asked to take similar steps, there are those who have refused.

Asked if the cuts would affect the tenure of the staff, the Dean responded that the cuts should be temporary, and he would not envision a dilution of the "major strength of the school—the quality of the faculty." Although the law school salaries do not compare favorably to those earned at other law schools, the Dean stated that in the last 3 years, only 1 faculty member has left of her own choice. The school has subsequently added 10 faculty members, and no one asked has refused to join the staff.

However, there is a serious and realistic fear to be realized. Many of the faculty members at Hofstra are top names in their fields. With the opening of two new law schools in the New York area and many more throughout the country, the Dean has expressed a fear of being "raided" by these or other schools for our top notch faculty members. "We must at least be on a pay level scale equal to other top law schools if we are to keep our esteemed faculty here," said the Dean.

The faculty has taken cuts. There has been and continues to be major fund-raising as evidenced by the upcoming Alan King Benefit Concert that will greatly help the Law School.

Dean Freedman himself has been compelled to become actively engaged in fund-raising. As a result, he has had to drop his column in the Law Journal, and has not been able to submit an anticipated article for the Columbia Human Rights Law Review.

Tuition Increase

Inevitably the next step to be taken is a substantial tuition hike for the upcoming year. The Dean commented that the tuition at Hofstra is lower than at any of the top schools in the country that are on a comparable level with us.

The increase to come will be a sizeable one, although the Dean pledges to try and keep it reasonable and under five hundred dollars for the year.

Editors' Note: We join the Dean in commending the faculty. Nevertheless the following question must be asked. "Should the Law School faculty and students be severely deprived economically in order to assume more than a fair share of the burden of a financially-handicapped University?"

—Weinrib Photo

Ramsey Clark recently spoke on the inadequacies of the grand jury system to a capacity crowd in the Moot Court.

Alan King Benefit

by Hector Lugo

As other educational institutions are struggling through financial deficits, Hofstra Law School is no exception. On April 5, 1976 at 8:15 p.m., the Hofstra Law School Benefit Concert will be held at the John Cranford Adams Playhouse on the Hofstra campus. The concert will feature Alan King, Oscar Brand, Jim Jensen, the Kathryn Posin Dance Company and other entertainers.

"The law school is faced with an emergency financial situation. Additional funds are needed to pay for the double digit increases on utility bills, to purchase more books for the library, and to keep the professors' salaries compatible with the other law schools," said Assistant Dean David Benjamin who is acting as coordinator for the benefit concert. "In addition to paying the necessary expenses to maintain the law school, money is needed to increase the scholarship aid for the students."

Dean Benjamin said, "There are two ways of getting money: raise tuition or fund raising. We chose the second option. Tuition alone does not cover the costs of running the law school."

However, since Hofstra Law School opened in 1969, there have been only over 400 alumni, with the first graduating class practicing law for only three years. "Most of the alumni are paying off educational loans and have other financial obligations. There is a limit to what they can contribute to the school," said Dean Benjamin. Consequently, Dean Freedman and Assistant Dean Benjamin thought of having a benefit concert this year.

Hofstra Law School was faced with being $97,000 short of breaking even for this year. The school has raised $120,000, $55,000 in pledges and additional funds will hopefully be covered by the Benefit Concert. "As of February 23, we have 60 percent of the tickets sold and we have 5-6 weeks left to sell the rest before April 5.

"Our aim is to have the best law school and keep tuition as low as possible. If expenses must be met by increasing the tuition, the tuition will have to rise. That is why we are having the benefit concert this year," said Dean Benjamin.

For anyone interested in purchasing the tax deductible $50 or $125 tickets, checks should be made payable to "Hofstra Law School Benefit Concert" and shouild be forwarded to Assistant Dean David E. Benjamin, Hofstra University Law School, Hempstead, New York 11550.

A journal will be distributed at the benefit for which ads may be purchased from $65 to $1000. Names may be listed as donors for $10 or as sponsors for $25.

For further information regarding the tickets and the journal, contact Assistant Dean David Benjamin at Hofstra University Law School or call (516) 560-3636.

Santagata Discusses Divorce Law Pitfalls

by Wayne Bastedo

"Matrimonial clients bring with them jealousy and bitterness," warned Westbury Village Justice Frank J. Santagata, speaking on "Uncontested Matrimonials" at the "Attorneys-in-Residence" lecture February 25th. "Wives want to castrate their husbands and husbands want to punish their wives."

Thus the danger of matrimonial law is that the lawyer often feels called upon to act as a psychiatrist, priest, marriage counselor, confidant and legal advisor all rolled into one, according to the attorney who as a general practitioner has had extensive experience in the matrimonials field.

But, he cautioned, attorneys handling divorce cases must be very careful to limit their advice to legal guidelines and to take a professional, analytical approach toward their clients.

"Remember, you're not a psychiatrist or a marriage counselor—you're hired as an attorney," Mr. Santagata explained. "If you allow yourself to get any further involved you are liable to end up being used as a whipping boy, an instrumentality of the client's own emotional purposes." Any extra-legal problems should be referred to a capable marriage counselor or other specialist who is much better equipped to handle them, he asserted.

Nevertheless, students were counseled, a matrimonial lawyer has a duty to determine whether a client's marriage is "just sick or completely dead."

"You're being paid for a job, but if there's any chance the marriage could be salvaged, by all means explore it. Money should not be paid for a matrimonial contest that could be avoided," he asserted, adding that even in questionable cases, advice to seek professional help toward reconciliation never hurts.

Specific Problems

Mr. Santagata warned of several specific problems the lawyer faces because of the emotional nature of matrimonials, and advised that counsel discuss such pitfalls so that their clients can anticipate and avoid them.

"Problem marriages usually have economic difficulties behind them, and you'll be dividing those limited assets in two. As a result the client will often take his hostilities out on you."

On the other hand, it was noted, spouses often are experiencing a rejection syndrome, and if the lawyer is of the opposite sex they may grab onto him or her to find emotional support.

If there is a custody question, Mr. Santagata observed, clients may try to use the children as instrumentalities to hurt their spouses. Yet provisions guaranteeing a good relationship between the children and the supporting parent will make it more likely that payments will be made, and may avoid many difficulties in the future.

Due to the inherent antagonisms in a marital contest, Mr. Santagata recommended that attorneys never represent both parties. Couples often seek such arrangements to save money, but the disadvantages far outweigh the advantages, he said. One or both clients are bound to be dissatisfied, claiming they were deprived of an attorney of their choice, or bringing other complaints against the lawyer.

Avoiding Litigation

The justice advised avoiding litigation in marriage cases if a "fair deal" is at all possible. But he noted that some firms have a reputation for not settling outside of the courthouse. "In that case go to court as soon as possible," he urged.

Students were also warned that the lawyer must never underestimate opposing counsel, and in attempting settlement must be careful not to make offers that might later be used against his client in court.

On the other hand, it was noted, "if you make a deal that the other side can't live up to, you will end up with tons of problems to haunt you in the future."

Mr. Santagata explained that there are three possible matrimonial forums in New York State. The Family Court, he said, is best for quick action and can handle problems of physical abuse through orders of protection. The Supreme Court offers a greater variety of remedies, including separation, divorce, dissolution, support and custody, but is much more time-consuming in its procedure. The third forum is foreign jurisdictions like the Dominican Republic and Haiti. These have the advantage of immediate solution, but have not been tested in the appellate courts.

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Volume 3, Number 6
March 9, 1976

"Asking You to Ask Yourselves"

American Bar Association Class A Category 1st Prize, 1974

Law Student Division, Best Law School Newspaper

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

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

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Josh Klapper

Margery Rosin

Chad Russell

—Weinrib Photos

Jim Freeswick

Letters to the Editor . . .

Shared Responsibility for Garbage

Dear Editor:

Has anyone recently walked into the library lounge and been able to find a table that did not have at least three coffee cups on it?

Has anyone recently walked into the second floor "eating area" and not been assaulted with empty coffee cups, the remains of a McDonalds or "brown-baggers" lunch—in addition to cigarette butts by the dozens?

Has anyone walked into their classrooms recently and not seen them littered with all of the conceivable "food stuffs" that our law school society offers—yogurt containers—diet soda cans—candy wrappers—ice cream wrappers, half-eaten sandwiches?

If you have not seen all of this, I can only assume that you have been attending another law school, or if you are at Hofstra, you are insensitive to the garbage that fills our classroom floors, lounges and hallways.

We are all "guilty" of creating this situation. If you are one of those with the attitude, "leave it behind—the cleaning staff will take it away" your responsibility is clear. If, however, you see someone spill their coffee in the lounge or the Moot Court, or leave 3 dozen gum wrappers, empty Flair pens, and the rejected remains of their "work product" on a library desk, and say nothing to them, I think you share in the responsibility for the filth.

To the attorneys who use our library in the evenings, and to the prospective employers who interview on campus we must look like a slothful group.

For all of you so concerned with the environment (re-cycled Christmas cards as well as non-chemically treated food) try to look at the Hofstra law School building as your **environment**—your **home**-for the next year or two or three. The filth you leave behind today will be the cause of the roaches, crawling on your casework—or in your jacket-pocket or briefcase—tomorrow.

Marc S. Horowitz
Class of '78

Faculty Asked For Prompt Grades

Dear Editor:

I am aware that Hofstra Law prides itself on the rapport between the faculty and students here. However, I feel I am one of many students who is disgusted with waiting such an extended period of time to receive an exam grade.

Most of the faculty completed grading within four to six weeks, however, at the time of this writing, several professors have yet to post course grades. Why is it that a few faculty members haven't yet finished grading exams, more than 10 weeks after the examination period?

I believe the students at Hofstra Law are entitled to the courtesy of receiving grades within a reasonable time. Many students must wait to receive a grade before completing their resumes, and-or before applying for a summer position. In addition, when grades are finally issued and a student wants to discuss the exam with the professor, who will remember enough about the exam-issues to have a meaningful discussion?

Undoubtedly, a faculty member's schedule is a demanding one, and delays in grading are understandable. But there is a distinction to be made between delay and procrastination. Inequities such as the lengthy gap from exam time to the posting of grades should be alleviated. I, for one, do not believe such a task is insurmountable.

The faculty's efforts to correct this situation would be greatly appreciated.

Thank you,
Rick Stern

EDITORIALS

Following the mid-year precedent established last year, the senior staff of CONSCIENCE is turning its responsibilities over to a new staff. We have a lot of faith in the abilities and judgment of the new Co-Editors, Josh Klapper and Margery Rosin. They have both been enthusiastically devoted to CONSCIENCE since they first came to the Law School. Moreover, they have sound ideas for making CONSCIENCE a more interesting publication.

But they and the rest of the staff cannot realize this paper's potential without your help. They need people who are willing to do more than just hand in an essay whenever the deadline comes around. They have been recruiting people to help with the routine matters of advertising, reporting, and production. But you can contact them first—and maybe learn a useful skill such as editing for a typesetter or developing a layout. It's easier than you might think. And the more volunteers familiar with these aspects of CONSCIENCE, the more frequently it can be published.

The departing editors wish to thank all those (too numerous to mention) who have helped CONSCIENCE during its first two years. It has been an enjoyable experience for all of us, a welcome monthly respite from law school tedium.

—C. Russell

WHO SPEAKS FOR THE PUBLIC?

In a recent Collective Bargaining class, Professor Eric Schmertz, speaking of his controversial Arbitration Order concerning New York City and the Firemen, posed the question, "Who speaks for the public?" In the public sector, should the arbitrator, by default, be the spokesman for the public, in life and death situations, such as one which would allegedly come into being if any more firemen were laid off.

One may agree or disagree with the decision of Eric Schmertz. Some undoubtedly will argue that arbitrators go beyond the scope of their authority when they do more than literally interpret the clauses of the Agreement. Alternatively, some will agree with Professor Schmertz that the arbitrator is the representative of the public (in the public sector), and he then has implicit authority to limit his interpretation of the contract to the point where it does not endanger the public.

The courts will undoubtedly deal with the legal ramifications.

Nevertheless, Professor Schmertz will emerge as a public figure with the courage to consider the public, one who accepts full responsibility not for often-ignored dicta, but for an arbitrator's ORDER.

The new editors of CONSCIENCE wish to acknowledge four other individuals who have found the time and inclination, and who have accepted their responsibilities as individuals and as future attorneys, to speak for the public through CONSCIENCE.

CHAD RUSSELL, as Editor-in-Chief of CONSCIENCE, has contributed his multiple talents, great skill, and abilities involving human relationships, in developing a paper we look to with pride. His diligence and devotion to the newspaper leave a great hole to be filled. The long arduous hours that were spent behind the scenes in putting together each issue often go unnoticed and unappreciated in the law school community. We notice and appreciate all that you have done. Thank you Chad for your know-how, perseverance and patience.

JIM FREESWICK, as Associate Editor, has served CONSCIENCE as he has served Hofstra's Moot Court Team, Law Fellows, Law Review, etc., etc., so well with his endless attributes. Working hand in hand with Chad he ably assisted in all matters and lent his vast newspaper expertise to make each issue more enjoyable. We will sorely miss our number one reporter as well as his Columbo raincoat.

DICK SELTZER, who continues to serve CONSCIENCE as Managing Editor, and who serves with such merit.

Final acknowledgment must be made to the founder and first Editor of CONSCIENCE, Norman Kent. Norman, your voice has recently been heard in the legislative chambers of Albany, and in a leading law journal. However, your presence will always be felt in CONSCIENCE, where you gave us a rousing start, and have made the present staff cognizant of its responsibilities to the public.

To all of you, we say "thank you." We commit ourselves to magnifying that "still small voice" — CONSCIENCE!

CLINICAL EDUCATION EXPANDS AT HOFSTRA

New Course In Civil Litigation Is Offered

by Richard Seltzer

Two years ago, Harvey Weinig (Class of 1974 and presently staff attorney at the Neighborhood Law Office) participated in an experimental course designed to afford students maximum exposure to the courts and trial work. A clinical course in civil litigation has now become part of the curriculum at Hofstra Law School.

The course is opened to NLO II students who work with the firm of Rivkin, Leff & Sherman for six weeks. The firm has a very active litigation schedule, enabling the student to be exposed to all aspects of civil trial work, from jury selection to verdict.

Special Professor Leonard Rivkin, senior partner in the firm, supervises the program, holds weekly seminars on various topics relating to trial work, and assigns students to an attorney on trial. The experience is much deeper than mere observation because the student and attorney engage in stimulating dialogue whenever possible. Questions and criticisms are expected from the student, and the attorneys are eager to explain why certain decisions are made and various tactics utilized. Mr. Anthony Matturro, partner in the firm, considers it an "obligation of the trial specialist to pass on his learning and experience to new members of the Bar."

The reaction of students who are participating in the course is extremely positive. "Finally after 2½ years, I have begun to understand what the legal profession actually entails," exclaimed third-year student Steve Nacht, leaning against a marble pillar in Nassau Supreme Court last week.

Mr. Matturro, whose motto is "Don't Get Shook," believes that one of the important results of the course is that it builds confidence. After four weeks in the courts, Jack Fitzpatrick wholeheartedly agrees, "I now feel confident enough to hang out my own shingle."

Where Is The Courthouse Door?

by Leonard L. Rivkin
Special Professor of Law
Hofstra University Law School

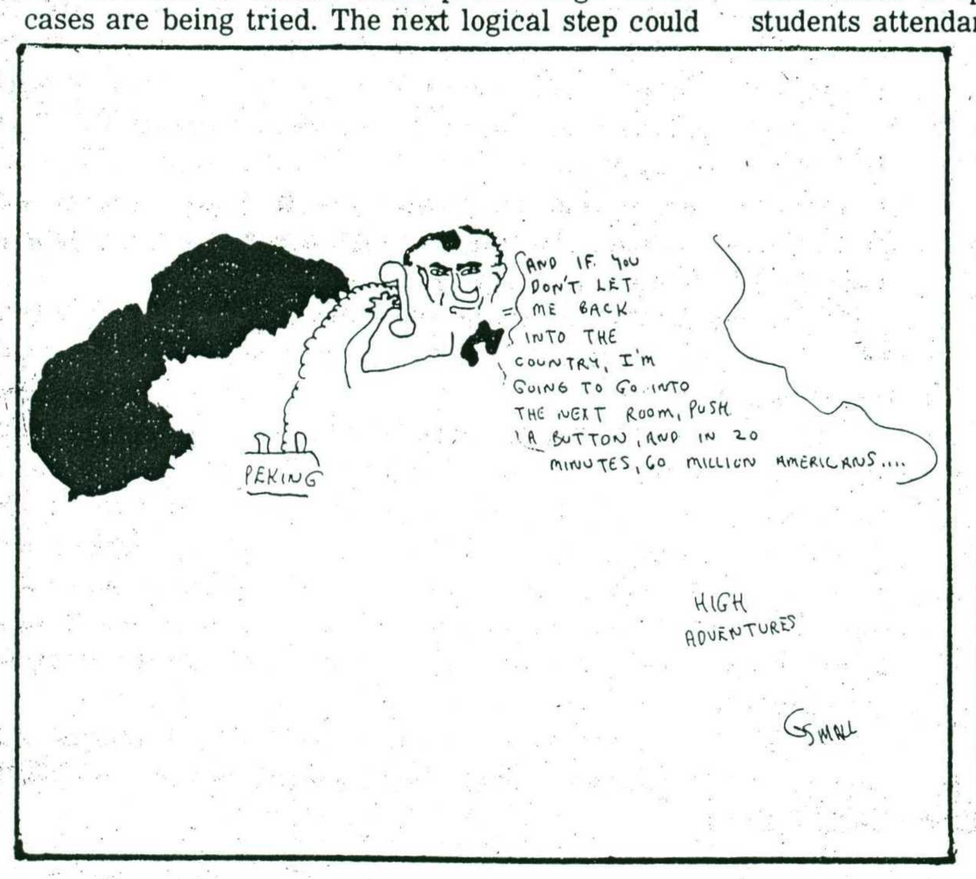
American law schools, although uniquely suited to accomplish a marriage between theory and practice, have not progressed thru the courting stage. While the law schools have adequately covered the theory process, they have been strangely deficient in the teaching of actual practice of law; that is, the clinical approach to the **utilization** of the theories of law are inadequately presented in our present day law schools. Long neglected, the clinical approach, which should be required, is only now receiving some attention.

On the other hand, our brothers in the medical profession appear to be more dedicated to the individual training of their students, utilizing innumerable clinical professorships in medical schools, which in turn deal with the teaching of their young students on an internship basis. Why should the teaching of law be any different? How many law graduates have sat with a trial lawyer thru a trial! To use a currently fashionable idiom, the "bottom line" of the entire theoretical approach to law is, after all, "will it stand up in Court." Wills, SEC documents, real estate contracts and even constitutional rights are subject to continuous judicial scrutiny, making the following words of Supreme Court Justice Robert Jackson particularly relevant: "The rights of clients, like the liberty of our people, are only those which some lawyer can make good in a courtroom."

I believe the time has come to require third year law students to attend Court proceedings where cases are being tried. The next logical step could permit a courtroom in a law school where the Judge could rotate his Court to allow sessions in the law school building. At this writing, how many law schools students, upon graduation and passing the Bar examination and now being full-fledged lawyers, do not know where to sit in the Courtroom? How many realize the importance of jury selection or the amount of testimony guided solely towards the ultimate Charges to the jury, ad infinitum.

The days of the lawyer shaving on his client's beard should be a thing of the past. Law School students, by the time they are admitted to the Bar, should have observed jury trials of consequences and become a working member of a team which advocated a cause. Chief Justice Burger of the United States Supreme Court and Judge Kaufman have both most recently addressed the general inadequacies of innumerable members of what purports to be the trial bar. I believe this can be directly traced to the inadequacies of the clinical approach, or lack of approach, to the trial of cases.

It is submitted that law schools should mandate clinical teachings to supplement the first two years of the theoretical learnings. Nothing in the ivory tower of the law school can approach the value of everyday workings of the student with trial lawyers in their day to day battle with adversaries before juries and Judges. It is my opinion that the law students must be shown how their theoretical learnings of the law are put to the test of advocacy—and this can best be done by devoting a substantial portion of the law school's senior year curriculum to practical courses requiring the students attendance in the Courthouse.



CLASS v. COURT

The following is an excerpt from a paper written by Harvey Weinig after participating in the pilot program which formed the basis for the present clinical course in civil litigation.

By Harvey Weinig

In attempting to translate onto paper exactly what I derived from my experience, I find myself encountering some difficulty. It is the kind of knowledge that one is not quite conscious of having once one has attained it. In a sense, learning courtroom techniques is like learning "style" or "poise"—it is a skill, or perhaps more accurately, an art form which one must acquire by exposure and osmosis rather than traditional teaching methods. Naturally, the rules of evidence must be an advocate's bible and it goes without saying that a thorough knowledge of the law and facts involved in the case that is before the court is quintessential. But these are merely the basic tools of effective litigation. It would appear that what sets the effective litigator apart from his mediocre counterpart is his knowledge and command of the subtle psychological interplay of factors which makes every case different than the one that preceded it.

As I learned, the first thing that must be done with any case is to give it some kind of focus and direction. One must take an abstract set of facts and string them together in the light which will be most favorable to the party being represented. Naturally, this is not a foreign idea to a third year law student; however, in law school the casebooks and especially the moot court programs always involve factual and legal situations where the equities are more or less evenly balanced. In actual practice, this luxury is not always afforded to the litigator.

Asked Me to Evaluate It

For example, on one occasion, Mr. Rivkin gave me a file and asked me to evaluate it. The defendant, our client, was seventeen years old when he was involved in an automobile accident with another car. It was an intersection collision wherein our client had a full stop sign and the plaintiff's vehicle did not. Moreover, he was driving after the hours permitted by his junior license and there was some evidence (at least in our file) that he had been drinking. One of the plaintiffs, a 32 year old mother of three had been killed. The driver, her husband, a New York City policeman was critically injured as was another passenger. My astute evaluation was that the case was an impossibility and that it couldn't possibly be won. To this Mr. Rivkin replied: "If it was an easy case, why would they need us?"

In this case, prior to entering the jury selection room, Mr. Rivkin requested that I stand apart from him and refrain from talking with him while in the presence of the jury. Generally, I had been allowed to sit at counsel's table. Here, however, since there were several plaintiffs represented by several different attorneys, Mr. Rivkin felt that it would be effective to take the position of the beset upon underdog, a lonely struggler amidst a towering group of opponents. Then, during the voir dire, since we were aware that two policemen would testify at trial as plaintiff witnesses each juror was asked if he had any direct or even remote relationship to policemen.

The Question Was Out

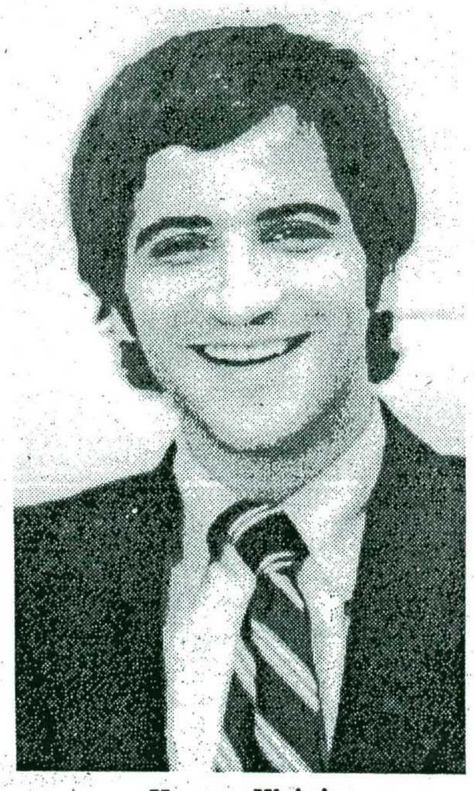
Next, Mr. Rivkin asked the group as a whole whether or not they believe that policemen **always** tell the truth. Although plaintiff's counsel objected vehemently, the question was out. We had established "our side" of the case where none whatsoever had existed before. The defense now had a focus. We had taken the weakest part of our case and, instead of avoiding it, we faced it squarely. We had turned what might have been a crucifying sword against us into a shield for our advantage. The policeman plaintiff would **surely** be corroborated by his brother policemen. Though it would be unrealistic to say that we were now in a good position, we had, at least, raised some doubts in the minds of the jurors. More important (for the case was ultimately settled) we had cast a shadow upon the "perfect liability" case that plaintiff's counsel spoke of prior to selection.

Perhaps more important than anything else was my acquisition of a certain ease and familiarity with the court itself. This imposing edifice of marble and wood was **really** made of people. After a short time it began to dawn on me that I could do this after all, wasn't I a "people." Admittedly, I was not ready. There was much yet to be learned if I was to avoid "learning to shave on my client's beard," but there was the realization this was something that actually could be achieved. At my summer job, I had actually been allowed to appear on behalf of my clients in Supreme Court in uncontested matrimonials. However, these isolated and somewhat mechanical appearances were not nearly as effective in dispelling the mystique of the Supreme Court as the solid month of daily courtroom exposure.

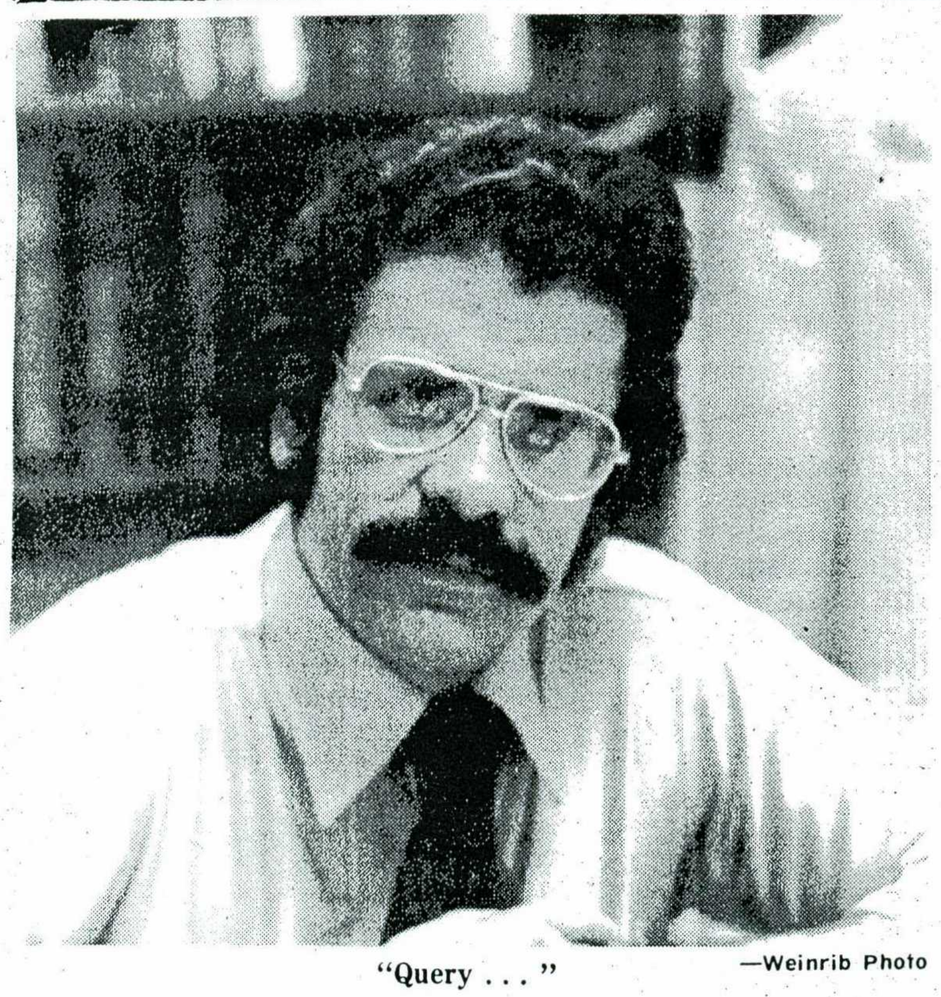
"What Makes A Trial Lawyer Run"

Then, too, spending as much time as I did with litigators gave me some definite ideas about "what makes a trial lawyer run." While personalities were widely divergent, two perceptible constants were their egotism and competitiveness. A strain of contradiction runs through a litigator's life which makes both qualities essential to their sensibility. On the one hand, the courtroom tactician is aware of the transference between himself and his client. To an extent it is really the attorney that is on trial and he knows it. An attorney with a less than pleasant client encourages this transference and to some extent must believe that it is he who is on trial. On the other hand, when a verdict for the opposition is rendered the attorney must snap back and say, "I've done my best" and go on to the next trial. To be effective one must be able to engage in constructive self-criticism, but, if this crosses the line and turns into self-reproach, the litigator ceases to function at his otpimum level.

The time I have spent has been in my opinion of more value than much of my other law school experience. I strongly urge that being made privy to an attorney's inner thought processes and then seeing how it translates itself into actual courtroom behavior is an essential law school experience that will help bridge the awkward gap between law student and lawyer.



Harvey Weinig



"Query . . ." —Weinrib Photo

Faculty Profile:

Ron Silverman

by Marilyn Levine

"I am here because I sensed a growing organism from the distance: the best new law school in the country." The great vitality of Hofstra Law School and the high quality of his new colleagues are most impressive to Professor Ron Silverman. What distresses him, however, is the financial shape of the surrounding University. "I expected a healthier ship," he states, candidly. Prof. Silverman's concern for the well-being of the law school is his realization that the way to retain our high quality staff and attract new faculty of high caliber is to maintain a competitive position with other law schools. Prof. Silverman believes the problem becomes acute when law professors are forced to seek supplementary employment in order to manage financially.

"Teaching in law school requires intensive and creative preparation. The heart of the teaching process is an interesting or provocative idea." This intensive and creative preparation Prof. Silverman speaks of pays off, considering the apparently unanimous praise heaped on him by his students in this, his first year at Hofstra.

"Perspective Courses"

What he would like to see more of at Hofstra are "perspective courses" like International Law, Jurisprudence, and Law and Economics. To this end, he encourages Hofstra Law students to have self-confidence in their ability to pass the bar exam. Prof. Silverman firmly believes that most students who fail the exam do so not because they didn't take certain specific courses, but rather because something "went wrong in the study process."

As long as Prof. Silverman can remember, he was interested in "talking, writing and arguing, and so naturally turned to law as a profession." He believes that law schools must learn to draw more successfully on other disciplines, and that more emphasis should be placed on training "social critics" or "citizen lawyers;" that law school ought to be "first and foremost, a house of the mind."

"Law schools have to move beyond teaching out of appellate court decisions. Law Schools should be more concerned with offering sustained criticism of social policies and viable alternatives."

This is important, Prof. Silverman believes, "as a necessary antidote to the narrowing vocational impulses of law schools." Prof. Silverman fully recognizes the lawyer's role as advocate and its importance, but he believes that the law school has a responsibility to go beyond this.

Prof. Silverman is a native of Chicago, and his first job after graduation from the University of Chicago Law School was staff counsel to the Illinois division of the ACLU. It was a "dream job," since his responsibilities ran the gamut from arguing before the Illinois Supreme Court to public relations to writing memos to the Governor.

He particularly enjoys the area of the law concerned with housing, land use, and real estate since it represents an integration of public and business law concerns, as well as an opportunity to integrate legal and social science perspectives.

After several years at the ACLU, Prof. Silverman joined a private business law firm in Chicago, which he also enjoyed. (While he was a student at Chicago, he helped write a book on Commercial Transactions.)

Literature and Philosophy Major

Prof. Silverman was a literature and philosophy major as an undergraduate at the University of Michigan. He is getting "a big kick" out of New York City because of his great interest in the theater dating back to those days. He confesses to preferring plays by Shakespeare or Chekhov, rather than those by Tennessee Williams. He enjoys Restoration Drama, Ben Jonson and Congreve.

Prof. Silverman is clearly the lawyer he would have us be: the lawyer planner. Outside of his interest in the theater and poetry, and some interest in tennis, he admits that his hobby is basically his work. And this is clearly work which he takes very seriously indeed. Apparently, the addition of Prof. Ron Silverman to the Hofstra Law faculty is one more great "coup" for the school; we are delighted to welcome him and wish him well.

Opinion:

Racism In South Africa — Rights and Justice Denied

by Derrick Arjune

Set in the southern tip of Africa, this country presents one of the greatest challenges to international order. Its population comprises 16 million Blacks, 3.2 million Whites and a relatively small number of Indians and others. It produces gold, diamonds, uranium, lead, zinc, cobalt platinum and dozens of other metals. By far the richest African country, and one of the richest in the world. But in the midst of this immense wealth is injustice and human indignity that are reminiscent of the hideous days of slavery and the Nazi regime.

At the root of this human suffering is a system named Apartheid. It is the official legal system that governs the race. It determines from your birth who you are and what you will become. Apartheid has effectively separated the races in South Africa. Racialism, in effect, is sanctioned by the South African government.

The effects of Apartheid defy proper description. The majority of Blacks live under the most inhuman conditions. They live in slums that surpass the squalor and degradation of the Appalachia. Illiteracy is rampant with very few going as far as college. Statistics from that country show the government yearly spends $435 on a White student compared with $65 on a Black student. Apartheid embraces and fosters racialism. But more importantly it has deprived the "majority" of people of freedom and human dignity. To members of a democratic society where freedom is revered, living in human bondage is intolerable. For the majority of people in South Africa, the deprivation of freedom is a harsh reality. They can not vote. Their speeches and writings are strictly censored. The Terrorism Act makes the printing of subversive material punishable by life imprisonment or death. To the government, subversive material is the majority's demand for participation in the democratic system. The infamous "Pass" is another facet of this police state. Every Black must carry the Pass; it tells where he lives, where he works, and who he works for. If he is not where he is supposed to be, he is summarily seized and punished. In succinct terms, First and Fourth Amendment rights are nonexistent for the majority.

South Africa has been severely criticized for these Nazi tactics by the world community. It has openly refused to respond to exhortations of freedom and justice within its borders. We cannot sit in our sanctuary of freedom and ignore the denial of these basic rights to the majority there. For as Martin Luther King said: "Injustice anywhere is a threat to justice everywhere."

The pursuit of basic rights is largely a quest for human dignity. People use the legal mechanisms available to achieve this end. When denied, violence is the next logical choice. The tyranny of a minority contradicts the basic concepts of democracy. It will not be accepted and acquiesced in by any people for too long. The American Revolution evidences this principle.

No ready solution to South Africa is available. Any solution must fully embody the interests and needs of the people. The road will be long and arduous. But time is running short. People who endear democracy must be aware of the serious situation there. We cannot begin to talk of peace and democracy until the South African question is resolved.

Opinion:

Shelving A Suggestion

Or

Playing By The Numbers

Kathy Rosenthal

The law library has struck, been struck by and struck out with its newest law and order proclamation—that is, students should not shelve the books they use. The most noticeable result is that anyone who has looked for anything in the last few weeks has found nothing.

Being a student of justice and not of law, I have a gut reaction to this policy. IT STINKS. I also have a logical lawyerly position. IT STINKS. It encourages disrespect toward the library, students and faculty. The library is in chaos. There is not enough time for two full-time shelvers working every hour to replace volumes as quickly as they are displaced. There is other work, however, which is equally important to the maintenance of a high quality and viable library, for instance, keeping the looseleafs up to date. What purpose is spending hundreds of dollars monthly for the source material, if it sits packaged behind the front desk? There has now accumulated unfiled pages dating from the beginning of February—almost one month old!

Professor Wypyski justifies this abortion on all library resources because he feels the students are not capable of returning the books from whence they came. I, for one, am highly insulted at being called an idiot and resent that such a flimsy excuse should shelter those who are making a mockery of our library. How can anyone who is bright enough to get into law school say he can't remember where the various volumes are stored? Anyone who cannot, perhaps should not be in law school! He points to the misshelved books as evidence. Purely circumstantial I say. They are the result of other, more devious reasons. Students are fulfilling the prophesy so they won't have to shelve; and it has worked. They secret books from their colleagues. My cynicism of the ethics of the students is based only on fact. The library reports a record number of missing books and ripped out pages.

It must be noted, too, that the library shelves receive no special training. They are given only a loaded cart, a map and best wishes. If the library feels new students are unfamiliar with the layout, they, too, could be given maps (which are currently available). Or a mini lecture could be given during a legal research class. But I think neither of these teaching methods are necessary. After all, the student knew where to get the book from in the first place. And should the student forget, he could always ask. I haven't seen very many bashful, quiet law students.

The ramification of this permissiveness is that students are sinking to greater depths of inconsideration. I work in the library and have often had to clear off carrolls loaded with 15 and 20 books. This ties up future use of the carroll and the books. And I can't believe that anyone actually works with 20 sources at a time. Students have gotten so lazy that they stand in front of a volume set, use one and then leave it on a pull-out shelf or the shelf reserved for Shephards. There can be no excuse for that kind of selfishness nor should it be tolerated. This is an all too frequent occurrence.

I suggest that students will not reform their ways voluntarily. I propose that no library worker shelve for a week. The result might no doubt be pandemonium while the students reassessed their priorities (the library caught up on its other work), till frustrated students refused to tolerate the unethical behavior of their "brothers." I believe that they would realize that we must all work together if the library, as an institution and our home for three years, is to work at all. We are all capable enough to do the job, and there is no reason why we shouldn't.

On behalf of all the students and faculty, I appeal to Professor Wypyski and the students to reconsider and do right by each other. Ask what your library can do for you and what you can do for your library.

Hofstra Fit For The Handicapped?

by John G. Bubaris

As a recently handicapped person, I find myself for the first time grappling with the problem of getting around on crutches and a wheelchair in our "booby trapped" school supposedly designed to handle our needs.

The basic problem is that not enough serious thought has been given to our different needs by architects, builders, manufacturers and administrators alike. Instead, well meaning persons install unnecessary duplicate facilities "for the handicapped" which further handicaps us, instead of making better general facilities for all.

Some Examples

The front entrance incline is treacherous going down and hernia producing going up. I'm sure whoever designed it never tested it out!

What genius is responsible for the library reference desk which a wheelchair person can hardly see over, let alone write on, pick up and drop off books?

Or the card catalogue which is way too high? (Most wheelchair persons' can't stand up you know).

Or book shelves which extend down to the ground? (We can't touch the floor either).

Or the turn and push doorknob locks on many classrooms and all offices? (It's dangerous on crutches to have to turn and hold and push on a doorknob while simultaneously entering a room). Ideally, all doors should have no doorknobs and should be double-hinged so that one can pull or push the door in both directions.

Equally puzzling is the podium and chair arrangement in Room 204 which creates an obstacle course for "wheelchair persons" befitting James Gardner in the movie "The Grand Prix."

Of the five men's rooms in our law school, I can only use **one**! All the others have a gorgeous but suicidal marble step in the doorway which is impossible to safely ride over.

I've only skimmed the tip of the iceberg. Many problems are easily remedied by changing locks, re-hinging doors, re-shelving books, etc. Others are not. I am not asking the world to shave off all its rough edges for me and others like me. Rather, I insist that architects, builders, manufacturers, buyers and administrators alike put the handicapped in along with all the other variables **before** (not after!) deciding how steep should an incline be; how should doors open, how high should tables, chairs, desks and water fountains be, etc. It is amazing how often a few inches, here and there, unnoticeable to the general public, will make a world of difference to people like me.

I hate being handicapped. My helplessness frustrates me. I love to be independent; to do things by myself, but I must be given a chance. For much of my handicappedness is due to the cockeyed way things are made. Fortunately for me, my handicappedness is temporary and I won't have to spend the rest of my life waiting for Good Samaritans to take me out of the rain. But what about the others?

—Weinrib Photo

True Confessions . .

DEAR CONSCIENCE:

I am writing this letter because I too have both a conscience and a confession to make. I must confess to my crime in this context because I don't have the courage to tell Deans Freedman and Filler personally nor my advisor whom I have yet to meet. And Dean Twerski, perhaps you'll also be compassionate and try to understand my predicament.

Confession

I can't contain it any longer. My confession is this: I stole a donut during the coffee and donut hour the other day. I nonchalantly walked up to the long table covered with wonderful delicacies, and while no one was looking, quickly grabbed a glazed donut without depositing my 20c (and I must add, it was delicious). But I know it was an unethical act, truly wrong and something I should never have done—no matter how hungry I might be. I am now contrite and seek the forgiveness of my fellow students as well as the faculty. (I hope it doesn't reflect in my grades.) Please try to sympathize.

Yet I can't describe the guilt and anguish that seized me after I had perpetrated the theft. And what a sleepless night I had! I dreamed that I was standing before the Character Committee of the Bar, wearing my blue striped pajamas and clutching Monroe Freedman's book on legal ethics.

Aftermath

My friend Bob had just testified before the lofty panel of judges that I had purposefully and wantonly stolen a 20c donut from the law school, and therefore I should be declared unfit to practice law in the State of New York. And all the judges, their eyes glaring in rage, nodded in agreement, deploring the gross outrage which I had performed.

I was allowed to make a brief statement in my defense. Trembling, I attempted to assuage the implications of my act by stating that this was merely my first offense. (I didn't care to mention that when I was 8 yrs. old I had cleverly stolen a water gun from the local candy store.) I told the judges that while I did, in fact, grab the donut, this action was provoked by the thought of sitting through a whole morning of classes writhing in a fit of hunger. I added that I did refrain from stealing a cup of coffee and that this should be a significant factor in mitigating my offense.

And before I could plead my insanity defense, the mighty gavel sounded and the judges proceeded to announce their verdict. They said that the honor system had been dealt a serious blow by my misconduct and that I should be made an example for law students everywhere;that the legal system must weed out such misfits as myself or else it will surely crumble. The unanimous verdict was, of course, guilty and I was forbidden from practicing law in New York (but then Hofstra is a national law school), fined 20c, and sentenced to a year of Contracts at Mid-Valley School of Law.

Neil Weinrib

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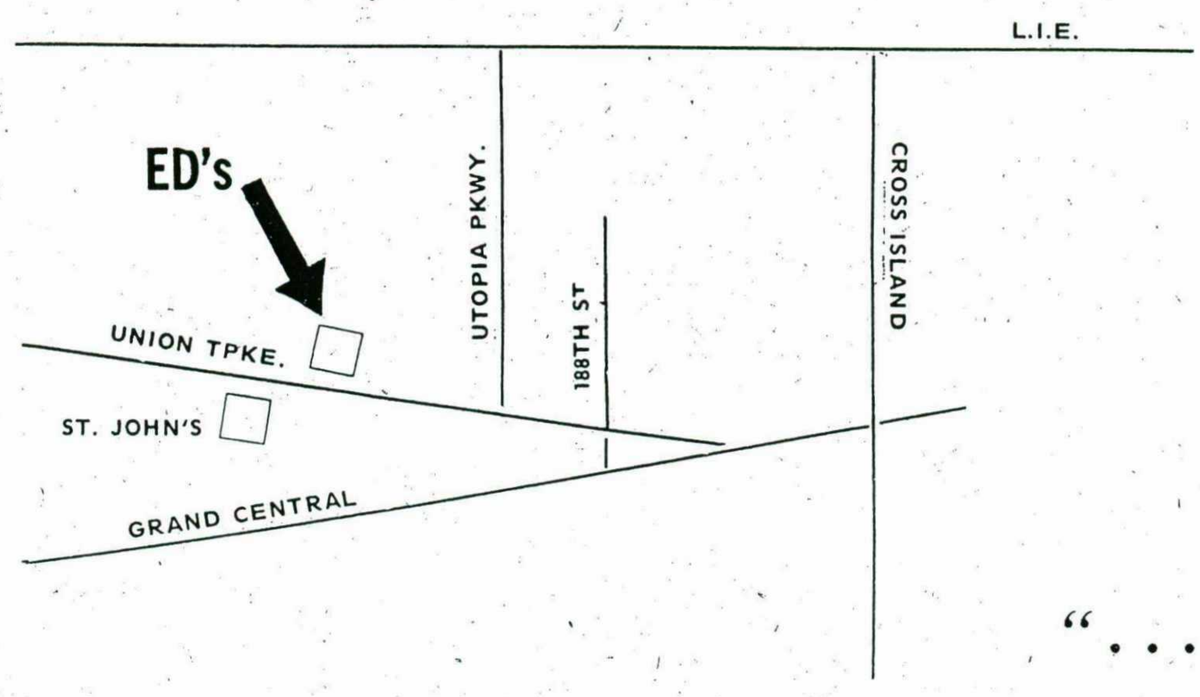


"... Worth The Ride"

FACULTY, STUDENT - FACULTY COMMITTEES: *What Can We Expect?*

by Steve Orbach

Earlier this month, elections were held for the student members of four faculty committees. The results are:

Faculty-Student Liaison:

Marc S. Horowitz	(1st year)
Joan Gilmore	(2nd year)
Jules Halpern	(2nd year)
Liz Schulman	(3rd year)

Academic Standards:

Sara Sill	(1st year)
Mark Birnbaum	(2nd year)
Grace Goldblatt	(2nd year)
Michael Benjamin	(3rd year)

Governance:

Hirsh Cogan	(1st year)
Vic Grossman	(1st year)
Stephen Mendel	(2nd year)
John Albanese	(2nd year)
Michael Kent	(3rd year)

Curriculum:

Ronald Davis	(1st year)
Janet Starwood	(1st year)
Mark Jaffe	(2nd year)
Shareen Edelson	(2nd year)
Brian Mulholland	(3rd year)

The four faculty committees to which the students were recently elected are among the eleven faculty committees now in existence. The charges to each committee can be found in the records of the faculty meeting minutes. Faculty members are assigned to these committees each year by the Dean, with individual preferences usually honored.

The **ACADEMIC STANDARDS** Committee, chaired by Professor Rabinowitz, has a twofold function. The committee acts as an advisory body to the faculty on rules and regulations governing the grading system (pass-fail, incompletes, adjustment of First Year grades, honor system, etc.). Last semester, a temporary revision of the exam-taking rules was instituted. When asked about proctors, Prof. Rabinowitz stated that while such a measure has been considered many times in the past, by both the committee and the faculty as a whole, and been rejected, it can be raised again at any time by submitting a petition to his committee.

The committee's second function is the review of the applications of students who were either dismissed or on probation, for not meeting the school's academic requirements; requirements recommended by the committee and approved by the faculty. Student-members sit for the hearings at the applicant's choice. In this function, the committee reports to the Dean with its recommendations, who may reach a different conclusion. If he does so, the applicant is given the choice of either decision. There is now a huge backlog of these cases, with the students normally asked not to sit.

The admissions process is handled by three committees, **ADMISSIONS, STUDENT ADMISSIONS**, and **ETHNIC MINORITY GROUP.** Initially, the applications are processed by Dean Benjamin and his staff, dividing them into three groups. The "upper portion"—high L.S.A.T.s and high G.P.A., and-or work experience, letters of recommendations, writing sample, etc. are sent to the Admissions Committee for review. A second group, all minority student applications, are sent to the Ethnic Minority Group Committee. Those applications not in the first two groups are sent to the Student Admissions Committee.

The admissions procedure once out of the hands of the latter two committees will await a full description in a future article. It is sufficient to say here that L.S.A.T. scores have a lesser weight here than at most law schools, with more emphasis placed upon grades, in the consideration of the more than three thousand applications.

The **STUDENT ADMISSIONS** Committee is made up of thirty-six student volunteers, divided into groups of seve, with one member-at-large, Pat Dunn. Applications are distributed to each of the groups, whose members read all those applications. Each group meets once a week to review and decide upon the applications. If an application is favorably received, it is then sent to the once-weekly committee meeting for further consideration. This second committee is composed of eighteen members, who alternate with the second half of the committee. If the application makes it through this committee, it is sent to the Dean for a final decision. Criteria used throughout this procedure are similar to those used by the Admissions Committee. According to one group "leader," the Dean accepts nearly all the two or three per cent of the applications the student committee forwards to him. The obvious advantage to the applicant—a second review—means more qualified students will not be rejected by Hofstra.

One of the committees upon which students do not sit is the **ETHNIC MINORITY GROUP** Committee, headed by Professor Okpaku. This committee places less emphasis on L.S.A.T. scores as well, unless the score is high. Rather, grades are stressed, as a more reliable predictor for minority students. The committee looks for good grades from a good school, in a challenging major. Also, letters of recommendation are studied, as well as the writing sample, to evidence motivation.

The committee is kept busy year round, as are all the admissions committees. Prof. Okpaku would like to see at least ten per cent of any entering class made up of minority students, but these are "flexible goals, not quotas."

FACULTY-STUDENT LIAISON Committee, chaired by Professor Angel, "deals with areas where we might improve the communication between the faculty and students," according to Professor Posin, one of its members. The committee was originally set up as a student gripe committee, in response to strong student feeling that there were inadequate avenues of communication. Things must be quite good at Hofstra, for there were few gripes aired before the committee in the past few years. One student petition led to the formulation of the student advisory program, where each student was assigned to a faculty member for advisement. Of the program's success Prof. Posin said:

You only meet the more bold students (normally), so this would bring the shy ones in . . . I have a feeling those students wouldn't have come into anybody, but they had an authorization, a validation of the concept.

A second highly successful function of the committee is the Wednesday Coffee and Donuts. This program is self-sustaining, with an occasional loss or two directly attributable to a mass change shortage. The committee also sponsored parties for the First Year last semester, and has on its agenda the mammoth job of reviewing the entire student evaluation of faculty procedure.

The committee refers to the faculty only the more important issues, such as the advisement program, for a vote of approval. The lesser issues, like the coffee and donuts, it handles on its own.

The **CURRICULUM** Committee, Professor Agata, chairman, reviews suggestions for courses and passes these to the faculty for consideration. The recommendations originate with the faculty, students, and sometimes the committee itself. "Every new course has been approved by the Curriculum Committee," stated Prof. Agata. If the faculty accepts a proposed new course, it becomes part of the curriculum. Last semester the committee met once a week, with few exceptions. At the present time, the committee is reviewing the entire curriculum.

The **GOVERNANCE** Committee, headed by Professor Gregory, was originally set up to help establish bodies of student government, including a student court. It sent out letters to other schools, getting feedback on different systems. A student subcommittee was set up to study the court proposal. This student subcommittee was succeeded by still another student subcommittee; Professor Gregory is still awaiting the report. From anyone.

As seen by its present chairman, the committee's purpose is to deal with those issues "referred to it, and often things which do not fall within the jurisdiction of the other committees." Generally these referrals come from the faculty, sometimes from the Dean's office as well. In the past, the committee has ruled upon student participation at faculty meetings, and determined the function of the Dean in reviewing the recommendations of the Academic Standards Committee and developing procedures for same. These were subject, of course, to a full faculty vote. The committee "has met whenever there were items before it," and will, I assume, continue to do so.

The **FACULTY APPOINTMENTS** Committee, chaired by Professor Mahon, recommends to the Dean on behalf of the faculty, nominees for positions in the school. The Dean informs the committee of faculty slots available. The committee then proposes a candidate, after studying and comparing the qualifications. Numerically, the committee is never short of candidates, receiving "probably more than one hundred letters a year from candidates." The candidate is invited to the school, to give the entire faculty (and student body) the opportunity to meet him-her. Faculty reaction is solicited on a special form devised for that purpose. Student responses are also welcome. The committee studies all the data, and if approval is voted, it so reports to the Dean. If the Dean also approves, the candidate is hired.

The committee has little to do as of late, due to the school's financial situation. It has met once this year, acting upon two nominations for part-time positions. Prof. Mahon:

We have no vacancies as of now for which anybody could be considered, so there's been no occasion to make any decisions for full-time faculty slots all year.

One student is on the committee, but that is by invitation only.

The **ARTS AND RELATED AESTHETICS** Committee was formed in response to an inquiry by Professor Ginsberg, its present chairman. "I was greatly disturbed at the resemblance (of the school) to Alcatraz . . . the building is not so beautiful architecturally that a little landscaping would hurt." An ad-hoc committee was formed.

The committee's work is divided into inside and outside projects. Any trees or shrubs seen within the immediate vicinity of the school are their handiwork. Aided by Profs. Ordover and Kessler the student volunteers proceeded to put in two fall plantings and one spring planting. The trees and plants were either donated, purchased or taken from Hofstra's Old Westbury campus.

Inside, the committee was responsible for the painted stairwells, placing plants in both the library and student lounge, and the temporary hanging of posters (to be put up again, please Maintenance). All purchases were done with money donated for that purpose; no funds are received through the school budget. The committee does suffer from a serious shortage of personnel. All those interested in helping to beautify their surroundings are advised to contact Professor Ginsberg.

The **CLERKSHIP** Committee, headed by Dean Filler, organizes the placement of Hofstra students in judicial clerkships throughout the First, Second and Third Circuits. One month prior to its spring meeting, Sandy Miller sends out letters to Federal and State judges concerning clerkships. The committee then wades through the qualifications of all the Second Year's students, using such objective criteria as G.P.A., Law Review, Moot Court Board and the like. Those acceptable are contacted by Dean Filler, who sets up a meeting between the student and the committee. At this spring meeting, the student then expresses his preference from among the available positions. Then, a second "weeding out" is done, so that no more than two names are submitted to any one judge. The same criteria are used the second time as well.

Dean Filler expressed the aims of the committee thus:

Since we have a new school, and since many judges don't know very much about Hofstra, and often hire from the alumni of their school, the goal of the committee is to try and get some of our people to "break-the-barrier" with different judges.

Dean Filler believes that one day judges will come to Hofstra for clerks. The reaction of the judges has been favorable so far.

There also exists a **DEDICATION** Committee, whose purpose was to oversee the dedicating of the new building, long with the naming of the Moot Courtroom, the lounges, and such. The committee did meet and plan the details of the dedication ceremonies, including a date and speakers. It has been postponed by the Dean pending fundraising specifically for that purpose;

I think we have other priorities than conducting a dedication ceremony. That doesn't mean it doesn't have value, but I think there are more urgent things to do.

One more committee remains—the **LIBRARY** Committee, which is still in the organizational stage. Headed by Professor Soloff, this committee began as a response to a student complaint about the functioning of the library. Prof. Soloff reserved comment until she has met with her committee.

There is one other group which could properly be inserted in this article on faculty and student-faculty committees—the Student Representatives. The representatives meet and divide the budget, participate in faculty meetings, are charged with the running of the Christmas Party and the Picnic, participate in certain faculty committee meetings, and other activities. There is some indication they are having some problems in attaining all their goals. Part of the problem is found within that group. An even more important part is systemic. To quote Dean Filler:

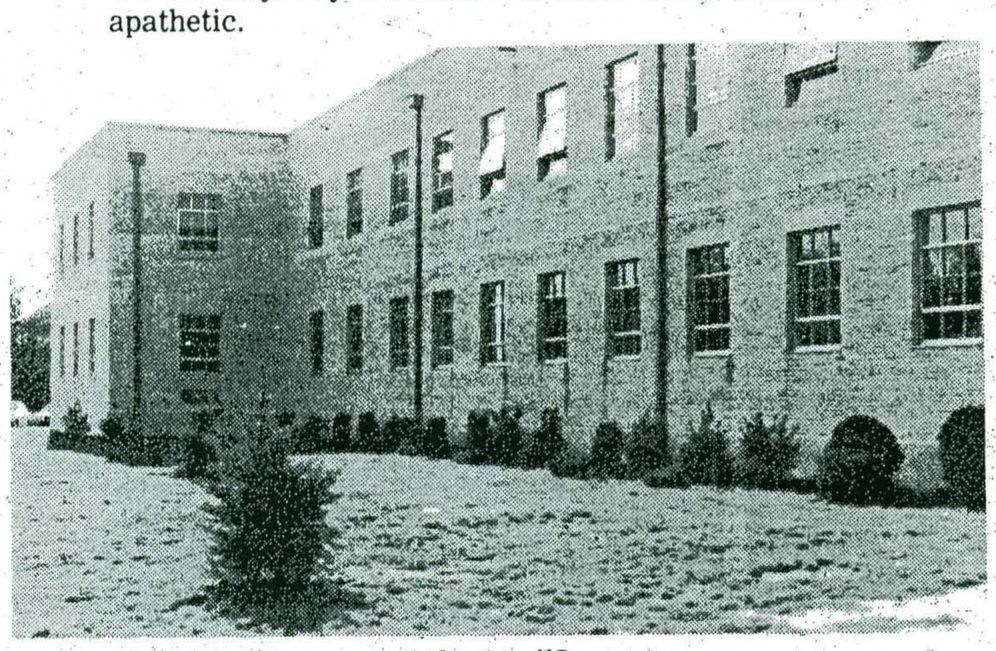
(P)robably one of the reasons that there's never been an impetus at this school for students to actively organize, is that there's basically very few things that they individually request that they don't get.

(Continued on page 7)

(Continued from page 6)

Professor Gregory waits for student reports due from two different student committees. He's been waiting two years now. That indicates either a lack of interest or a lack of need, or a combination of the two. Things do get done at Hofstra, except for minor holdups. What is needed is someone or something to find out if things can be done better. Elections were late; the Christmas Party is being held closer to Easter. We have all experienced some problems with the running of the school. The question we must ask ourselves is: Is it necessary that we reform our student government? I would at the very least suggest that the meeting of the representatives be both open and well-publicized. Minutes should be continued to be published. If the Student Court is important to you, contact both your Student Representative and a Governance Committee member. Another suggestion for student government would be combining all Student Representatives and members of committees into one unit, an idea that may be proposed by the time this article is published. I don't think many students voted for one particular committee member for one particular job; the committee members were elected because they were competent individuals. Instead of electing eight Representatives and eighteen committee members, why not elect twenty-six Representatives sitting as one governing body, who send eight representatives to participate in faculty meetings? It has also been suggested that we have a student body president. Why? Or why not?

Finally, write a short note to **Conscience**; should anything be changed, or is it running well enough as it is? It's the only way we'll know if we're either satisfied or apathetic.



"Alcatraz"?

Free Tax Advice Available For Poor

by Joyce O. Moy

Gearing up for another tax season, Community Tax Aid, Inc., a non-profit, volunteer group has opened storefronts in various low-income and ethnic communities throughout New York City. The primary objective of the group is to help those to whom a fee for tax preparation is an additional burden on an already stretched income. Secondly, the organization is comprised of many bilingual volunteers, and can provide the service in Spanish, French and Chinese. This is particularly important because many of these taxpayers may fail to file, or otherwise lose tax benefits simply because of the language gap. For example, the ordinary preparer may not be able to explain adequately the meaning of a "dependent" and the taxpayer may not get the exemptions to which he is entitled.

The volunteers who are primarily accountants, certified public accountants, law students and attorneys are attuned to other problems peculiar to this class of taxpayers. In areas such as Chinatown and Spanish Harlem, there are any number of taxpayers whose spouses and children are not within the territorial limits, or other designated areas for tax purposes, and these factors affect their filing status and the number of exemptions they may take.

Those volunteers who are qualified to practice before the Internal Revenue Service also represent taxpayers when they are audited on a return prepared by the organization. There are copies of the forms filed for the taxpayer, and a completed worksheet for every client on which all information upon which filing status and preparation of the forms were based. To insure as much accuracy as possible, each staff member has his forms reviewed by an experienced manager before they are released and the Community Tax Aid stamp is affixed.

The group, its services and individual members have been cited by the Mayor's office, and other national groups for their exceptional efforts. Community Tax Aid volunteers have also been invited to testify before the House and Senate subcommittees on the commercial tax preparers as well as the IRS taxpayer's service. Over the years many volunteers have completed thousands of free tax forms, and those interested in helping may write to: Community Tax Aid, Inc., Box 1040, Cathedral Station, New York, N.Y. 10025.

New Law Review Board Elected

The following individuals have been elected to the Board of Editors for Volume Five of the **Hofstra Law Review:**

Editor-in-Chief—Fred D. Heather

Managing Editor—William F. McCartin, Wendy G. Singley

Articles Editors—Charles M. Chernick, Miriam Hyman

Recent Developments Editor—Jack M. Platt

Notes and Comments Editors—Karen G. Crockett, Jeffrey D. Fields, Stacey Joan Moritz, Edmond P. Murphy

Book Review Editor—Lawrence N. Mullman

Research Editors—Jonathan Falk, Brad Eric Scheler

Get Well Mike Benjamin

Fresh Coffee 15c a Cup Room 034

Res Ipsa Loquitur

JULY '75 RESULTS

By
MARINO BAR REVIEW COURSE

EXCEEDED STATE AVERAGES

On December 5, 1975 the results of the July, 1975, Bar Exam were announced in The New York Times. Of the 3,407 candidates who took the exam, 2,658 passed. The overall passing percentage was 78 percent. Marino Bar Review Course substantially exceeded the official state passing averages. The MBRC passing rates, broken down according to law schools, are as follows:

	Percent
Albany	100
Boston College	83
Boston Univ.	83
Brooklyn	88
Buffalo	82
Case Western	100
Catholic Univ.	100
Univ. of Colorado	100
Columbia	75
Creighton	100
Florida State	100
Fordham	84
Georgetown	83
George Washington	100
Gonzaga	100
Harvard	71
Hofstra	88
John Marshall	100
Memphis State	100
Univ. of Miami	100
Univ. of Michigan	75
New England	75
New York Law	90
New York Univ.	97
Notre Dame	100
Ohio Northern	100
Oklahoma City Univ.	66
Rutgers	83
St. John's	89
USC	100
Suffolk	77
Syracuse	87
Univ. of Toledo	100
Univ. of Virginia	100
Washington & Lee	100
Washington Univ. (St. Louis)	100

Analysis of the above figures shows that the average MBRC passing rate for students who attended law schools in New York was 88 percent. The MBRC rate for those attending out-of-state schools was even higher: 94 percent. MBRC's overall passing percentage, 91 percent, exceeded the state average by a full 13 percent.

For further information, contact:
Rep. Vivian O. Watson, (212) AR 6-8464

or

MBRC at: 516-248-3995
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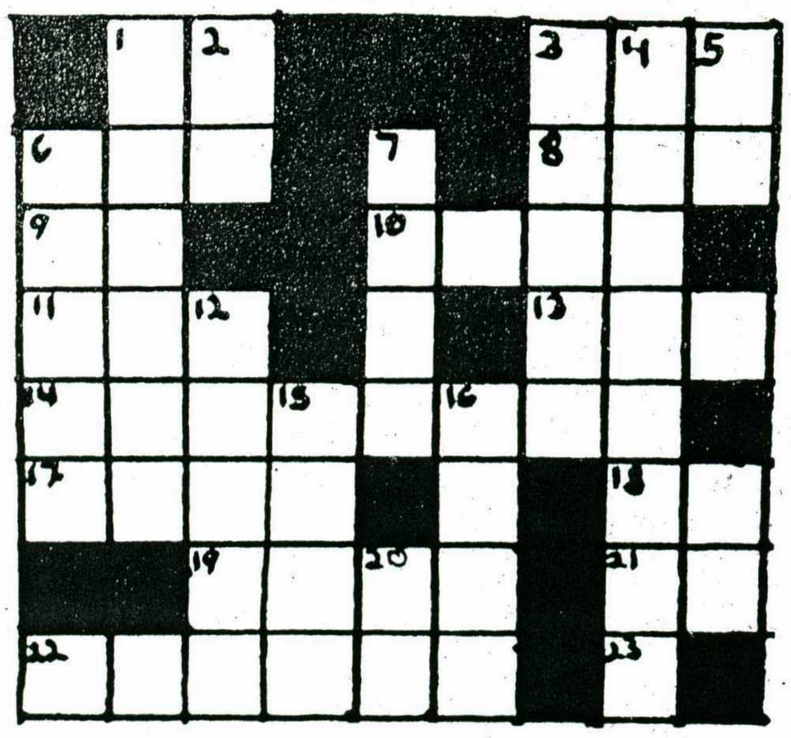
Legal Crossword . . .



by Neil Weinrib & Steve Orbach

(Answers on page 12)

ACROSS

1. Hamilton Burger
3. If you're into crime and don't mind Traffic Court
6. What law students don't get enough of
8. Thank God for Smith & Boyer legal
9. Usual professiorial response to demanding a grade change
10. If your Contracts exam isn't for another hour you still have time to
11. and abet.
13. Supreme Court + 1
14. The Main Man
17. What you feel prior to Exam Week
18. What every law student should practice
19. Untruths your father told you
21. 's the Hornbook peddler
22. Charm, wit, money, connections and being on Law Review
23. The second worst grade in the world

DOWN

1. The other law student necessity
2. When you flunk out, you get the
3. He now hides behind a beard and gets off on throwing chalk
4. Your mental condition after 3 years of law school, 2 bar exams and an LLM
5. In order to get a parking space you must get here in the
6. Sounds like an infection but is administrative
7. The exam was as easy as cake
12. If Malachy Mahon were Monte Hall in Contracts class and he gave you a choice of Doors 1, 2 or 3
15. Tompkins opponent
16. If you don't intend to study for your Tax exam, you'd better say your prayers and go to
20. Dulce decorum est pro patria mori (Horace)

Lawyers Guild:

A Comment on Kunstler

As members of the National Lawyers Guild and the law student community, we feel it necessary to comment on the Faculty Appointment Committee's action with regard to William Kunstler. Burton Agata's protestation to the contrary, we fail to see how the rejection of Kunstler by the Committee, as an adjunct professor of law, was for anything other than "political reasons" and it is precisely this underlying political-social philosophy which raises an important observation about the nature of the education we are receiving at Hofstra. Our primary concern is not whether any particular person was hired or not but that this Committee's action represents a policy decision divergent from that expressed in the bulletin.

Hofstra appears to place a premium on employing those who have been active practitioners and in fact encourages its faculty to continue some connection with on-going legal work. This is apparent because they value practical experience for its own sake and for its pedagogical value. Yet when a course is proposed which would draw the core of its material from that same practical experience, the ground for rejecting its value is diminished by labeling it "war stories."

Similarly transparent is the undefined fear that students would not have adequate access to Mr. Kunstler. Seemingly this school has already decided that it is worth compromising the amount of time a professor is available to students for the education benefit derived from in-class interaction.

There are a number of adjuncts whose time commitment is limited but are employed, correctly we believe, because of their particular expertise.

More important however, is the statement of the committee that it "had grave doubts that the school needed an additional seminar course of the proposed type," because this raises the question of what criteria are utilized in assessing what is to be taught and who it is we are being educated to serve.

Presently the pervading ideology communicated to us through the content and methodology of our courses is the notion that our legal system proceeds from a body of neutral ideas and principles. Thus the function of our education is seen to be one of creating an atmosphere for the mastery of these neutral rules which when properly mastered, can then be rationally and disinterestedly applied to any problem.

No legal system, however, operates in a vacuum divorced from and unresponsive to the social, cultural, political and economic system it is charged with upholding. Implicit in the rejection of William Kunstler is the rejection of introducing an alternate analysis of our legal system, one which proceeds from other than "acceptable" theoretical premises and examines its economic and political underpinnings.

Hofstra NLG

CLEP Stages Murder Scene

On Friday, February 26, 1976 the results of a dynamic new program were witnessed. Over twenty senior high school students from Farmingdale High School witnessed a simulated murder performed by Hofstra Law School students. The students originally thought they were going to use the courtroom facilities to act out a mock trial, but were interrupted by the murder.

The activity was part of a course being given in the high school and taught by two second year Hofstra Law students, Mark Birnbaum and Kenneth Husserl. As an outgrowth of the CLEP program, these students write materials for and teach a full semester course in the high school. "The program is well received in the high school by both the students and administration. The students enjoy being taught in innovative new ways, in an informal atmosphere as opposed to the normal lectures," said Birnbaum. About this particular program, Husserl said, "This demonstration will be followed up with discussions about the problems of identification of witnesses."

The entire exhibition was recorded on video tape, as well as a lineup composed of ten law students. The students will later be asked to identify the assailants and will then be able to see the entire murder again in their classroom.

ABA 2nd Circuit Study Proposed Rules

An American Bar Association-Law Student Division Committee has been formed to study the controversial Proposed Rules for Admission to Practice in the Second Circuit federal courts. The group will sponsor educational programs at each law school in the circuit over the next few months, and will solicit student opinion on the rules. The findings of the committee will then be embodied in a report which will then be submitted to the drafters of the rules; the Judicial Conference of the Second Circuit; the LSD and the ABA.

The Proposed Rules were developed in response to mounting recent criticism of the poor quality of trial and appellate advocacy. Reacting to this, in early 1974, Second Circuit Chief Judge Irving R. Kaufman appointed a committee of distinguished trial attorneys, law school professors and judges to study the quality of advocacy in the Second Circuit, and to recommend measures to improve the performance of the attorneys who practice there.

Surveys of the judges of the Second Circuit Courts established that the quality of trial practice and appellate proceedings was alarmingly low, particularly in civil litigation in the Southern and Eastern Districts of New York. Nearly all judges considered the imposition of more stringent requirements for admission to practice would substantially alleviate the problem.

In June 1975, the committee submitted its recommendations to the Judicial Conference of the Second Circuit. The committee recommended major revisions in the requirements for admission to practice before the Second Circuit courts.

An applicant for admission to the district courts under the proposed rules, would be required to be familiar with the federal rules of procedure and the Code of Professional Responsibility. He or she would have to have taken courses in the following areas (whether before or after graduation from law school): evidence; civil procedure (including federal jurisdiction), practice and procedure; criminal law and procedure; professional responsibility and trial advocacy. Continuing legal education programs could be substituted for those law school courses.

The applicant would be required to have assisted in the preparation and attended four judicial hearings; two of which must have been brought in federal court. To be admitted to the Second Circuit Court of Appeals, the applicant must have observed six complete appeals on the merits; three of which must have taken place in federal court; or participated in three law school moot court programs.

Alternatively, a committee would be empowered to pass upon other qualifications and experience to determine whether the requirements were satisfied by such equivalent work. The rules would take effect three years after their adoption, in order to allow an opportunity to adjust to the requirements.

Among the criticisms of the proposed rules are the following:

1. Upon the basic premises of the recommendations: (a) that there is a correlation between law school performance and ability as an attorney; (b) that the qualities of a competent trial attorney can be taught; and (c) that the courses offered at the law schools could be of sufficiently uniform quality.
2. The effect of the rules will not be limited to law schools within the Second Circuit alone, as it is recognized to be the most "national" of all the circuits.
3. The prescribed clinical courses are expensive.
4. The law schools would be less able to independently shape their curricula.
5. The law student would be forced to consider at an early stage of his legal education whether he intends to practice before the Second Circuit courts at any time in the future.
6. The student's course selection would be accordingly restricted.
7. The rules would increase competition among law school graduates, with those having satisfied the requirements being more "marketable."
8. Continuing legal education courses, if available at all, are subject to added cost and inconveniences.
9. The rules are elitist, creating a specialized trial bar, and working to the disadvantage of the general practitioner.
10. The rules do not address themselves to the presently admitted attorneys, some of whom may be incompetent.
11. That there will be a proliferation of conflicting rules for admission in different jurisdictions.

The supporters of the rules have responded as follows:

1. The major causes of poor advocacy are lack of sufficient trial experience and lack of proper training. Law school courses can deal with those problems, at least in a preliminary manner.
2. Conflicting admission requirements can be unified by the use of the committee's proposals as model rules, adopted through the efforts of national bar organizations.
3. Most law schools offer the precise courses called for by the rules, indicating that the costs and burdens of implementation will not be high.
4. The availability of alternate means of satisfying the requirements mitigates (a) against any heavy burden on the individual applicant, and (b) against the establishment of an elite corps of litigators.
5. The courses would provide an introduction to the practical aspects of trial and appellate practice.
6. The law schools might be led to reconsider their priorities, in offering esoteric, specialized courses in preference to more pragmatic training.
7. The alternatives proposed to the committee's recommendations, such as a national bar examination or attorney "monitors" in the trial courts would not be substantially better adapted to foster legal skills.

The recommendations merely constitute a beginning in dealing with the problem. Further debate is inevitable. The Second Circuit Judicial Conference adopted the recommendations "in principle" last June. Since then, the Northern District of New York and the District of Vermont have approved them. The Western District of New York is expected to follow suit. Action on the rules is pending in the Southern and Eastern Districts of New York and the District of Connecticut.

The preceding report was prepared by the ABA-LSD Committee on Qualifications To Practice Before the United States District Courts in the Second Circuit.

The committee consists of the following students:

Andrew J. Goodman (Chairperson) Hofstra Law School, Jean Smith-Hoffman, and Andrew H. Eibel, (Co-Chairpersons) Hofstra Law School, Alan Smilowitz (Secretary-Treasurer) New York Law School, Sharon Landers, Albany Law School, and Connie Raffa, Brooklyn Law School.

Right Of Left -

Tea Party Revisited

By Frank Vernuccio

Two hundred years after the original happening in Boston harbor, another Tea Party is brewing in this nation. As the economy sours, as new immigrants from abroad and "internal immigrants" from the South fail to assimilate in the traditional melting pot that characterized America for so long, sociologists and political scientists search for explanations that somehow are never found. Perhaps the reason is that the culprit has existed for so long like a scar on the body politic, that no one even notices it exists anymore.

The Federal Income Tax has played a vital role in shaping present-day America; more precisely, it has wreaked havoc on the national scene. It has taken from the productive sector of the economy, funds which should have been used for expansion and the creation of jobs in the private sector. It has diminished the buying power of the middle class, and induced the wealthy to store funds in unproductive tax shelters that do not benefit commerce. The ramifications of this are evident. Without the jobs offered by a growing economy, minorities cannot move up the socio-economic scale and turn to big government for assistance. That big government must in turn tax more to pay for welfare and unemployment benefits. In short, a vicious cycle exists that our bureaucrats and political "leaders" can neither solve nor understand.

And what use has the government made of the vast sums it has collected? It has not improved or widened economic opportunities; in fact, since the tax has been imposed, only active war has provided a solid stimulus to spark industry. There has been no benefit to the citizenry in the nature of social programs that would not have been derived, more quickly and to a greater degree, from an unchained economy.

It cannot be denied that the national government must raise funds for legitimate causes such as defense. But the progressive-tax structure has been a blight on the nation, causing far more harm than good. In a year marked by a Bicentennial celebration of a revolution inspired by unfair taxes, there is certainly time to ponder whether we have not imposed upon ourselves a yoke more stringent than that of a monarch we rightly disposed of.

"Right of Left" is a monthly column written by members of the Moderate Law Students Association.

NOTICE

The Hofstra Law School Directory has been distributed. It has listings of all students and faculty. If you did not receive your copy, there are a limited number left and may be picked up in the Admissions Office until March 23.

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Jewish Law Students Assoc. Rm 034

A Third Year Pass-Fail Proposal

by Richard Seltzer

By the time we graduate from the hallowed halls of Hofstra, most of us will have experienced nineteen years of an educational system that relies on grades to rate the ability of students. The criticism of the grading system includes such notions as it is too subjective, arbitrary, unnecessarily provokes anxiety, creates fear as a motivation for learning, and establishes a very superficial standard for prospective employers. The supporters of grades rely on such arguments as there is nothing better, it's easy and convenient, and we've been doing it for years, so why change now?

Many elementary schools throughout the country have eliminated the traditional grading system and replaced it with teacher evaluations or pass-fail options. The main theory behind this change appears to be that grades may be a necessary evil, but they are least necessary in elementary school where children should have the most conducive atmosphere to learn without any superficial inhibitions placed on them.

This theory is clearly applicable to the third year of law school where the main purpose grades serve is as a thorn in the side of the graduating students. For this reason, I propose that Hofstra Law School adopt a policy of mandatory pass-fail for third-year students. The pressures of looking for a job, learning course material, and studying for the bar exam, are sufficient for one year without the additional burdens that accompany grades.

It appears fairly safe to assume that by the time the third year of law school arrives, the student does not require grades as a stimulant to learning. The class ranks have been well established by this time, and grades seem to just get in the way of the cooperative effort that is required between teacher and student.

Obviously, this modest proposal will not put an end to the inequities of the grading system. It will merely put an end to the grading system when it is totally unnecessary.

Second Year Student Testifies on Environment

On February 18, 1976 a Hofstra Law student, Alfred Callahan, testified at a hearing concerning proposed regulations to be promulgated pursuant to the New York State Mined Land Reclamation Act. He represented the Environmental Defense Fund and the Long Island Environmental Council (as well as himself). The preparation and delivery of his testimony was not connected with any particular course (although it was prepared under the general supervision of the undersigned).

Professor William R. Ginsberg

Testimony of Alfred Callahan On Behalf of Himself, Environmental Defense Fund and Long Island Environmental Council.

My name is Alfred Callahan. My address is 508 Harbor Road, Cold Spring Harbor, 11724. I am an officer, retired, in the United States Army Corps of Engineers and am presently a student at the Hofstra University School of Law. My testimony this afternoon, Mr. Chairman, represents not only my own views but the views of the Environmental Defense Fund, and of the Long Island Encironmental Council.

In consequence of the brief time span between the availability of the proposed rules and these hearings, and since not all provisions were susceptible of immediate analysis, my remarks are limited to areas of some overriding concern.

But it seems apparent, Mr. Chairman, that the Department has devoted much time and effort to the preparation of the proposed rules in an effort to further the declared policy of the legislation, the New York State Mind Land Reclamation Act.

However, there are some areas of immediate concern which merit comment at this time.

Section: 23-2709 of the Act provides for its administration. Paragraph 1(a) of this section provides for "administration and enforcement" and 1(b) anticipates "investigations with respect to research experiments and demonstrations and to collect and disseminate information regarding mining operations and reclamation of affected lands and control of pollution . . ." 1(b) also provides for the " . . . confidentiality of such information when requested to do so by the operator."

Section 420.3 of the proposed regulations deals with confidentiality and provides that "Information supplied to the Department — **in connection with the administration of this title** shall be available to public inspection—except as hereinafter provided. **Any information**—regarding mining operations and the reclamation of affected lands and control of pollution—shall be held confidential by the Department when requested by the operator except—in an adjudicatory proceeding or court proceeding—or governmental official when necessary to perform his duties." (emphasis added).

Thus the regulations fail to distinguish between information necessary for the "administrative and enforcement of the act" (23-2709 1(a)) and information provided for "research experiments and demonstrations" (23-2709 1(b)). By ignoring this essential distinction the regulations would enable mining operators, at their discretion, to require the Department to keep "**all**" information which they submit **confidential,** even if necessary for the administration and enforcement of the act.

We urge that suitable clarifications of the above be issued so that the distinction between legitimate trade secrets and information vital to the public be made more readily apparent to prevent the overboard use of the cloak of confidentiality.

In addition, Section 420.3 of the proposed rules provides that "any such request for confidiality . . . shall set forth in detail with respect to each such item the reasons for the plan of confidentiality." We urge that the Department standards implicit in that proviso be made available so that both operators and the public may be aware of what shall be held as confidential by the Department and for what reasons.

Clarifications such as these would assist in obtaining that level of disclosure contemplated in Section 85 of the Public Officers Law (Freedom of Information Act) which states: "The people's right to know the process of government decision-making and the documents and statistics leading to determinations is basic to our society. Access to such information should not be thwarted by shrouding it with the cloak of secrecy or confidentiality."

Section 420.4 of the Mined Land Reclamation Act which refers to S.E.Q.R. indicates that the intent is to avoid duplication of S.E.Q.R. regulations when as, and if S.E.Q.R. regulations go into effect. This is desirable, but it is hoped that the effects of 420.4 would not be to limit the information required to be disclosed.

Finally, Mr. Chairman, Regulations Section 422.2(c) (1) provides, in part, that the description of the permit area " . . . shall also indicate the present physical condition of the land such as presence of structures, vegetation and water cover."

We strongly urge that this section be amended to include ground water levels and quality. By so amending the regulations the Department could analyze the effect of the mining on ground water quality. As you know, Mr. Chairman, any action or inaction which effect ground water adversely will result in the most dire consequences for this region. It is also suggested that the operator be required to keep records of the ground water levels, and submit such records in the operator's annual report to the Department. This information is vitally important for the enforcement of the act.

If the changes proposed here are adopted by the department, the commendable work already begun by the Department in framing these proposed rules and regulations will be enhanced and we feel will enable the Department to better carry out the mandate of the act.

OFF CAMPUS HOUSING

Palace or Sand Castle?

by Stuart Goldstein

If you are a fan of "home sweet home" and "Mom's apple pie," then it would be an understatement to say that you are not a likely candidate to live in the Hofstra Dormitories. Many second and third year students having realized that they want more of the comforts of home, have taken the situation in hand, and have moved into nearby off campus houses and apartments.

For the past month, a survey has been conducted around the law school of some twenty-five students who have moved into either private houses, apartments, or single rooms in a house. Among the twenty-five students interviewed, ten were living in apartments, ten were renting private houses with friends, and five had rented out rooms in houses. Not surprisingly, the three most popular areas that your classmates chose to live in were "Country Estates," the general Hempstead community, and around Point Lookout.

For those of you who want the convenience of maintenance free living, and a suitable location, you might want to catch a peek of the Hofstra-owned and maintained "Country Estates." Shopping is nearby (about one block), the maintenance is generally good, there are washers and dryers on each floor, and there is plenty of parking in the private parking facilities. In addition the "Estates" can boast of a pool for summer splashing, and in most of the apartments, air conditioning in one or more rooms. Most importantly, the "Estates" are right down Hempstead Turnpike. If you drive, it will take you anywhere from three to five minutes. If you don't, a hitch is not hard to find either. (Isn't that against the law?)

It should be remembered however, that you usually pay for what you get. Two room studio apartments at the "Estates" run anywhere from $205 to $239 per month. For a one bedroom, three and a half room apartment, it can cost you from $270 to $300. A two bedroom apartment will cost you $280 to $340, and five and a half rooms, with three bedrooms, goes for $360 to $420.

Utilities can also "cost you," depending on the size of your apartment, and the number of people you have living with you. Generally, people have been paying anywhere from $10 to $25 per month. Gas and heating are generally included in the rent.

Food, obviously, has to be prepared by those living with you, and it generally costs from $10 to $20 per person each week.

One should also be aware that the area around "Country Estates" has been known to have occasional "incidents." At least one building has a doorman-security guard, while all three have security buzzers at the front doors.

The construction of the larger building is also better than the two smaller ones. Floors there are made of poured concrete, while the other two have floors of wood. Soundproofing is also better in the large building. This should be considered if you want to be able to study in peace. The prices of the apartments in the larger building are slightly higher too.

To find out about renting one of these apartments, go directly to the manager of the complex, Arthur Sillman. He will be glad to show you the apartments.

For those of you who want to rent an apartment around the Hempstead area, there are two basic ways to find one—through the classified section of Newsday, and by canvassing the neighborhood for signs. Generally speaking, the expenses are similar to those you will find at "Country Estates," but it is possible to find a real "bargain" if you look hard enough.

Rent-A-Room

For those of you who are economy-minded, one of the most inexpensive ways to find comfortable housing quarters is by renting out a room in a house, or by sharing a house with an owner. Rent can be as low as $100 per month, and two students also had utilities included.

Perhaps the best way to find such an opportunity is to go over to the Faculty Housing Office, located on the corner of Hempstead Turnpike and California Avenue. There you will be screened by a secretary. If you seem docile enough, and pass the test, she will usually give you the names and addresses of seven or eight landlords. Tenancies are usually on a month to month basis. It may help you to know that people who advertise in that office often want quiet tenants. So, if you plan to party a lot, this might not be for you.

What A Big House You Have!

For you more ambitious chaps, who want a real homey atmosphere, at an inexpensive price, your best bet is to rent a house with a few friends. If you are not afraid of the twenty-minute drive (sometimes in snowy weather), you might want to visit one of the real estate agents on Lido Blvd., at Point Lookout. Florence Little and Hardenberg Realty are two major real estate agents for the area. Agents' fees are usually paid by the landlord of the house you rent.

According to the survey, and the real estate agent interviewed, a two bedroom house generally rents for $200 to $300, depending on the size, and condition of the house. It is generally wise to find one that is fully furnished. Surprisingly enough, there was little difference in price between furnished and unfurnished homes. A decent, three bedroom house can be rented for $260 to $325 per month. Four bedroom abodes can also be found for $300 to $335.

There are a number of other advantages to living at Point Lookout and its surrounding areas. Students widely acclaimed the fact that because of the smallness of the development, you rarely, if ever, live more than one or two blocks from the beach. This makes it conducive to work and play. Furthermore, the distance from the school makes the atmosphere "less academic." The pressures of the law library can be easily forgotten, thus making your work seem more pleasant. In addition, you have all the other law students living around you to make you relax.

As in all situations, Point Lookout has its Achilles heel too. Many of the homes have been reported to be poorly insulated. This can cause a problem in heating bills. Utilities can run anywhere from $85 to $125 per month during the winter, depending upon the size of the house, the insulation, and the amount of heat and electricity you use. Remember, this cost is not included in the rent! The most that you can do is ask the landlord how much it costs. Very often however, even he-she doesn't know the answer, because he-she (damn these pronouns!) lives there only in the summer.

Bugs and Rodents

When searching for your "palace" you should be especially aware about any problems with bugs and rodents. "Country Estates" for example, has been said to have a "minor roach problem." The management however, does spray with professional equipment, if you ask them to. Some other students also complained about a few field mice in their houses.

According to the Hempstead Housing Code § 8-45, occupants of dwellings have the responsibility to "exterminate insects, rodents or other pests . . . Section (b) however, places a similar responsibility on the owner. A possible interpretation of these conflicting provisions of the code said Professor Ginsberg, is "that when you move in, the landlord has a responsibility to make sure that your house or apartment is vermin free. If, however, you bring in bugs in your luggage, or if you are sloppy and attract them yourself, it will be your responsibility to exterminate them. However, if the condition originates outside your apartment, or is a general condition in the building, the landlord remains responsible."

It is possible to get a provision put into your lease that will provide for the landlord to supply professional exterminating services periodically. If you can negotiate this into the lease, by all means, do so.

Do You Want To Do It Or Should I?

Another significant problem to watch out for is an unequal division of housework done by your roommates. In a few instances your colleagues displayed some displeasure about the fact that their roommates did little to maintain their house. You might therefore consider making an explicit agreement between you and your roommates, as to your responsibilities around the house.

Well, there it is—a brief rundown on what is available, and the problems to watch out for. Your only job now is to go out and start looking.

Moot Court Gets Underway

Sue Bauer putting finishing touches on her brief.

ABA Will Review Judiciary Selection

CHICAGO—The organized bar's role in the selection of federal judges will be subjected to in-depth review by an American Bar Association national conference at Vanderbilt University, March 12-13, in Nashville, Tennessee.

"One of the most important functions performed by the ABA is its long-standing assistance in the selection of federal judges," said ABA President Lawrence E. Walsh, New York City. "This conference will concentrate on ways the organized bar can improve its participation and will seek to increase public awareness and understanding of these activities."

Walsh pointed out that the ABA's Standing Committee on the Federal Judiciary has been involved in the selection process for more than 20 years, and has "continuously re-examined its standards and procedures."

LESBIAN LEGAL CAUCUS ORGANIZING PROGRAMS

Discovering and defining the legal needs of lesbians and gay men on Long Island and in New York City have been declared primary goals of Hofstra's Lesbian Legal Caucus. Members are beginning a survey of attorneys, legal facilities, and community organizations to determine what kinds of problems are most often raised by members of the virtually invisible gay community.

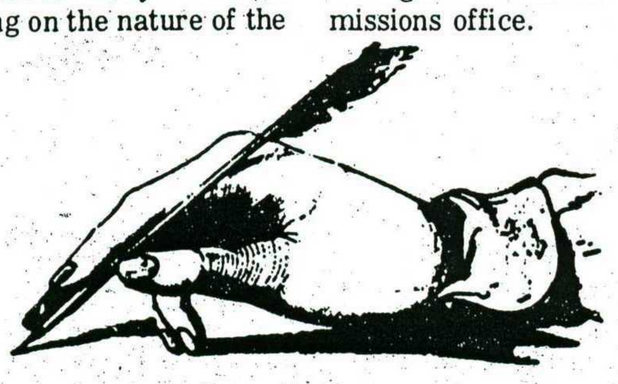
We believe that the greatest "crisis" needs of lesbians are in child custody and job discrimination cases, but any simple legal problem can become more complicated when the client is gay. A lawyer may be called on to draft a will in favor of a life partner so it can't be challenged by blood relatives, for instance, or cope with divorce proceedings in which one of the parties' homosexuality is raised.

Depending on the nature of the needs we identify through our study we will next consider drafting legislation or providing aid in support of legislation already introduced in Albany and Washington, or we may develop a guide to legal rights for gay people in New York, or a handbook for attorneys dealing with gay clients.

A public forum on litigating gay rights cases, featuring ACLU attorneys, is being planned for early spring, and other programs will be presented as interest and energy allow.

Members of the group are also working on plans for a metropolitan area lesbian law students' social event to be held in NYC.

Women interested in working on any project, or with other suggestions, can contact LLC through its mailbox in the admissions office.



"THE CRADLE OF AVIATION"

ROOSEVELT FIELD
Garden City, Long Island

Long before a 2 million plus sq. ft. shopping center was erected on Roosevelt Field, taxi runways dotted the countryside at what was then called the Hempstead Plains. The word was out, if you had a new airplane design or a new speed record to break, Hempstead Plains was the place to go.

On a pre-dawn spring day, a little known flyer by the name of Charles Lindbergh was preparing to take off from Roosevelt Field on what was to become the most significant flight in aviation history. Lindbergh taxied over the soggy grass runway to lift slowly upward, barely clearing power lines over Post Avenue. Thirty-three hours later, history was made as "Lucky Lindy" sat down the Spirit of St. Louis at Le Bourget Airport in France.

A little bit of American history was made here too.

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POET'S PAGE

GREAT WINE IN A HUMBLE FLASK

Listen my colleagues, and you shall hear,
A story that started my first law school year.
How with a marvelous person I became acquainted,
Miracles aside, it's unlikely he'll be sainted!

Who can forget Dean Freedman's oration,
And the words that he spoke at orientation.
Also on hand was Stuart Rabinowitz,
With whom all the freshmen tried to match wits.

But then to the podium came a figure in black,
With a scraggly beard and a skull-cap.
I turned to the person who sat on my right,
And said, "Seeing this guy makes me feel uptight.
Like a law school professor he sure doesn't look,
Frankly, my confidence in Hofstra's been shook . . ."

But then from the mouth of this Chasid-garbed man,
Came the tale of the Times v. Sullivan.
And as we all learned of the Times' libel,
The man with the beard asked questions circumscribal.

Some tried to answer and soon were cut down,
In seas of rhetoric swiftly they drowned.
From others' lips the right answers appeared,
As if by magic, like coins plucked from ears.

Who is this fellow with manner Socratic,
Whose speech is punctured by gestures emphatic,
Who never descends into hollow fanfaron . . .
Said a voice in the crowd, "That's Twerski, Aaron."

"What's a Twerski?" said I, still unbelieving,
Said a man to my left "Looks can be deceiving.
He's not some schlemiel from Moskow or Minsk,
This poerson is royalty, a veritable prince."

For of finer clay comes the Twerski drove,
With lineage back to the Baal Shem Tov.
But looking him over won't reveal his nobility,
He hides it all under that Twerski humility.

Now once in his Torts class a story he told,
How Brian Dailey, a mere five-year-old,
Intentionally did damage (I don't mean to be unkind),
To plaintiff Ruth Garratt's now-famous behind.
But who could believe it took four weeks of class,
To describe how it was that Ruth fell on her ass.

Next came the case of a dog-lover embittered
At the loss of his pet (called Ranson v. Kitner).
A sorrowful tale how Kitner was shaken
When his favorite pooch for a wolf was mistaken.
I don't mean to imply that Twerk dwelled on it but,
It took six weeks to learn who should pay for the mutt.
Then just to show that he would not be hurried,
The Twerk spent two months on the next case we studied.

That was, of course, the Palsgraf litigation,
A case often-cited throughout the nation.
The words of Cardozo were vibrant and strong,
"Too bad," said Twerski, "Old Benjy was wrong.

Those fireworks were actually hand grenades,
Thrown by some P.L.O. renegades.
Those were the guys who socked it to her,
The Long Island's not guilty—Res Ipsa Loquituer."

At the end of my first year (it seemed like ages),
In the Torts book we'd read only 46 pages.
What did Twerk get for this effort supreme?
A brand new title—Associate Dean.

My next impression of Twerski's ability,
Came in a course called "Products Liability."
Oh, the tales of plaintiffs' woes we heard:
Some were funny, some absurd
Most were just gross, it was no joke,
To find a rodent in a bottle of coke.
A tale everyone in the class would attempt to enjoin,
Was what a Triumph motorcycle did to David Bolm's groin.

But Twerski delighted in telling these stories,
As time wore on, they got more gory.
Fingers and arms, whole bodies it seems,
Would disappear into hypothetical machines.

By the end of the term, with all due respect,
The course had a rather nauseating effect.
The final was even a bigger drag—
I took it with two pens and a brown paper bag.
But reviewing was easy, I had plenty of time,
To read up to page one hundred and nine.

Then after a pleasant summer vacation,
Twerk offered a course with a practical application.
"Tips to avoid Conflicts of Law" it was called,
In case you don't take it, here's two I recall:

If you ever cross the Mexican border,
And you are thus subject to Mexican law and order,
Should you run over a Mexican, don't get out,
But back up fast, and really wipe him out!

Another tip which I shall relate,
Was how to have Pennsylvania law govern your estate.
Your home in West Virginia you surely must sell,
Buy a house in Pa., and go there to dwell.
But don't settle down, just set loose some chickens,
And beat it back to West Virginia like the dickens.
Then you should die, and in the end,
Your property by Pennsylvania law wil descend.

Fifty-five pages and a hundred tips from the source,
And that was the end of the Conflicts course.
What did Twerk get for doing so well?
You guessed it—a job at Cornell.

Please don't be misled by my flip crituque,
For Aaron Twerski is a teacher unique.
He's a poet of law, a donor of knowledge
In whose debt I have been since I came to this college.

And while rules of law from books can be taught,
Only lawyers like Twerski can teach methods of thought.
Let me end my satire with words sincere:
God grant us this rabbi for a hundred more years.

—R. Abrahams

CAMPAIGN '76

Harris, Carter, Udall
Bayh
Shriver, Wallace, Jackson
My!
there are so many candidates
to choose from

Around the primary states
they leap
shaking hands and talking
to voters half asleep
deluged with rhetoric
the people can't decide
who stands for what
say, I like his tie

Cut the budget they urge
spend less for defense
give welfare back to the states
I don't sit on the fence

On crime they're all tough
so let's add some SALT
unemployment is sky high
but we'll make it fall

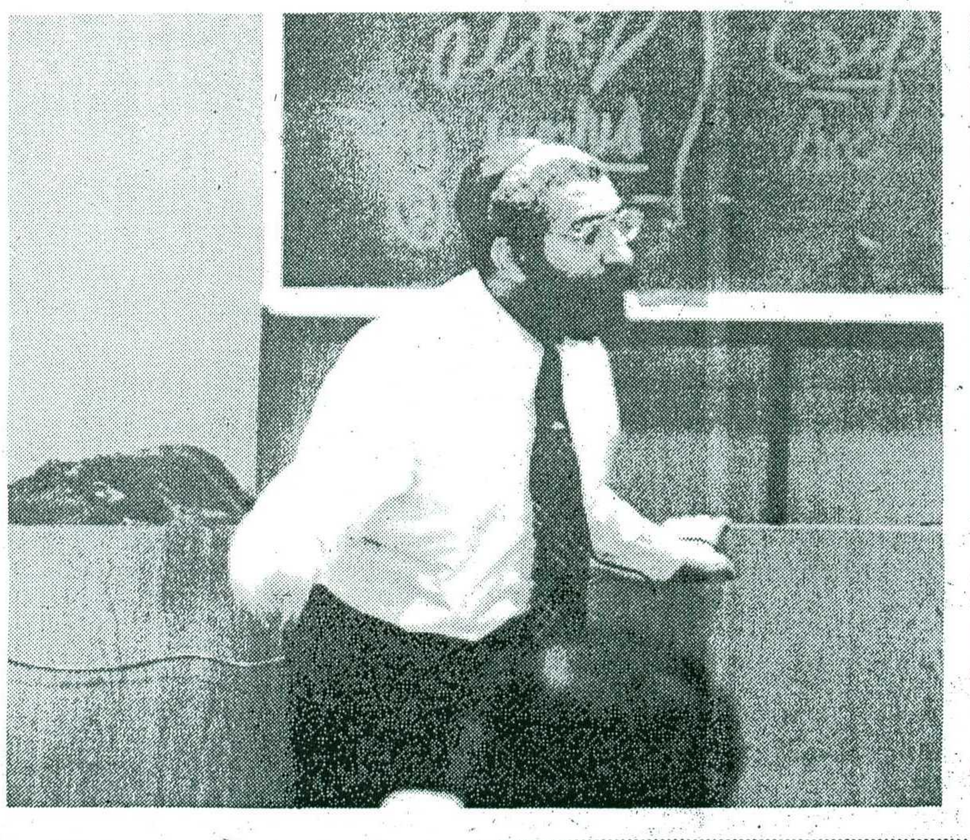
And inflation can be licked
if we stop raping the land
the CIA must open its door
will Meany lend a hand?

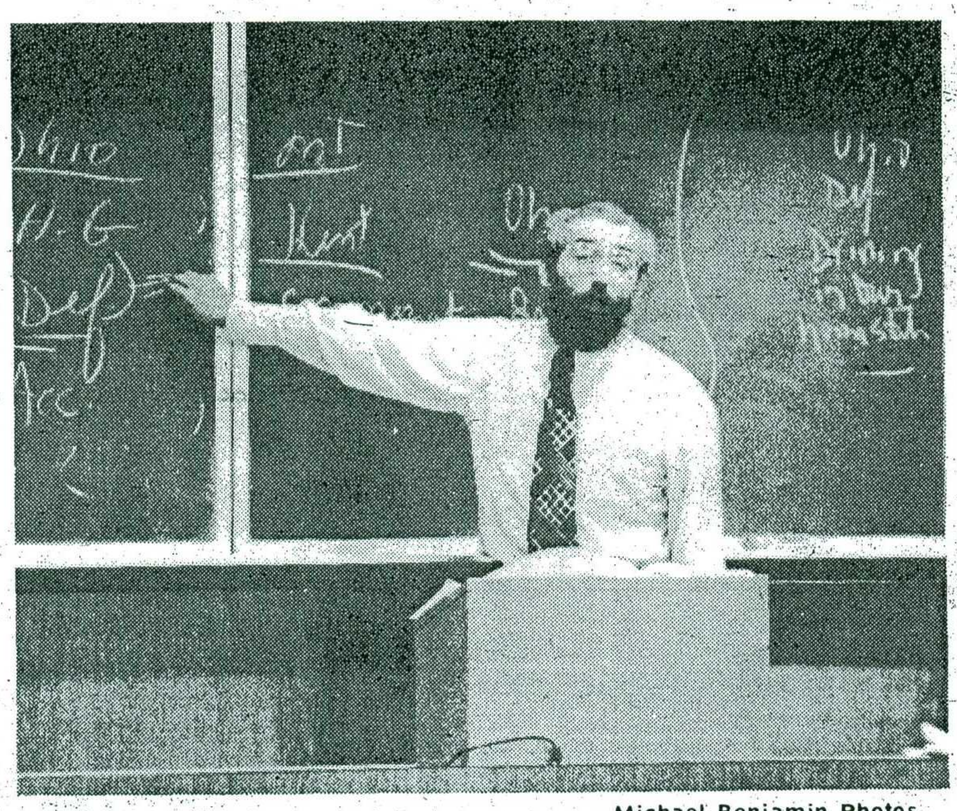
But on abortion and busing
not a voter is sure
if any candidate has stated
what he thinks is the cure

And amnesty is hardly touched
such issues are taboo
yet through the waves of rhetoric
the people are seldom fooled

It doesn't take much insight to see
that what the Liberals offer
isn't really different
from Ron and Gerry

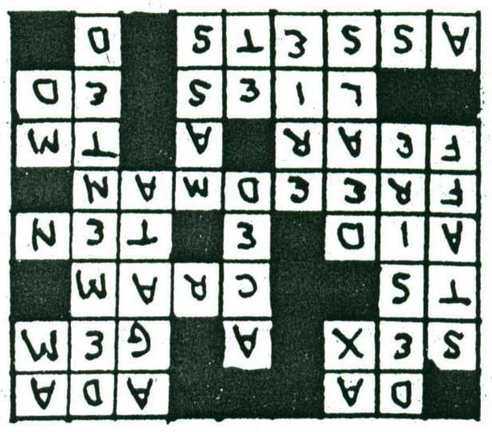
—Neil Weinrib





—Michael Benjamin Photos

(Answers to Puzzle on page 8)



Mon. Night, April 5th at 8:15 In Hofstra Playhouse
Benefit Concert For Law School

Catherine Posin Dance Co.

ALAN KING

Surprise Guests

Tix $50 & $125 Contact Dean Benjamin
Wanted: People To Help Sell A Few Tickets Each
Tickets Are Tax Deductible

"Attorney In-Residence"

Wed., Mar. 24

Joseph Goldstein, Esq., Chief Clerk of the Nassau County Court supervises the activities of 150 court personnel, who back up the 10 County Court Judges. Mr. Goldstein, who brings his legal experience to this most difficult post, explains why the court personnel are so important to the practicing lawyer.