



CONSCIENCE

The Hofstra University School of Law Newspaper

Volume 4, Number 3

"Asking you to ask yourselves . . ."

November 16, 1976

N.Y. LABOR RALLIES FOR CARTER

On Thursday, October 28, 1976 James E. Carter, then Democratic presidential candidate appeared at Hofstra University for a rally. The rally started around 8:00 p.m. and the field house was filled to capacity. Many thousands were turned away from what has been called the biggest Democratic political rally ever held on Long Island. Earlier that day Carter had addressed another gathering in Brooklyn. Several staff members of CONSCIENCE were privileged to accompany him with the national press throughout the afternoon and at the rally that evening. The following are their reports.

by Stuart Rosenthal

The staff members of CONSCIENCE met with the Carter advance team at the International Hotel at Kennedy Airport where the staff and the national press would be staying. We arrived at about 1:00 p.m. to meet the press buses which took us to United Hangar number 8 to await the arrival of the candidate's plane, Peanut One, and the plane carrying the press, Peanut Two. Tags were handed out, for purposes of Secret Service identification, to all those with clearance to be on the field. Anyone else coming anywhere near the area was stopped and questioned before being chased away. There was a scuffle as a newperson tried to get close to Carter as he disembarked. She was shoved to the ground by an overzealous policeman, endearing the police to the reporters. The motorcade formed and sped back to the hotel for a quick stop while Carter met



Clockwise, from top left: Jimmy Carter, Mayor Abraham Beame, Robert F. Wagner, City Council President Paul O'Dwyer.

in private with Albert Shanker, President of the UFT, and other local union leaders. The motorcade formed once again and the roads to Carroll Square were all blocked so that the motorcade proceeded unimpeded by the usual Brooklyn traffic. As we neared the site of the rally, it was obvious that the streets had been marked for the motorcade, but the turnout was very sparse. The square itself, however, was a different story. That area seemed jammed to overflowing with both spectators and dignitaries. Among those present were Governor Carey, Mayor Beame, City Council President O'Dwyer, Daniel P. Moynihan, Bella Abzug and several state legislators.

Mr. Carter addressed the crowd for nearly one half hour during which time he touched such topics as welfare, unemployment, the national budget, the relationship of labor and government, and the importance of getting out the vote on election day. The heavy concentration on topics dear to the heart of labor was predictable as his crowd was largely made up of members of the National Maritime Union and longshoremen's groups. After the rally, the motorcade returned to the hotel for a two hour dinner break before leaving for the rally at Hofstra.

After reaching Hofstra and entering the campus through the western gate, the press buses took nearly twenty minutes to reach the field house because of traffic. The rally was in full swing when the press arrived and following is a report of the happenings inside the field house.

Overflow Crowd Cheers JIMMY

by Stuart Goldstein

When President-Elect Jimmy Carter visited New York during his bid for the Presidency, the last thing he expected to find was a heavy turnout of supporters at a rally in Republican dominated Nassau County. Carter was pleasantly surprised however, when nearly 10,000 Long Islanders came to hear his preachings at an October 27th rally in the Hofstra University Physical Fitness Center.

The gymnasium, which was chosen as a rallying site instead of the Nassau Coliseum, was packed to capacity. Thousands of spectators pounded the doors unsuccessfully to get in, while Hempstead Turnpike was backed up for over an hour. A Carter aide termed the turnout as "unbelievable."

The rally, which was scheduled to begin at 8 p.m., did not start until twenty minutes after the hour. Security was extremely tight. Nearly seventy uniformed policemen, and sixty plainclothes officers, were stationed throughout the complex. Specially trained German Shepherds were used extensively

by the Secret Service to eliminate any bomb threats in the area.

A number of community and religious leaders attended the event in honor of candidate Carter. Among the more noteworthy ones were Anthropologist Margaret Mead, and former Congressman Allard Lowenstein, who was running for Congress.

Before candidate Carter arrived at the hall, Mr. Lowenstein addressed the restless audience. Citing the "poor" record of the Republican administration for the past four years, Lowenstein said that this election would be a "referendum on whether we could do better."

After a brief malfunction and subsequent cancellation of a Carter campaign film, the big moment arrived. Carter, looking fit and ready to go, glided onto the stage and the audience came alive. The band trumpeted the sound of "Sweet Georgia Brown." Banners bearing various slogans, including "Gimme Jimmy," and "Grits and Fritz" began to wave while the enthusiasm grew.

"We have five more days to

turn this country around," wailed Carter. "Are you with me?" The crowd cheered affirmatively.

The main themes of the meeting were no different from those that Governor Carter had stressed during his twenty-two month quest for the presidency. He immediately cited the lack of

problems while placing great emphasis, at the same time, on delivering a balanced budget to the American people.

On a more elegant note, the Democratic candidate cited the standards of excellence that most Americans had set for themselves. He noted that Americans

families came here. What matters is why we came here, and what we did when we arrived. Our country is not a melting pot because we like to keep our individuality. Our love for this country comes first, of course, but we don't have to give up our heritage, our background, our history when we come to this great country. So we are not a melting pot. We're more like a mosaic. A beautiful mosaic of different kinds of people that fit in together, that allows us to keep our individuality."

Some observers said that this comment was a refinement of Carter's ethnic purity remarks, which caused him so much grief earlier in the campaign. Whether it was or not, however, made little difference to the audience, which cheered as he finished these statements.

If Carter's turnout proved anything, it indicated that he had a substantial block of support, even in the Republican areas of Nassau and Suffolk. This was clearly indicated in the election, in which Carter received many more votes than had been anticipated in these counties.



—Baris Photo

jobs, even for those who had finished a four year college career. He also zeroed in on an incredible inflation rate that had made home ownership a luxury. Another issue that Carter attacked was the great need for tax reform. Carter pledged to try to alleviate these and other

had always tried to cooperate with one another and to believe in their own individuality.

"Our country is a great one because of its diversity," he said. "Some people have said that the United States is a nation that's a melting pot. That's not quite true. It doesn't matter when our



CONSCIENCE

The Hofstra University School of Law Newspaper

Volume 4, Number 3

November 16, 1976

"Asking You to Ask Yourselves"

American Bar Association
Class A Category 1st Prize, 1974

Law Student Division,
Best Law School Newspaper

Margery Rosin

Josh Klapper

Editors-in-Chief

Managing Editor
Associate Editor
Feature Editor
News Editor
Production Editor
Assistant Editor
Business Manager
Sports Editors

Stu Rosenthal
Steve Orbach
Neil Weinrib
Kathy Rosenthal
Stuart Goldstein
Solomon Handler
Gloria Reich
Jon Falk

STAFF

Leo Schoffer

Marilyn Levine
Gary Small
Robert Ginsburg

Laurence Stern
Joyce Moy
Nechama Masliansky

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

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

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

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

Copyright © 1976 CONSCIENCE Editorial Board

Keep the Door Open

Our country's history, and the development of its social and political institutions, may be partially analyzed in the efforts of its individuals who demand to be heard. Citizenry, through the ages, has responded to its environment, and aside from dictatorial or bellicose encounters, meaningful dialogue has paved the way for change. When the voice of the people has been ignored, the disastrous effects have been noted through historical narratives.

Hofstra Law School and its faculty are to be commended for its "open-door policy." Professor Alan Resnick, when he was interviewed for CONSCIENCE in November, 1974, enthusiastically endorsed that policy stating that it was sometimes easier to see one's Senator in Washington, than his professor at Harvard.

The "open-door" policy, comments by Dean Freedman, and articles such as the one that appeared in the Oct. 31 Long Island edition of the New York Times, seem to indicate that Hofstra Law School is a very special place, one in which maximum faculty-student interaction takes place. Nevertheless, there have been rumblings of discontent, i.e., curriculum committee procedures (see article on page 3), school's refusal to seriously entertain students' request for a New York Practice course.

It would be unrealistic as well as improper for students' requests to be granted summarily. Nevertheless, students' views should be accorded serious consideration, and a meaningful dialogue should be attempted.

Students have often expressed their views in CONSCIENCE, the Law School newspaper, which has endeavored to present various opinions on topics of interest. CONSCIENCE once again invites the entire school, students, faculty, and administrative staff to express their views and give an added dimension to "freedom of the press" and the right of the people to be heard.

Hofstra's Bureaucracy

Now that Mr. Carter has been elected, we shall all be looking to Washington in the ensuing months and years to see if he can make good his promise to streamline the federal bureaucracy. However, we should look first to our own methods of government, for they are sadly lacking in vital areas. Why is it the middle of November before hearings on allocations of monies are underway? This creates unnecessary hardship on those organizations who begin their operations at the start of the school year. There seems to be little excuse for this tardiness—classes began on August 23. The election procedure must be facilitated and all of the preliminary housekeeping dispensed with more efficiently. We urge the student representatives to make this type of reform their number one priority.

Dear Mr. Carter . . .

Citizen Input Desired

by Gary Small

Just dropping a casual line to remind you that the people of this country were paying close attention during this past campaign. I thought that, given the fact that you've said that you will operate an open administration and that you will welcome citizen participation in decision making, these observations would be welcome.

The country is not in good shape, Mr. President. I know that this is probably contrary to what you have come to believe, because the nature of a political campaign in twentieth century America does not usually bring a Presidential candidate to the parts of the country that need most to be seen in order to sufficiently understand the breadth and scope of America's problems. I know too that what passes for contact with the people is limited to public speaking appearances and carefully orchestrated motorcades through selected parts of our major cities.

A candidate spends much of his time in conference with community leaders, aides, advisors, officials, experts, the power elite. The danger of this selective isolation is in its limitation of experience and scope; if you are a wise man, you will reflect on this, and you will make an effort to learn from those who elected you. Perhaps you will adopt the methods of the caliphs, who used to sneak out into the communities, incognito, to escape their self-serving advisors, and

thereby gained their own, unfiltered access to the ideas of the men and women of the land. But regardless of your method, you will learn some fascinating and necessary lessons when you open yourself to the nation.

You will learn that the country is made of hard, and sometimes bitter, stuff. I invite you to discuss the issues of the day with society's fringe people, people whose social and economic situations make a mockery of the concepts of equal opportunity and equal justice in our land. People who have trouble affording food in the supermarkets. You didn't talk to many of them during the campaign, and I don't remember seeing you chatting with the folks on the unemployment lines, but they are out here, and in growing numbers.

Many of them have tied their hopes and dreams to your campaign, Mr. President. They have a perception that you have the vision and the courage to be a moving force in effectuating change within this nation, change that will mean an increase in people at work, an improvement in the quality of life for the elderly, a guarantee of medical services for our sick. You spoke of these goals during the campaign, and that is well and good.

Soon it will be the time for action. If, as has happened so many times in the past, this campaign was just so many empty promises, there will be a new kind of ugliness in this

nation, Mr. President. Many Americans, disillusioned over the past decade about politics and politicians, returned to the electoral system this year because of a feeling that this election would have some significance for their lives. Many in our land have turned away from politics, and were convinced that this election had little meaning. Some of the best and brightest are not with us anymore. For many others this was a last ditch effort at making the electoral process work. If we have been manipulated this time, if those promises were form without substance or commitment, then a new bitterness will come over this land.

The boy who cried wolf discovered that when one falsely represents something once too often, the results can be disastrous. Those within the political system must learn from that old fable, sir, and so must you.

No one believes for a minute that you, alone, can cure the ills of the nation, and no one expects that of you. Responsible change will require all of our efforts, and a recognition of our collective responsibility. We are ready, I believe, to assume it. It will be important to know that we are working with our government, and not against it. A President can reinforce sense of purpose, direction, imagination, and even justice. That is no less than our expectation.

Program Options Limited If Pass/Fail is Abolished

by Solomon Handler

Members of the Academic Standards Committee are currently debating the Law School's policy of allowing students to take one course a semester pass-fail, and it is likely that the full faculty, as well, will soon discuss this policy. Accordingly, this seems like an appropriate time to state what I feel are the reasons that the present one-course-a-semester pass-fail system should be retained:

1. The system enables students to take difficult courses which they otherwise would not take for graded credit.

2. The system encourages students to enroll in course sections taught by superior but difficult professors whom they otherwise would not choose for graded credit.

3. The system allows students more time for extra-curricular activities such as law review, student government, CONSCIENCE and National Moot Court Competition, and for clinical programs such as neighborhood law office, district attorney's office and tax clinic.

This reason is especially compelling in light of an October 31 NEW YORK TIMES article which reported that at Hofstra, "one third of the students—probably as high a proportion as

just about any law school—participate in clinical programs."

4. The system encourages creative study of the law and reduces pressure on students to gear their whole semester's worth of study towards a single three-hour written exam.

This reason is especially relevant in light of the fact that most exams at this law school are somewhat arbitrary in that they measure memory how relevant a skill is good memory, given the use of index cards during oral advocacy, the use of law books during drafting and brief writing and the use of time for preliminary research before counseling a client on the weaknesses and strengths of his case?, fast reaction (how relevant a skill is fast reaction, given the fact that it can easily be compensated for by devoting more time to the legal problem being worked on?), issue spotting and writing style. But they do not measure such other relevant legal skills as oral advocacy, brief writing, drafting, ability to investigate and marshal facts, or ability to deal with people.

This reason also seems to be in accord with Hofstra's general policy, as stated in the October 31 NEW YORK TIMES article, of trying "to make the study of law as un-paper chasey as possible."

5. The system is a long standing one and has the overwhelming approval of the student body.

This reason should be given much weight in light of information reported in the Oct. 31 NEW YORK TIMES article, and in the Hofstra Alumni Bulletin, which reveals that the law school has a substantial percentage of students who are older, more educated and more work experienced than students at other law schools. An overwhelming approval of a school policy, given such an experience-rich student body, must be treated with great deference, and an extraordinary burden of proof ought to be placed on the shoulders of anyone seeking to change such an overwhelmingly approved policy.

The above are my reasons for supporting the one-course-a-semester pass-fail option. If you agree with my position and feel as strongly about this issue as I do, then I suggest you do some lobbying for this position among members of the faculty. If you are reluctant to talk to faculty but want your views on this issue expressed, leave a written message for me in the CONSCIENCE office. I am a third year student representative and will do what I can to convey what you have to say at any future faculty meetings dealing with this issue.

\$25,000 Of Whole Life Insurance For Only \$25⁰⁰

For Qualified Hofstra Students

Call Dave or Fred At 516-747-2992

or Write For Further Details

Provident Mutual Life
585 Stewart Ave.
Suite 538
Garden City, N.Y. 11530

Name _____

Address _____

Phone No. _____

Moot Court Team Defeated in State Regional Competition

by Joyce Moy

Despite weeks of hard work, long hours and a tremendous effort, the Hofstra National Moot Court Team was defeated in the opening rounds of the New York Regional Competition on October 27. Fellow students who had observed the arguments commented that Janis McDonald, John (Jack) Rapoport and Gail Shields made an excellent showing against their opponents, Columbia and Fordham Law Schools.

In spite of the loss, the general consensus of the Team was that it was a worthwhile experience, and would encourage their schoolmates to participate in the future.

Members of the Team suggested that a method of selecting a team to represent Hofstra at the yearly competition similar to that of other law schools should be considered. In many other law schools, an intra-law school competition is held in the spring semester of the second year. Consequently, a team is chosen before final exams, and obligations such as summer jobs close in, to afford the greatest opportunity for participation.

This year at Hofstra, the preliminary try-outs, from which

the six finalists, who were later divided into the Team and alternate team, were scheduled in close proximity to final exams and summer vacation, and hence saw a small participation.

Finally, the six finalists were not narrowed into the Team that would represent Hofstra until the end of September, giving them approximately two weeks in which to make a team effort for the first time, and submit a brief for the competition.

If an intra-school competition in the second year were to be institutionalized, there would probably be more participation in the initial tryouts, and would afford the students the opportunity to start their group effort at the end of August when the National Moot Court problem arrives. This would take some of the time pressures off both the team and the faculty, who devote a great deal of time, effort and interest to the competition.

Further, it should be made known to students that the finalists are given a grade and two credits for their efforts, and this may encourage more participation. Involvement in the competition is a tremendous learning experience, should be encouraged, and will undoubtedly be a source of pride.

Affirmative Action Debated

by Denise Sher

"Affirmative Action - Reverse Discrimination in Law School Admissions and Legal Hiring," was the central theme of the American Bar Association Law Student Division 2nd Circuit Fall Roundtable which took place at New York University School of Law on Saturday, October 30th.

The program commenced with a welcoming speech from the newly elected president of the ABA-LSD, David Stoup. His speech was followed by an impressive array of speakers who took part in a panel discussion of the above mentioned theme. Participants of the panel were Dean Norman Redlich, of New York University School of

Law, Eric Schnapper, NAACP Legal Defense and Education Fund, Joy Meyers, Assistant Legal Director B'nai B'rith Anti-Defamation League and Paul Wooten, Northeast Regional Director of the Black American Law Student Association. The panelists focused on the issues pertaining to equality of opportunity and equality of condition in discussing their views on Affirmative Action programs. Dean Redlich pointed out "We must go beyond the point of removing legal impediments and help people who are starting out from behind the starting line." In response to the Dean's remark, Mr. Wooten emphatically stated, and demonstrated through statistical data, that not enough

Student-Faculty Relations Decried

by Mark S. Jaffe, Michael Patrick
Gary Small, and Janet Starwood

Hofstra Law School is anxious to advertise itself as an alternative to "Paper Chase" legal education, as an institution where faculty and students interact with each other, and students are active participants in their law school experience. Unfortunately, the facts fall far short of the ideal. An example is the process by which the faculty recently arrived at the conclusion that first year exams should be administered at the discretion of each first year professor.

The issue was originally raised in a September curriculum committee meeting in the context of a proposal for a weighted exam system. The proposal was not on an agenda; generally there is no agenda. As the meeting progressed it became obvious that many of the faculty present favored a one year exam. A suggestion that the question be referred to a subcommittee (apparently in recognition of the complexity of the issues) was summarily rejected. In the discussion which followed, those in favor of the one year exam articulated two reasons for their support. First, they claimed it would relieve pressure on the first year students as a whole. Second, they felt it would make the first year a whole integrated educational experience. After a forty minute discussion the committee voted 6-4 to recommend a proposal for one year exams to the faculty.

The pivotal student vote was subsequently withdrawn because the student learned that some faculty members did not vote on the basis of their articulated purposes. Furthermore, the student felt that the procedure by which the resolution was adopted did not allow a thoughtful and deliberate consideration of all factors involved.

A second curriculum committee meeting was necessary. At the second meeting held in early October, the committee voted, after a one-half hour discussion, on three alternative exam schedules: 1. keeping the same freshman exam schedule; 2. weighing the second semester exam more heavily; 3. having only one accredited exam at the end of the year. The votes in order were: 5-6, 7-3-1; and 6-5. Statistics obtained from the office pertaining to grade differences in prior freshman classes from 1st semester to 2nd semester were dismissed as meaningless, despite attempts by one professor and one student to dispute this claim. Assuming arguendo that they are meaningless as printed, there is no educationally sound reason why there was no attempt made to put them in meaningful form. Moreover, no attempts were made at securing an explanation of the data from the person who compiled them.

The curriculum committee's results were presented at the October 20th faculty meeting. This meeting was moved to October 20 from the original scheduled date of October 22 without adequate notice to student representatives. The student body, which had indicated substantial interest in the issue, also received no notice of the change and was largely unaware of the new meeting time. As a result two student members of the curriculum committee who had expended a significant amount of time and effort in drawing up explanatory memoranda were unable to present their efforts to the faculty since they discovered the meeting's new time only 40 minutes before it began. Moreover, the considerations on which the curriculum committee based its deliberations were not raised during the faculty meeting. At the close of the meeting the students were not allowed to vote until the faculty had already voted. It was claimed that this procedure is mandated by New York Court of Appeals and ABA law school rules.

Whether one agrees or disagrees with the substance of a vote or a decision is not the issue here. The issue is the manner in which these decisions are made at Hofstra. Educational decisions must be made on objective and rational grounds utilizing all available statistics and resources. It seems ap-

parent that this is not always the case at Hofstra. As prospective alumni of this school we see this as a dangerous omen for the school's future. No notice or poor notice for important meetings, students voting after faculty voting, misleading premises articulated for the purpose of prevailing on an issue, and discarding available statistics for the sake of expediency reflect a breakdown in cooperation between faculty and students.

Other indications of communication breakdown have come to our attention. For example, three faculty members on the curriculum committee have made clear their belief that students should play no role in evaluating faculty performance because, in their opinions, students are unqualified to make such judgments.

Additionally, there are examples of faculty proposals being expedited through the curriculum committee while student proposals receive minimal consideration. For example, last year the committee, without prior consideration, immediately adopted a resolution approving the following corporate law course: Corporate Reorganization, Recapitalization, Squeeze Out, Merger and Consolidation—The Corporated and Tax Law Aspects. However, at the same meeting, when a student member of the curriculum committee proposed placing the Lawyer's Guild on the agenda for the committee's next meeting (a proposal which the committee had had before it for over one month), the motion was defeated by what amounted to parliamentary maneuvering on the part of faculty members.

All of which leads one to wonder about the direction and evolving philosophy of the law school. It is probably too early to draw any hard and fast conclusions, but it is not too early to call attention to faculty attitudes that exhibit indifference to student input.

Perhaps these examples are not indicative of a deliberate attitude of faculty arrogance; if they merely reflect a careless approach to student representation, however, the results are the same—i.e., the negation of student input.

What may result from all of this is that students, feeling impotent vis-a-vis the decision making processes of the school, will lose interest in the affairs of the school, and student representation will become a formality, devoid of substance and meaning. The other possibility is that students will manifest their alienation in hostility, with a resultant breakdown in student-faculty communication. Either result would be a disaster, and can be avoided.

We recommend, as a beginning, that on those committees which function in the absolute absence of procedural mechanisms, basic procedural safeguards be established, e.g., efficient and adequate notice of meetings, pre-announced agendas, and properly recorded minutes and votes. But we recognize that those procedural mechanisms are not sufficient to address the underlying problem here. That problem is the deterioration in faculty-student relations within the school, and a neglect for student input in decision making processes. At this point we leave open the consideration of how to most beneficially facilitate communications between law students sitting on committees and their professors, in the hope that this situation will be addressed and resolved in its primary stage.

We believe that the faculty recognizes how a policy of ignoring the full range of student resources in making decisions will adversely affect the quality of educational and administrative decisions at the law school. The exact ways in which student reaction to such a policy will affect the educational process are difficult to speculate upon, but they will be considerable.

One thing is clear. Ignoring this problem by continuing along the same path will function as a betrayal of the ideals of this school.

The authors are members of the Curriculum Committee.

has been done to increase minority admissions in law schools and in legal hiring. Eric Schnapper vigorously defended the implementation of Affirmative Action programs and added that their effectiveness could be enhanced if programs were instituted at earlier levels of education. Joy Meyers contended that the programs now in existence have "gotten out of hand." She said, "When you get to the point where

you are really looking to equality of result rather than opportunity and displace highly qualified applicants in order to effectuate the programs, then the situation has gotten out of hand." The panelists comments and views provoked heated discussions both among them and members of the audience.

The remainder of the day was spent in various caucuses including Women's Caucus and BALSA and passed by a majority

vote of the LSD representatives. The essence of the resolution condemned the erosion of Affirmative Action Programs.

I strongly encourage you to participate in these various symposiums sponsored by the ABA-LSD. They are tremendously rewarding and informative experiences. The next Symposium will be held at Fordham University in late November, entitled "Alternatives to Legal Careers."

SOUTH AFRICAN ON RIGHT TO VOTE

by Joel Carlson

We all got up early that Tuesday morning. The letter from the immigration office said that we should be in the Naturalization Court, Federal Building in Brooklyn at 8:30 A.M. It was going to take us at least 90 minutes to get there. Outside the impressive wooden door of the Court, a large group of people waited to enter the Court. There were about 300 people, mothers and fathers and their young children, grandfathers and grandmothers, young men and women, all of us stood waiting. You could tell the mood was one of anticipation, not anxiety. We were all waiting for a happy event. An elderly man in a light grey suit smiled at the crowd, opened the doors and said pleasantly that we should all come in to Court and take a seat.

Once inside, I stood up and walked around. A courtroom is my home turf. After all, I had practiced as an attorney in my homeland, South Africa, for some 20 years. Then I sought exile in the United States. My wife and children were deported, and, happily joined me in New York. As I stood around, I saw people from all walks of life, every class, every color, the very old to the very young and all those who had come to be citizens in this Bicentennial year. There were about five hundred in all. Politely and with charm, the court clerk, a grey haired gentleman, addressed us all, telling us the procedures the 282 people would follow before the judge swore us in as citizens. After he spoke, there was a hum of conversation, and we all prepared to take the oath. In a few hours, we would be citizens again, citizens of the land of our choice.

The judge came, reminisced with us, told us how his parents had come, were tailors, were poor and how they struggled so that their children could go to college. An elderly retired judge who stepped into the court was invited to address these hundreds of people. He told us how his father and mother came from southern Italy and had finally made good in this new world.

Then we who were to be citizens were sworn in. I looked at my nine year old boy. His eyes were wide open, his face a pic-

ture of concentration. The oath swearing ceremony waited for one person now, a young lady whose religious faith required another kind of oath. Almost all of us were smiling and relaxed.

The judge told us how many people were made citizens that day. He asked if we would like to hear the names of the countries from which we had come. The French couple behind me were more sophisticated and a little bored, said, so we could hear, "He is not going to read all that I hope." But the judge did read all the names and invited his audience to correct him if he omitted any. A score of hands shot up as mine did. We all told the judge the names of the countries he did not mention. In all, I was given citizenship with 281 people coming from 59 countries. He ended by reminding us that this country has no second class citizen, we were all equal and he welcomed us to America. October 12, 1976 was a good day for us.

I asked myself, "In how many countries could this happen?" The significant feature of that Tuesday morning's proceedings was that it is not in itself unique or extraordinary. As each week closes, these fifty United States admit hundreds or thousands of people to America. There was good reason to be proud of my new chosen homeland.

I immediately went off to register myself as a voter. When the Congressional office of my Congressman told me I was too late to register, I protested. This could not be so! But the local officials told me too that I was too late, the last day to register had passed. Disappointed and unhappy, I was beginning to accept the ruling of the party officials.

You see, I was a registered voter in South Africa. In that country, I had never been able to elect a candidate of my choice. As a white South African, I was obliged to accept the law. This ruled out any possibility of majority rule. Such a concept was considered belief in communism and this was outlawed. Nevertheless, I always took the 30 or 60 minutes off to go and vote. I had registered my protest. Always, I voted for the lesser of two evils.

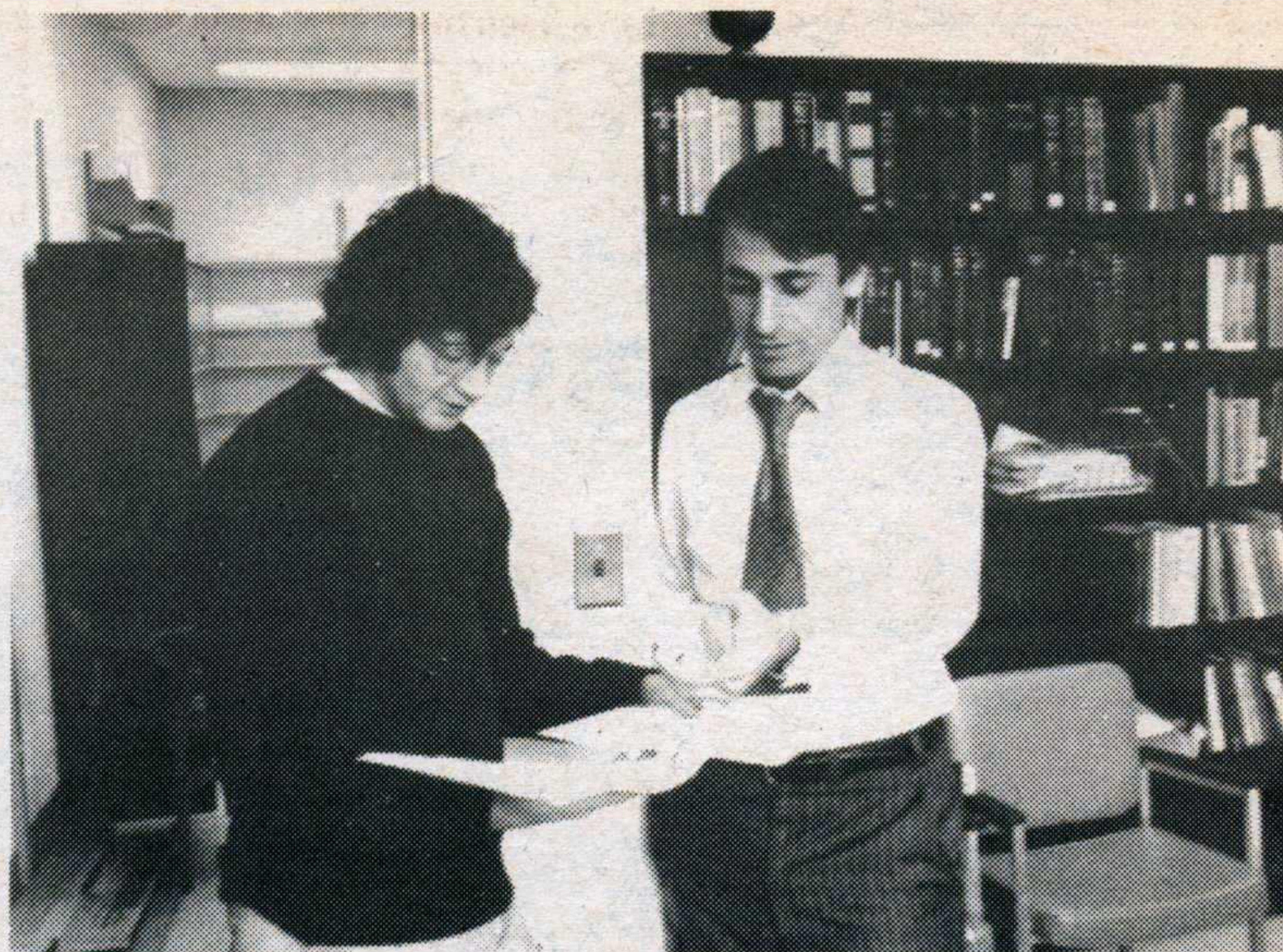
Having witnessed the terrible power of the security police and the brutalities they committed; having seen at first hand the injustices perpetrated by a racist regime, I was painfully aware of my duty. Never a day passed but I was obliged to make a choice and either act to maintain white supremacy or make my protest against it. To fail to act is to maintain the status quo. Support it or condemn it, there is no neutral ground. Should we fail to act and fail to register our protest, we become a part of the system and part of the evil perpetrated in the name of minority rule.

Democracy will only survive if we remain alert and active to oppose every threat to it. No society is perfect, we live in an imperfect world. We should all take whatever action is possible to make society more just; we should cherish our freedom enough to take action to preserve it. One such step is to be sure to vote. A vote not cast is a vote for the status quo and support for the present sorry state of affairs.

Clearly, I could not accept the fact that I could not vote on November 2, 1976. I appealed to the local Election Commissioner. Believing that my vote would not be for the continuation of the status quo, the party representative argued against my being registered. I was watching the clock. That afternoon was the last possible day to register. It was 4:40 and time was slipping by. The Commissioner got the point; if I were to be registered, a ruling had to be made not later than 4:44 p.m. That left me one minute to register. The Constitution, the document I revere so much, was held to be on my side. Having filled in my forms while my opponent argued his case, I thanked the lady commissioner, quickly excused myself and ran to the counter. I had 30 seconds to spare, but now the party officials were keen to help me.

Therefore, my fellow Americans, I vote on Election Day. Voting is an elementary first step to act to bring about change for the better. Goodness knows, we can all benefit from that.

The author is an attorney at Hofstra's Neighborhood Law Office.



Faculty Profile:

ERIC LANE

by Marilyn Levine

Professor Eric Lane is one lawyer who believes that too much respect is presently paid to lawyers in our society, and therefore, there are too many demands made upon them—demands to resolve problems rooted as much in sociology, economics, and other disciplines as jurisprudence.

"An example of this is our expectation," according to Professor Lane, "that Chief Justice Burger can reduce the growing crime rate by his misguided attempt to limit the right of the accused—a lawyer's response—when, in fact, the only product of this activity will be to restrict all of our civil liberties."

Professor Lane believes that if such public expectations are to be met, legal education must become interdisciplinary in its approach. Otherwise we must attempt to reduce public expectations and confine our activities to the scope of our current training. In addition to the inter-disciplinary approach, he would like to see the basic courses such as Torts, taught with more emphasis on the historical and social background of the concepts involved. For example, he explains that a concept like a "vested right" within a particular jurisdiction had more relevance before the advent of jet transportation.

Professor Lane majored in English at Brown University, and also has a Masters Degree in English from the State University at Stony Brook. There was "no compelling factor" that led him into the study of Law, but he was involved in the civil rights movement, and "the law seemed like a way to effectuate change."

After a year at Fordham Law School, Professor Lane took off a year and spent about ten months in South America, mostly Mexico, Peru, and Argentina examining tribal legal systems. He returned to Fordham, and was graduated from there.

Professor Lane "loves teaching." He believes that teaching "is a tremendous learning opportunity, and the interchange in the classroom is enormously self-rewarding." He finds the students in his courses "extremely responsive, especially when dealing with concepts."

Professor Lane finds that teaching and the preparation involved require an enormous amount of time. He has therefore given up his outside practice.

Professor Lane would like to see Hofstra Law School become more of a government center for Long Island legislators: a place officials would look to for resources.

Currently, Professor Lane is taking a Masters at New York University mixing Legal History, Jurisprudence, and International Law.

Professor Lane has served as counsel to the State Assembly Investigation of the State Police and as counsel to the Office of Research and Analysis of the State Assembly. He has taught a course at Stony Brook entitled "Legal Institutions and Social Institutions" which dealt with defining the role of the lawyer in regard to community organizations.

"I've also been involved in many political campaigns, and have worked for Howard Samuels, Jimmy Carter and State Senator Karen Burstein, among others."

As for other interests, Professor Lane "works out," and "runs four or five miles three times a week. I used to be an athlete, a former rugby player. But now I have damaged knees, although I do play basketball with students."

As a former English major, Professor Lane also reads "almost anything and lots of it." He also enjoys the theater.

He finds Hofstra Law "a very alive place," and it's clear that the presence of Professor Lane should make it even more so.

YEARBOOK!

There will be an organizational meeting for the 1977 YEARBOOK on Wednesday, Nov. 17 at 1 p.m. in room 204. All students are invited to submit material, and work on this publication. If you can't attend, please leave a message at the YEARBOOK office, 031, or call Kathy at IV 9-4627 or Gloria at 292-0856.

YEARBOOK pictures for 3rd year students will be taken on Nov. 22 and 23 in room 308. A sign-up sheet will be posted on the 2nd floor across from the Dean's office.

STUDENTS ELECT REVIEW BOARD

by Stuart Goldstein

On November 8th and 9th, Hofstra Law School held its first election for what was called the "Honor System Committee." This committee, according to faculty by-laws, is called the "Review Board," and is responsible for conducting hearings on student misconduct during examinations. It also makes recommendations to the Dean regarding any sanctions, if any, to impose against the convicted student. This year the elected representatives to the committee are Gary Glenn—first year, Delores Battalia—second year, and Larry Kuznetz—third year.

The Review Board, in the past has not been used. Associate Dean Rabinowitz could recall no instance of referral to the Board within the past three years. An election must be held in the first week of November, however, if the administration and student body are to live up to their

responsibilities imposed in the By-laws reissued last April.

Under the By-laws, if a student or faculty member observes an act that does not accord with the standard of taking "law school examinations without giving or receiving assistance during the course of the examination" (Hofstra Law School By Laws, Community Responsibility System, I-General Standard), that person can communicate this to an Associate Dean. After an initial conference between the Associate Dean and the accused, the former, if he believes that there is a prime facie case, must submit the matter to the Review Board and so inform the Dean of his action.

The Review Board, which consists of one elected student from each class, and one faculty member chosen by the accused, must then convene as soon as possible to hold a fair hearing in accordance with common law due process. Parties can call

witnesses, present evidence, be represented by counsel, and question and cross examine witnesses. If a majority of the Board believes, beyond a reasonable doubt, that a violation of the General Standard has occurred, it must so inform the accused and the Dean, and must make appropriate recommendations to the latter. The Dean has the discretion to reverse the findings of the Review Board if he determines that "based on the facts, reasonable men could not have so determined beyond a reasonable doubt, or if he finds that the Board has not properly interpreted" the By-laws.

It has been said that the underlying problem with the Community Responsibility System is that few students, if any, want to report another student or become involved. This makes it difficult for real justice to be achieved in those instances where a violation has occurred.



—Rosenthal Photo

Schleifer Wins ASCAP Award

by Nechama Masliansky

A paper entitled "On Behalf of Richard M. Nixon: The Copyrightability of the Nixon Presidential, Watergate Tapes" (c) 1976 by Richard Schleifer, a third-year student, has been chosen to receive Hofstra's first prize in the Nathan Burkan Memorial Competition. The competition is sponsored by the American Society of Composers and Performers (ASCAP) and deals solely with copyright law. The selection entitles Mr. Schleifer to a \$500 award and entry of his paper in the national competition, for which prizes range from \$150 to \$1,500.

The 45-page paper, written last semester as part of an Independent Study, has received wide attention. Mr. Schleifer noted in an interview with CONSCIENCE that a major copyright publication has expressed serious interest in publishing the article and that it "has been read with interest by Richard Nixon's attorneys. 'I

have been in contact with them.'"

The article took on added significance last week because of a U.S. Court of Appeals decision in the District of Columbia which stated that the Nixon tapes should be distributed to the public after Judge Sirica decides on an equitable way to distribute copies. The tapes have been held by the government because they have been evidence in all the Watergate trials and have been used in the appeals of the protagonists. Mr. Schleifer notes that the new decision does not deal with the issue of Mr. Nixon's possible copyright interests in the tapes.

The paper deals with three issues: (1) whether private conversations are "copyrightable," to use Mr. Schleifer's phrase; (2) whether Mr. Nixon owned a literary property right in his performance (his voice and manner of speaking) as embodied in the tapes; (3) whether the conversations were the protected private conversations of a president or the unprotected public conversations of a president. The paper reaches the conclusion that the private conversations on the tapes are "copyrightable."

Mr. Schleifer explains, "The thing about the paper is that it runs against public sentiment and is really a new twist to the evolving case law on the subject." The issue, he says, "must be resolved not only for Nixon but because he and others want to keep records of important conversations to write their memoirs."

Professor Leon Friedman was Mr. Schleifer's faculty advisor on the project. All the research was done in the school library.

**Deadline For
Directory Forms
Tuesday, Nov. 16**

The Practicing Law Institute

is seeking a
representative for
their **BAR REVIEW
Course**

please contact
BEN SKOR
(212) 765-5700

ADVERTISEMENT

**BAR EXAMS AREN'T LIKE
LAW SCHOOL EXAMS**
Knowing how to write answers the way Bar Examiners want to see them written can make the crucial difference. Why not get the feel of 16 Bar Exam questions now, before the June pressure.
Hundreds of students from Hofstra University School of Law have been convinced that what they learned at THE KASS PROBLEM ANALYSIS CLINICS was essential to their success in the Bar Exam.
Why not ATTEND THE FIRST CLINIC—ABSOLUTELY FREE— on Jan. 30, 1977 and see for yourself.
Six successive Sundays, starting Jan. 30, 1-4 P.M., in the Diplomat Hotel, 43rd St., near 6th Ave., N.Y.C. - Fee \$80.
Seniors can attend our Jan., 1977 and June, 1977 series on graduation, upon payment of only one fee.
A TOTAL OF 32 DIFFERENT, VERY DIFFICULT ESSAYS WILL BE COVERED IN BOTH SERIES.
For further information, contact agents, Mark P. Isaacs or KASS PROBLEM ANALYSIS CLINICS, 27 William Street, N.Y.C. (WH 3-2690)

DOWNSTAIRS

LIVE

MUSIC

Friday & Saturday
November 19 & 20

**THE CHARLES
DAVIS QUINTET**

Friday & Saturday
November 26 & 27

**JOE CARROLL &
THE GREG
BOBOLINSKI QUARTET**

Friday & Saturday
December 3 & 4

**THE HORACE
ARNOLD QUARTET**

**Bill's
Meadowbrook
Inn**

1002 Hempstead Tpke., Uniondale
(516) 486-9096
(2 lights West of Nassau Coliseum by Hofstra Univ.)

CONCERNED ABOUT LAW SCHOOL?

Legal Preparation, Inc. will offer a 2-day workshop-seminar—November 26 & 28, 1976. The program has been prepared by Brian N. Siegel (author of *How to Succeed in Law School*), and will provide valuable insights into EFFECTIVE law school study, with a special emphasis on how to organize and write the hypothetical-type examination successfully. If you would like to see the evaluations of those who have previously taken our course or desire additional information, call (212) 743-5325, or write:

LEGAL PREPARATION, INC.
471 South Ogden Drive
Los Angeles, California 90036

Exams Closing In??? Stock Up At ED'S BOOK EXCHANGE

**176-27 UNION TPKE.
FLUSHING**

(212) 969-7173/7174

A complete line . . .

Textbooks

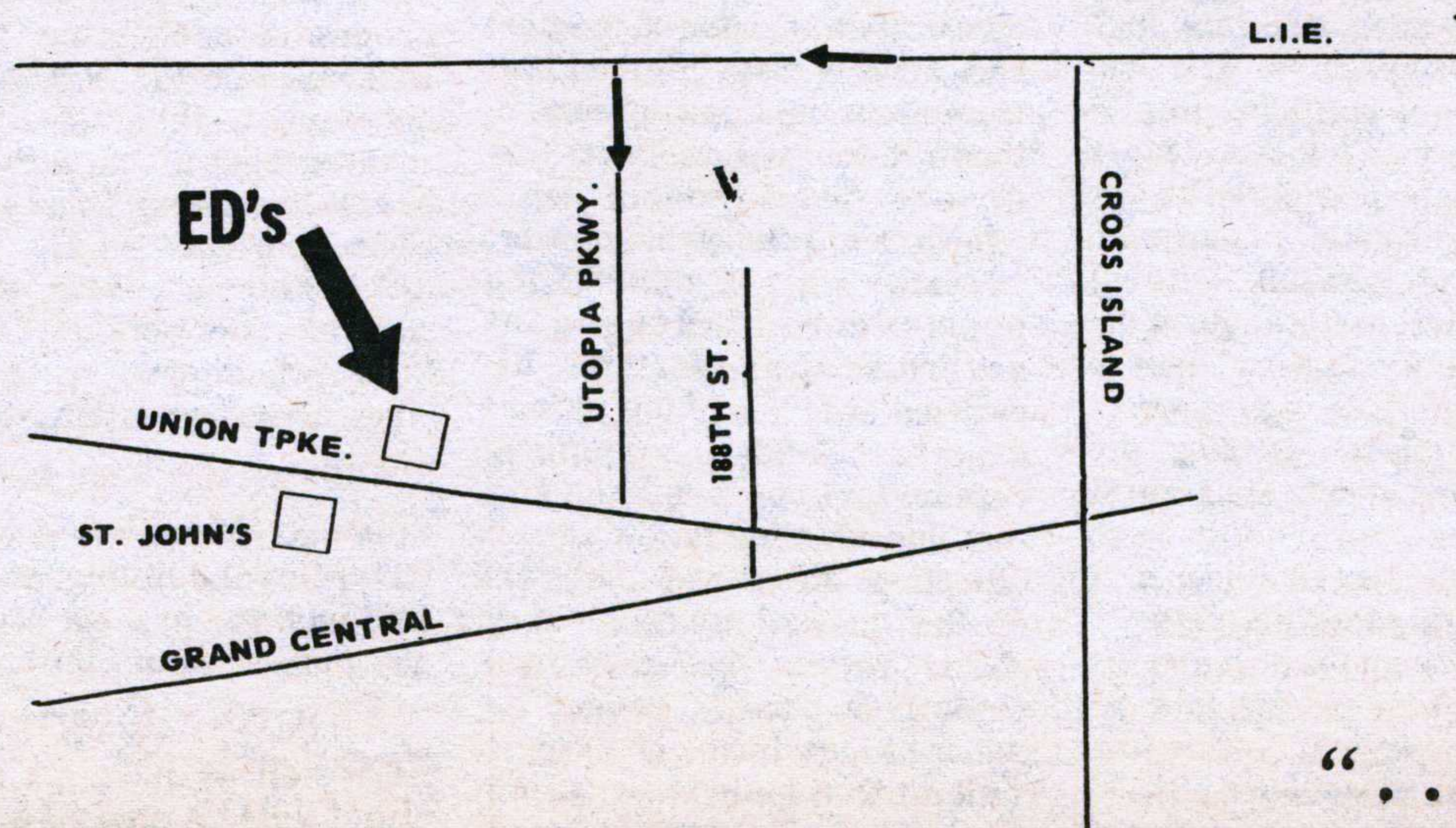
Casebooks

Outlines

Briefs

Hornbooks

Used Books



Gilberts

Hofstra

Legalines

Smith's Review

Marino Materials

Nutshell Series

"... Worth The Ride"

OPINION:

Law Reform—Multiple Benefits

by Wayne W. Bastedo

A few years ago, during the height of the Vietnam war, and again at the height of Watergate, it was popular to speak of going into law as a way to effect major social change and reform in an "unresponsive, corrupt and unjust" society.

Today, while this sentiment is still paid lip service, the major interest of the average law student from Harvard to Podunk Night School is to learn the law as it is, get a job, and carve out a secure career. Though this mood may change somewhat in light of the election results, it apparently has reflected a general and deep-seated feeling among all students that it was time to return to the "work ethic" and a more stable and conservative philosophy toward life and society.

Acceptance of Reality

This shift was probably a rational acceptance of current reality. The present generation of students concluded that it was very difficult to change the system from the outside, and that during a period when money and jobs are scarce, it is more pragmatic to accept the faults of the system as facts of life.

Yet will this attitude really serve the student's — and society's — best interest in the long run? Even Warren Burger warns that unless our judicial system is extensively overhauled it cannot survive. Some of the problems of the present system include unconscionable backlogs, inequality between income groups (both in courtroom treatment and access to legal expertise), inconsistencies between sentences for similar crimes, lack of uniformity between jurisdictions, arbitrariness that creates susceptibility to corruption, lack of public understanding and support and apparent inability to meet its primary goals — the reduction of crime and the equal distribution of justice.

34,000 Graduates
26,000 Jobs

The tragedy is that while such problems increase, thousands of law graduates who came into this field to solve these very problems will be standing in unemployment lines or performing non-legal jobs. Time magazine reports that last year alone there were 34,000 new law graduates but only 26,000 jobs, and the problem will get worse as more "baby boom" students graduate. The reason for this lack of jobs is that there is no movement for legal reform catching the eye of the public, the profession, or the government, on a scale large enough to use the abundant available talent coming out of our law schools. Thus for their own sakes if no other, it is about time the law students of the country began addressing themselves to such needs. It is the purpose of this article to discuss some current ideas on what such reform might entail.

Expand the Plant

Certainly the expansion of the plant of the legal mechanism is important to solving these problems. While the legislative and executive branches of government in recent years have expanded to meet increased social needs, the judiciary has not, though the social needs there have been just as great. This may be due either to a narrow-minded application of the concept of

judicial economy, or to the fact that the judiciary does not have the lobbying clout and purse-string control of the executive and legislature.

Economy is good, but not at the expense of justice. When crime is on the rise and the courts cannot even claim to dispense justice equally because they cannot process to conviction a significant-enough percentage of offenders, it is about time the judiciary was made the equal branch it's supposed to be. A system of shorter sentences, but with a much greater certainty of conviction for actual wrongdoers, would be a much greater deterrent than the cruelly-punitive but arbitrarily-selective system we have now.

Other Steps

Yet quantitative expansion of the judicial system, important as it is, is probably not enough. Some other possible steps in a reform of the system such as Burger envisages — which like plant expansion would provide fulfilling roles for the emerging abundance of legal professionals — include (1) increasing public understanding of the law (and thus also public awareness and discussion of its problems); (2) increasing ease of public access to the legal system; and (3) providing government-funding for expert analysis of the current problems and proposals for their solution.

Education and the Law

A tenet basic to the success of our legal system is that ignorance of the law is no excuse. Yet in spite of this little effort is made today to educate the general public as to what the law really is, e.g., how far can one go in asserting individual rights before conflicting, legally, with one's social responsibilities?

Beyond applications to daily social activity, such knowledge is also essential to the proper participation of a citizen in his civic responsibilities in a democracy where the ballot is the theoretical source of all policy, legal and otherwise. Legal principles should at least be made required study on the high school level, if not integrated totally into educational system.

But wait — says the practical young law student — if we educate the public we're going to be eliminating our own jobs. Not so. Such courses would only teach the general principles and philosophy of the law — not the requirements of professional practice. In fact, it will be to the profession's benefit when the day comes that every citizen knows enough about the law to realize when he needs — or could even just benefit from — a lawyer. Just as an adult who took high school biology or a first aid course is still not going to perform surgery on himself, neither will an enlightened citizen be any more likely to enter a courtroom and defend himself without professional assistance. Furthermore, lawyers would have to be hired to create legal courses and teach them, as they are already doing at enlightened high schools now providing such courses to advanced students.

Increasing Public Access

Today, though the rich and the poor have easy access to legal counsel for criminal defense, the middle class cannot afford it, and even if they win a case the cost of their defense is in itself a great

punishment. Furthermore, neither the poor nor the middle class can afford extensive civil litigation or regular in-depth legal advice, and both are generally unaware of the less expensive limited services in these areas that are available to them through local bar associations, legal aid, etc. Thus they rarely obtain legal assistance until in peril of loss of life or liberty.

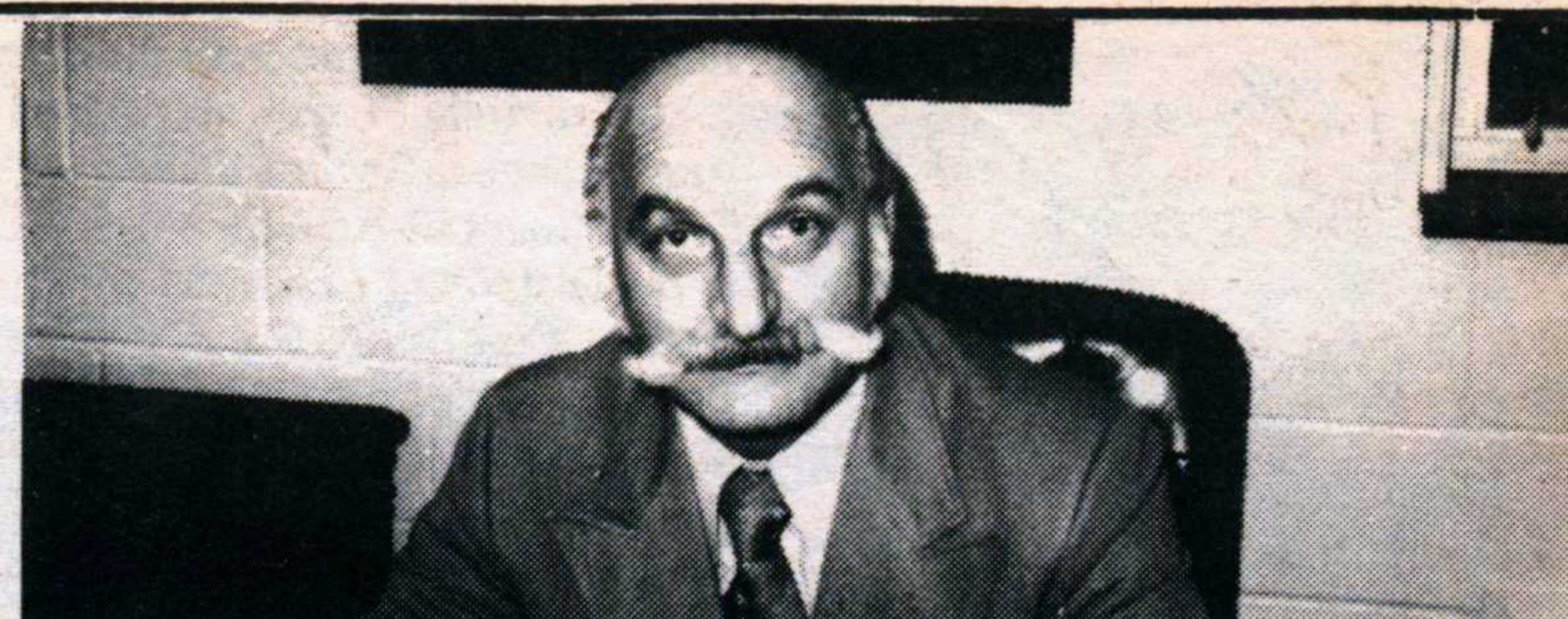
How can this situation be improved? One solution being proposed is group legal insurance sponsored by unions, employers or the government—sort of a Medicaid for the law. Another possibility is the legal clinic, a recent development in which small groups of young lawyers have turned low-cost legal services for the lower and middle classes into paying businesses by emphasizing standard-form paperwork and by using paralegal personnel to their utmost to handle a large volume of business with very low overhead. Such clients form an untapped market — and one that does not compete with the corporate and well-to-do clients of established firms.

Two problems hinder the success of such ventures: advertising restrictions on lawyers, and price fixing practices by local bar associations. Although both problems persist, current recommendations from the ABA and recent court decisions may lead to their relaxation. Work here to expand the acceptability of legal clinics and push the exploration of legal insurance should be of high interest to contemporary law students and recent graduates.

The System Itself

Public awareness and accessibility to services will provide little meaningful benefit, however, if no way is found to improve the present methods of generating and incorporating needed reforms in the law itself. What is needed is an established "lobby" for legal reform either actually within, or funded by the government. Unlike the legislative and executive branches, which provide themselves with ample bureaucratic support for their Constitutional responsibilities and abundant assets to analyze what those tasks should be and the best ways to meet them, the judiciary has no such administrative and "think tank" support. Though it can be argued legal reform is solely the province of the legislature (and efforts should still be made to encourage legislatures to take such initiatives), the latter have little proximity to the mechanical problems of judicial administration and the theoretical intricacies of, say, criminal law. In any case the legislatures have shown little propensity to undertake broad-ranging legal reform in a competent manner.

Ideally, what is needed is a permanent independent government-supported-bi-partisan academy of top judicial experts and supporting researchers to academically examine, on a full-time basis all aspects of the current problems of the judicial system. They should review the goals and objectives society should be seeking to reach through its legal system, to consider how to improve the efficiency and justice of the system, and to make



Guest Profile: Samuel Kaynard

by Kathy Rosenthal

For the first two weeks in November, Professor Eric Schmertz has been off "working" in the wilds of Thailand. To cover for, but of course never to replace him, he arranged for a rather special "sub." We didn't know he was special until after he first opened his mouth (quite a feat from under that mustache), though there are still a few students whom he stalked in class who might not agree.

I, at least, was very pleased to meet Samuel Kaynard, Regional Director of Region 29 of the National Labor Relations Board.

It seems obvious that Mr. Kaynard is a native New Yorker—he talks loud and fast and moves very quickly up and down room 230's steps ("because," he says, "it is harder to hit a moving target.") Mr. Kaynard is, in fact, a product of New York City public schools, graduated from CCNY and received his JD from New York University Law School (though his LLM in Labor is from Georgetown). He went directly from the army to the NLRB ("same boss"), and has been there ever since. He started as an Assistant to a Board Member and worked his way through appellate litigation work; he has practiced before federal courts and the United States Supreme Court; he was a Field Attorney, then a Regional Attorney until about 11 years ago when he became Director of Region 29.

As Regional Director, he wears two hats ("or has two heads depending on who is describing him"). He administers the National Labor Relations Act, which provides for approval and procedures to run elections to determine which union, if any, employees want to represent them, and he is an advocate before the Board representing employees or employers in unfair labor practice hearings. He stressed that the primary concern of both functions is not to litigate but to establish peace and promote justice.

This might sound corny, but Mr. Kaynard impresses me as very sincere in his approach and his work. What's more, he is so happy and enthusiastic in general and specifically about labor law as a profession and a love second only to teaching. Of course, he couldn't say enough flattering things about the Hofstra students, faculty and Eric Schmertz, but he also admits that he simply loves his classroom and teaching experience. He teaches or has at one time taught on an adjunct basis on both the JD and LLM levels at Cornell, NYU, Brooklyn, Fordham, and Hofstra among others. He believes that a student cannot do too much reading and accordingly assigns too much.

Neither labor nor teaching though seems a labor to him. He finds both vital and vibrant. Both keep him on his toes and keep him young. About the practice of labor law, he said that you can affect someone right now and can see the immediate ripple effect. He sees constant change in both labor and the law student; there are new problems and relationships in both. He generally spoke of either law or teaching at one time, but I have applied his adjectives to both as I feel that many of the traits he attributes to one are what attracts him so strongly to the other.

About the job market, Mr. Kaynard feels there is at least as good a chance in labor as anywhere else. Business in the NLRB is booming. Last year there were 40,000 cases nationally, and they project 75,000 for next year. His office alone, with a staff of approximately 45 professionals, attorneys and investigators, will handle approximately 2,000 cases this year. Concerning hiring, before this is published, he expects to have had a seminar at Hofstra introducing the NLRB to prospective job applicants. He requests that students interested in working there should send resumes, and he will gladly arrange for interviews at his office, 16 Court St., Brooklyn, 11241, (212) 330-7700. He added ruefully that one of the worst part of his job is selecting one or two from among all the qualified applicants.

Mr. Kaynard's motto is "have speech will travel," and his desires are only to serve. "If I can contribute any little bit I am satisfied. I hope I can do some service to the community and the students." In an age when we tend to be cynical of thoughts like these, I found sincerity and a real person to go with the words. We can be thankful to Professor Schmertz for his contributions to Hofstra even when he is not here and thank Mr. Kaynard for taking time out of his busy schedule to be here.

proposals acceptable to the legislature on the best ways to accomplish these goals and changes. Such a body would also be able to perform, on a full-time basis, functions similar to the ALI restatement work and the uniform code work of the NC-CUSL, which now proceed in a piecemeal, shoestring-budget fashion.

As an alternative, increased government funding could be provided for private research along these same lines by the ABA, law schools and organizations such as the ALI and the NCCUSL. In either case, such efforts would be open to input from all sectors of the legal

community, as well as the general public (unlike the developments of the recent S-1 proposal which was generated by a small group of bureaucrats and was never publicized sufficiently for an informed public discussion).

An academy of jurisprudence, or equivalent private research, could, for instance, also consider how new techniques like computers can extend legal services to those now neglected, could more effectively encourage the adoption of present or future uniform codes, could examine penal reform, and could even consider much longer-range questions such as the eventual

(Continued on Page 8)

Doing That Bar Review Rag

Compiled by Kathy Rosenthal

The time is rapidly approaching for third year students to decide which bar review course to entrust with their immediate future. As the decision-making process is at best frustrating and at worst discouraging, CONSCIENCE has gathered together descriptions of the four major bar review courses written by the course representatives. CONSCIENCE takes no editorial position on the quality of any course and is not a guarantor of the description's accuracy. Courses are presented in alphabetical order.

First, we thought it would be helpful to explain simply what the bar entails. The New York State Bar is given in four sessions over a period of two days. Each session is three hours and 15 minutes. Three essays, ten multiple choice, ten abstract and 20 concrete short-answer questions are given at each session. The entire examination consists of 12 essays and 160 short-answer questions.

Each essay tests a knowledge of several related areas of law and particularly New York State law so that points will be deducted if the grader doesn't find the "correct" New York State answer; however, points will be given for a good discussion on majority-minority law.

All essay questions are graded on a scale from zero to ten. They are then multiplied by a factor of four so that the essay questions are worth four times more than the short answers. The grades, when established, are converted into a percentile. At a special review session, the Board fixes the passing percentile and then reviews all papers which fall within ten percentiles below the pass mark so that some who initially failed might pass.

The general subjects tested are: Agency, the Canons of Ethics, Conflicts of Laws, Constitution of the U.S. and the State of New York, Contracts, Corporations, Criminal Law, Damages, Domestic Relations, Equity, Evidence, Negotiable Instruments, Partnership, Personal Property, Pleading and Practice, Real Property, Sales, Suretyship, Taxation, Torts, Trusts and Wills, Administrative Law, Bankruptcy, Carriers, Federal Jurisdiction, Insurance, Labor Law, and Municipal Corporations.

BAR-BRI BAR REVIEW COURSE

In 1976, more people took BAR-BRI than took any other course for the New York Bar Exam. More than 100 of BAR-BRI's 1700 New York students came from Hofstra Law School.

The reasons for BAR-BRI's success at Hofstra include the following:

—Two of Hofstra's top professors, Dean Aaron Twerski and Prof. Alan Resnick, lecture for BAR-BRI.

—BAR-BRI's faculty is composed of other prominent experts on New York law and the New York Bar Exam. Such persons as Prof. Irving Younger and Stanley Johanson are phenomenal lecturers. Prof. Johanson received five minutes of sustained applause last summer for his lecture on the Rule Against Perpetuities.

—Only BAR-BRI offers written summaries of all the law tested on the New York Bar Exam. The BAR-BRI books are designed as thorough, readable teaching tools, so that class time can be spent focusing on New York Bar Examination problems and hypotheticals.

—Only BAR-BRI offers a Graded Pretest. Students take the Pretest before the course begins, so they can spot their strengths and weaknesses early.

—All BAR-BRI students take four (4) practice New York State Bar Exam sessions as part of the Directed Testing program. These questions are simulated questions from the New York Exam and are very often repeated on the actual bar examination.

—All BAR-BRI testing sessions are in addition to the class problems and New York Bar Exam hypotheticals that are discussed in class.

—BAR-BRI offers the maximum scheduling flexibility of any New York course, allowing students to complete the program early with enough time left to review before the bar exam.

—Only BAR-BRI offered videotape lectures at Hofstra last summer, in addition to live lectures in Manhattan and audiotape lectures at other convenient New York locations.

—BAR-BRI offers an early enrollment discount program and makes books available early, thus raising the passing percentage of BAR-BRI students.

—BAR-BRI professors have accurately forecast many of the questions appearing on the past seven New York Bar Exams.

—BAR-BRI offers a special CPLR course taught by Prof. Irving Younger. This program is in addition to the regular CPLR lectures contained in the winter and summer courses.

—Only BAR-BRI has offered a special "Take 2 Bar Exams This Summer" program, which many Hofstra students have taken during the past three years.

—BAR-BRI's summer pass percentage has consistently been in the mid- to high-80s and the 90s for students from Hofstra and the other major Northeast law schools.

The cost of BAR-BRI's Summer 1976 New York Bar Review course is \$275. By enrolling before the November

19th registration deadline you save \$75 off the \$275 course price. For further details, contact: Mark Birnbaum, Richard Feirstein, Susan Kane, Gloria Reich, Monica Sussman, or call BAR-BRI at (212) 594-3696.

KASS PROBLEM ANALYSIS CLINICS

Kass is not a substantive bar review course. Its aim is to give you the tools, the methods of approach, and the practice, to enable you to utilize the knowledge you already possess, and to maximize the impact of its presentation. It will show you how to avoid the mistakes which regularly slaughter students on the exam. It will give you individual help in pinpointing your personal weaknesses, and specific, concrete suggestions for correcting them—to avoid a failure. It will also point out your greatest strengths and show you how to exploit them to receive "Bonus" credits on the essays. Its aim is to help you perform to your full potential.

The Clinics accomplish this aim by giving you extensive—and intensive experience with complicated, integrated Bar Examination type essay questions.

You will be taught special methods and specific techniques for reading and diagramming the problem. These skills will enable you to systematize your thinking, so you will know what the correct answer is before you begin to write. This will eliminate the waste of time, and the panic and despair that come from confusion and uncertainty. You will also be given a suggested style, and shown how to adopt and clarify the strengths of your own style. Moreover, you will be shown how to apportion your work, and make the best of every minute on the Bar Exam.

Mr. Kass does not distribute "sample answers" and then lecture. Instead, he has developed a special, dynamic method of question-and-answer classroom exposition. This method challenges and stimulates the students to "pull the answer out of their own brains," rather than to merely accept it on presumed authority. Mr. Kass conducts all class sessions himself, displaying his unique method and his own inimitable enthusiasm.

There are six (6) three-hour sessions on Sundays from 1 p.m. - 4 p.m. Mimeographed copies of a difficult problem are distributed in class, and the students are given the opportunity to analyze it, in a limited time, and to come to some conclusions. The lecturer then analyzes the problem, using his method of approach and suggests aids and schemes illustrating how the proper method of approach unearths the crucial, pivotal issues. Several problems are worked on by the students at each session.

Five (5) homework problems (one a week) are distributed, to be answered at home, in a limited time. The written answers are mailed to the lecturer's assistant, for grading, criticisms and suggestions. Written answers submitted by students will be individually graded and returned before the following week's discussion of that problem.

Drawing on his 40 years as a legal practitioner, and on his experience as a lecturer on N.Y. Pleading and Practice to students at Yale and the University of Virginia Law Schools, Mr. Kass has written a guide entitled "Necessary Elements of Common Legal Actions and some Defenses Thereto." At 59 pages, it clearly and compactly presents the vital information. Registrants of the Clinics receive a copy of the Necessary Elements guide.

The clinic costs \$80. June 1977 seniors can sit through both the February and June clinics upon payment of only one fee. Clinics are held at the Hotel Diplomat Grand Ballroom, 108 West 43 St. For further information contact Mark Issacs, (212) 527-9248, or Kass directly, (212) WH3-2690.

MARINO BAR REVIEW

The Marino Bar Review Course, founded in 1946, is the most experienced, comprehensive and successful bar review course in New York State. Marino has the highest percentage of success. Sixty-four (64) out of a total of seventy-three (73) 1975 Hofstra graduates who attended the Marino Bar Review Course passed the July, 1975 Bar Exam. That is 88 per cent success rate, 10 per cent higher than the State average of 78 per cent. In the tradition of the Judge Medina and Charles Splaracio bar review courses, Marino developed a teaching technique that is so similar to the actual exam that many of its model bar essays and examples are repeated in form, style and content on the bar examination.

Model Bar essays are used by the Marino lecturers as focal points in their comprehensive development of the specific lecture subjects. Through the use of this technique, the lecturers are able to simultaneously teach New York law while using it as a tool to resolve specific issues. The student is indoctrinated with the style of the Bar Examination during the 150-hour lecture series.

This exam-oriented, comprehensive teaching technique is an exclusive Marino feature. The directors of the Marino Bar Review Course are bar exam experts who control and monitor the content of their lecture materials in order to accomplish this.

The cost of the Marino Bar Review Course is \$300. This includes:

—Teaching and review of substantive and procedural

New York law in a 7½ week - 6 day a week lecture series. The lecturers are prominent practicing attorneys.

—Marino's 2500 page library of New York law with complementary yearly supplements for the next two years.

—Short form preparation. Integrated into each lecture are abstract, concrete and multiple choice bar style questions.

—Problem integration and analysis lectures which develop the student's issue recognition ability, while teaching vital principles of law. Four sessions.

—Essay writing workshops where specific techniques for reading, analyzing and responding to bar type essay questions will be taught. Four sessions.

—Programmed learning by use of graded bi-weekly "feedback" exams, with computerized grading.

—Mini Bar examinations and review given over a full two-day period, with time divided between taking the examination and evaluation of the answers.

—Model bar examination book which contains a complete bar exam with model answers, law and citations.

At the New York City location, which is the Statler Hilton Hotel for the March course and the New York University Loeb Hall for the July course, there will be morning (live-tape) for July only, afternoon (tape) and evening (live) sessions. The March course begins on January 3rd, the July course on May 23rd. Morning and evening tape sessions are offered at Hofstra and at many other locations.

Marino's Special Features:

Head Start Program: for early enrollees is commencing in January and includes a review of New York Practice and Evidence.

Late Starters and Sabbath Observers: In New York City, there will be tape make-up sessions.

Dormitory Facilities: at student rates (July only).

Multi-State Preparation: at the completion of the New York law lecture series, a multi-state study program will commence. This includes multi-state study materials, exam techniques and Marino Multi-State Library. The cost is \$25 for Marino students and \$50 for all others.

Agents: Douglas M. Carter, Richard Lazarus, Vito Napolitano, Denise Sher, and Patricia Broadbelt.

PLI-BAR REVIEW COURSE

With a proven record of success for more than 30 years, PLI has seen some 55,000 students through the rigors of the New York State Bar Exam. While PLI has an enviable reputation in the legal field, we herein highlight the major advantages of participating in the PLI Bar Review Course—the finest offered in New York State.

Why take the PLI Bar Review Course . . . Three Vital Reasons:

Content: PLI offers the most comprehensive course of any bar review group in New York State.

It deals, specifically, with New York State needs and covers every subject required by the New York State Board of Law Examiners, in depth—both substantive and adjective law.

PLI provides more lecture hours than any other course.

It offers both lectures and clinics in which typical exam questions are dissected and proper answers and format are illustrated. The Problem Analysis Clinics provide concentrated help in breaking down complicated situations into basic issues.

Take-home essay questions are prepared with model answers reviewed in class to point up strengths and weaknesses in essay writing.

Faculty: PLI has an outstanding group of professors, all of whom actively teach the area of New York law on which they lecture.

These faculty members are all experts in their areas—and they review and revise their materials to keep you completely current on new cases and new law, including the Court of Appeals "advance sheets."

PLI has the only course where students are encouraged to address individual questions to any professor and will receive written answers from the professors, directly.

Course Materials: Each enrollee receives a full set of review materials, included in the fee for the course, which consists of:

—Compendium on New York Law: 10 handbooks surveying New York black letter law and its substantive areas with comprehensive outlines of all the required subjects.

—New York Law of Evidence: One full, compact volume presented by Dean Joseph M. McLaughlin of Fordham Law School.

—Questions and Answers: Two volumes, of over 500 pages, similar to those essay, short-answer, multiple choice sections on the NYS Examination (only available to course enrollees).

The cost of the Summer Bar Review Course is \$150. In addition, New York Practice Under the CPLR will be given in the Spring for \$50. There is a special COMBO REGISTRATION FEE of \$175 for those enrolling in both courses. Location of the Bar Review Course is Town Hall, 123 West 43rd Street, N.Y.C. It will consist of two main sections, a live section in the evening and a taped morning series. There may be alternate locations wherever required minimum enrollment of 10 people is fulfilled beforehand. For further information, contact PLI, 810 Seventh Avenue, N.Y.C. (212) 765-5700.

Attorneys-in-Residence:

Contesting Paternity

by Margery Rosin

Contested Paternity Proceedings was the subject of the attorneys-in-residence program which took place on November third.

Delores Seligman and Seth Stein, two young attorneys who practice in Mineola, and who formerly worked for the Legal Aid Society, provided a great deal of information on this seldom-discussed subject.

This special proceeding, if the plaintiff prevails, results in an order of filiation; it is subject to exclusive original jurisdiction in the Family Court. It is interesting to note that the statute of limitations which runs from the birth of the child is two years if the petitioner is a woman, and ten

years if the petitioner is the Department of Social Services. The double-edged statute has been upheld, even though it has been challenged under equal protection arguments.

The burden of proof is a most interesting one, i.e., a preponderance of clear and convincing credible evidence. Consequently the burden of proof falls between civil and criminal standards.

The lecturers detailed the action, from the summons or warrant to its resolution.

The bill of particulars (as used by the two attorneys) was particularly noted, and it was subsequently emphasized that it is never too early for students to gather materials which they may someday utilize in their practice of law.

Law Reform . . .

(Continued from Page 6)
possibility of mandatory legal uniformity and whether the creation of codified civil-law type systems would have any advantages in areas that are still strictly precedential. Parallel state academies or research-funding could also be developed.

Such a commitment, allowing working through the system to redesign it, would provide a permanent means for the system to reform itself. These are only a few suggestions as to how the legal system could be reformed while utilizing the emerging talent. The important point is for students to foster a public dialogue on the need for such reform.

On The Lighter Side:

Weinrib Sets Back Justice 500 Years

by Neil Weinrib

As we are all aware, the judicial system, as it now stands, has been victimized by benign neglect and is sinking at the rate of one foot per year. The court calendars are bulging and the caseloads are absolutely awesome. The result is that "justice" is often dispensed like "I Love Lucy" re-runs and attorneys are urged to settle and cop a plea rather than proceed to trial.

Unfortunately, the full repercussions of this faltering structure are most strongly felt by plaintiffs and criminal defendants alike. Reform is therefore imperative if the law is to survive. I therefore propose some constructive solutions towards rectifying the judicial malaise.

I begin with the proposition that we should look first to history for the answer. The period known as the Dark Ages represented a veritable renaissance in the development of sophisticated notions of jurisprudence. This unique time, devoid of effete rationality and unnecessary compassion toward humanity, is best exemplified by the utilization of the trial by ordeal.

Before we cringe in horror and pull out our hair because of vivid thoughts of being stewed in boiling oil or engaging in battle to the death, it is best to examine this phenomenon with our lawyer-like logic.

In the typical everyday trial by ordeal, the accused or plaintiff

would be subjected to a variety of tests or compurgations designed to elicit the truth. The water ordeal, for instance, was very popular in that it succeeded both in measuring honesty and physically cleansing the citizenry. According to this test, if the party floated, he was considered guilty and if he happened to drown he was found innocent. If this were not to his liking he could sometimes request an alternative ordeal such as fighting an adversary 'til death with any number of macabre weapons. Some preferred the ordeal by which the victim stuck his arm into a caldron of boiling oil or water in order to retrieve a stone sitting comfortably on the bottom. If, in three days time, the arm was covered with sores, the party was declared guilty. And if by some slim chance no disfigurement appeared, he would be vindicated—but banished from the land.

As the fascinated reader can see, trial by ordeal represents an efficient and impartial means of achieving justice. Trials are easy to conduct in that all that's required is an innocent victim, a large caldron, some Three-In-One oil, and a flick of a Bic. There is, of course, no need for elaborate courtrooms and flimsy administrative procedures such as depositions, motions and discovery.

Most importantly, trial by ordeal exorcises human error from the judicial system. It removes the need to worry about sympathetic juries only too quick

to return huge awards in personal injury cases or provide guilty verdicts for the most insignificant crimes. Nor is there any reason to retain troublesome judges and ambitious prosecutors. Lawyers, as a whole, are rendered superfluous and every man is his own counsel. The spirit is one of fairness and equality.

In addition, the system will be vastly improved because of the elimination of time-consuming appeals and remands. You only get one shot and it better be a good one. First year students, will certainly be pleased because fewer cases will be reported; only West Publishing Company will be heard to complain. Moreover, there will be no problems with admissibility of evidence or even hearsay testimony. Still, a very large caldron will be necessary if the crime charged is one of conspiracy. Can you imagine putting the whole French Connection together for one ordeal?

Trial by ordeal is therefore a simple, earthy and natural way of achieving just ends in a highly complex and impersonal society. It is most helpful in doing away with such antiquated legal constructs as consideration, proximate cause, change of venue, adverse possession, and mens rea. Compurgation is a truly spiritual process that rarely fails to bring out the best in people while satisfying the eternal quest for truth and certainty.

PROTECT
your law school investment!

PRESERVE
your insurability with an inexpensive insurance program from the **EQUITABLE**

See Pete Lheron, Hofstra Law '73, on Thursday, November 18, 8 am-5 pm in the 2nd floor Student Lounge.

ACTIVE PRINTERS
100 Resumes Printed
Camera Ready — \$3.50

234 Front Street
Hempstead, N.Y.
481-9710

TOMORROW MAY BE TOO LATE

SAVE \$75

Nov. 19th is the Deadline for the Early Enrollment

Discount in BAR/BRI's Bar Review Course.

A special booth will be set up in the Lobby
on Tues., Wed., & Thurs.

Your BRI Reps are:

Mark Birnbaum, Rich Fierstein, Susan Kane,

Gloria Reich, & Monica Sussman