



CONSCIENCE

The Hofstra University School of Law Newspaper

Volume 5, Number 6

"Asking you to ask yourselves ..."

February 13, 1978

Trial Skills Course Proclaimed Success

For 12 consecutive days in January, 124 students at the Law School cross-examined and argued with 51 federal and state judges, prosecutors and defense attorneys, who gathered here to teach the art of trial advocacy.

Professor Abraham Ordoover, the director, and Lawrence Kessler, the deputy director, said that the intensive 12-day program was an improvement of the method previously used to teach the course. Last year, trial advocacy was taught over a semester. The new intensive program, they said, allowed students to become totally absorbed in the course without any other distractions.

"In my experience as a law teacher, I have never seen students asked to do so much work in so confined a period of time. The response to that challenge was overwhelming," Prof. Ordoover said. "They did more than we asked. It was an esprit de corps. I've never seen anything like this in a law school."

Prosecutors and defense attorneys from all over the country were invited to volunteer their expertise and teach the techniques, with the emphasis on participation in a seminar setting.

The law students, who each paid \$135 to give up their winter vacations-weekends and all-tried mock cases before real

judges, with local high school students sitting as juries.

The issue of training lawyers and law students to effectively represent their clients in court became well known after Chief Justice Warren Burger spoke at Fordham Law School four years ago. "Many judges consider a majority of trial lawyers not competent to give effective representation to their clients," he said.

Since then, a panel of judges and lawyers appointed by Chief Justice Irving R. Kaufman of the Second Circuit concluded last September that more than seven per cent of the lawyers who appeared in federal court were not competent.

Judge Morris Lasker did not think the students who appeared before him were incompetent. They did "a very creditable, highly competent job." Judge Lasker is a member of the Judicial Conference studying the question of admission standards to the federal bar.

Judge Eli Wager, the State Supreme Court Justice, also saw a lack of sufficiently competent trial counsel.

"Trial practice to an attorney is analogous to surgery to a doctor," he said.

"The students will all get a feeling of what goes on in a courtroom," Judge Wager said. "The program is commendable because it avoids or eliminates a

situation where a lawyer gains experience at the expense of a client."

In daily seminars, the law students intensively practiced questioning witnesses on direct and cross examination, as well as other intangible techniques such as where to stand and how to react to stress situations.

At the same time, the students received immediate criticism from the seasoned trial attorneys.

"If you want to train trial lawyers, this is the way to do it," said Thomas Rutter, a trial attorney from Philadelphia who served on the faculty.

The effect of the implementation of programs such as these, he said, will eventually have a great impact on the practice of law.

"Cases will be tried more expeditiously, clients will be better prepared, and the cost to the client will go down," he said.

John J. Sutter, the Mneona trial attorney who represented Dr. Charles Friedgood, said he felt the program has great value.

"The trial bar has been set back three to four years in development because of an absence of courses like this," he said. "I see it as a very fine innovation with respect to the actual forensic aspects of the law."

The Hofstra Law trial advocacy course is similar in form



Professor Abraham Ordoover

File Photo

to that used by the National Institute for Trial Advocacy (NITA), of which Prof. Ordoover is a regional director.

Every summer, NITA sponsors a clinic in which practicing trial attorneys pay \$1000 for training, including daily seminars and trying a mock case.

What makes the program so successful, Prof. Ordoover said, is that it is intensive and it allows students a chance to get on their feet and perform as a trial attorney, not at the expense of a client.

Prof. Ordoover said that this method of teaching trial techniques could be extended to teaching other disciplines of the law.

"The standard law school curriculum, even with clinics, is ready to take another step. That next step is the highly concentrated, mini-course approach, in which the law school pools substantial resources and pours it into a single dynamic program," he said.

Only Harvard Law School offers a program of similar breadth, but it only accepts students who register for a comprehensive clinical education program.

Cornell Law School has held similar intensive programs, but without the aid of a large number of local and federal prosecutors, judges and defense attorneys.

(Continued on page 2)

PARTICIPATING PROFESSIONALS

The following judges and attorneys contributed to the Trial Practice program as instructors or as participants in mock trials:

JUDGES:

Honorable Frank Altamari, Supreme Court, Nassau County
 Honorable Leon Becker, Criminal Court, New York City
 Honorable Arthur Cromarty, Supreme Court, Suffolk County
 Honorable Richard Delin, County Court, Nassau County
 Honorable Raymond Harrington, County Court, Nassau County
 Honorable Richard Lane, Civil Court, New York City
 Honorable Morris Lasker, United States District Court, Southern District of New York
 Honorable Sheldon Levy, Civil Court, New York City
 Honorable Leo McGinity, County Court, Nassau County
 Honorable Ruth Moskowitz, Civil Court, New York City
 Honorable George Pratt, United States District Court, Eastern District of New York
 Honorable Alfred Robbins, District Court, Nassau County
 Honorable Alfred Samenga, County Court, Nassau County
 Honorable Marie Santagata, County Court, Nassau County
 Honorable David Stadtmayer, Civil Court, New York City
 Honorable John Thorp, County Court, Nassau County
 Honorable Bernard Tomson, Supreme Court, Nassau County
 Honorable Eli Wager, Supreme Court, Nassau County
 Honorable Joseph J. Kunzeman, Supreme Court, Queens County
 Gary Schrager, Law Clerk for Beatrice Burstein, Supreme Court, Nassau County
 Edward Margolin, Chief Clerk of the Supreme Court, Nassau County

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Largest Mid-Year Graduation Held

Hofstra Law School's largest mid-year class graduated on January 15, 1978. The friends and family of most of the fifty-two graduates joined them at the John Cranford Adams Playhouse for commencement exercises.

The ceremonies, which lasted approximately one hour, were highlighted by a short speech by the Hon. Carol Bellamy, recently inaugurated President of the New York City Council. Ms. Bellamy touched on many topics in her address including the expanding roles for women in law; the ever present need for attorneys who are willing to represent the city's, and the nation's, poor, who are otherwise defenseless against the system; and the general need for expanding social-consciousness among all attorneys.

President Shuart addressed the graduates, and he remarked that the growth of the Law School had closely paralleled that of the University in general. Students commented that by his remarks, the President showed that there is still a long way to go before good communications and good feelings can be established between the Law School and the University Administration. He was treated

respectfully and accorded polite, but not enthusiastic, applause at the end of his "closing remarks."

Mark Birnbaum, President of the Hofstra Law School Alumni Association, addressed the graduates, welcoming them into Alumni College with an instant replay of last June's address. For Birnbaum, it was his third consecutive appearance at a Law School graduation (making him a fixture even under the 1972 Code!). He reminded all the graduates that their first year's dues are waived.

The ceremonies were followed by a chintzy Hawaiian Punch and Cheese reception at the multipurpose room of the Student Union. Earlier last semester there was some grumbling among the January graduates when rumors surfaced that there would be no reception after the commencement exercises. Angry students stormed Dean Rabinowitz's office and demanded that he dispel such nasty rumors. He did. And the Law School administration "caved in" and supplied an unlimited amount of punch. (It must have been unlimited; there was plenty left over when the last guest left!).

LOOKING AHEAD

FOOD CONFERENCE

The Hofstra Institute of International Law and Relations is planning a Conference on the World Food Problem and American Foreign Policy for Oct. 19, 1978. The major part of the Conference will be held at Hofstra, with a reception and the concluding portion of the program to be held at the United Nations Building.

Senator George McGovern has confirmed that he will speak at the conference. John Schnittker, Undersecretary of Agriculture in the Johnson Administration, Professor of Political Science Peter Bell of the State College at Purchase, and Professor of Economics Richard Pious of Barnard College, have also expressed their desire to speak. We are in the process of selecting other distinguished speakers and experts to participate in the program.

A new journal, the Hofstra Journal of International Law and Relations, will contain transcripts of the Conference as well as some solicited manuscripts and student articles. We anticipate wide dissemination of the Journal and media coverage of the Conference.

Gail Shapiro was the acting president during the fall. Special Professor of Law Fictor Futter has been participating in the planning of the Institute and conference in an advisory capacity. Tom Mattingly and Gail Shapiro have been elected as the Co-Directors of the Institute, and Jeff Sultanik has been elected as the Associate Director. The Assistant Directors are Mary Ellen Burns, Jayne Ann McPartlin, Sidney Holmes, Peter Bariso, Wendy Wells, Abe Gross, Arthur Blutter and Howard Leiberman.

The goal of our organization is to provide a forum at Hofstra Law School for the exchange of ideas on topics of international concern. We expect to draw an audience composed of administrators and government figures, domestic and international intellectual leaders and educators, businessmen, lawyers, editors, students and interested citizens.

ISRAELI SPEAKERS

The Jewish Law Students Association has announced that Dr. Aaron Kirschenbaum of the Law School of Tel Aviv University will lecture on "Religion and State in Israel" on Mar. 1, 1978, in the Moot Court Room. Some of Dr. Kirschenbaum's many publications and lectures include *Civil Rights and Civil Liberties in Rabbinic Literature* and *Self-Incrimination in Jewish Law*.

It was also announced that Uri Avneri, Member of the Israeli Knesset, will speak on "Peace in the Middle East" at Hofstra during March. Details to be arranged.

NCSJ PROGRAM

The Nassau Coalition for Safety and Justice, a countywide coalition of community agencies which includes the Hofstra School of Law, is coordinating a program in which trial techniques and procedure will be taught to Nassau County high school students. The program also will familiarize students with the goals and values of the legal system.

The program, still in its formative stage, hopes to have Hofstra law students develop materials for use in the program. It is anticipated that the high school students will be sufficiently prepared by May of this year to conduct simulated trials under the guidance and direction of their regular high school teachers and Hofstra law students. Similar programs have been instituted with great success in the District of Columbia and in New York City. Its purpose is to familiarize young persons with the functioning and techniques of the legal process, and to provide a more full understanding of the strengths and weaknesses of that system and the rights of those caught up in it.

There will be a preliminary meeting of all law students interested in assisting in this program on Thursday, Feb. 9, at 2:15 in Rm. 206. Persons interested in participating but unable to attend are asked to contact Gary Small, who is coordinating the program. The assistance of law students is necessary if this program is going to succeed.

GOVERNMENT CAREERS

On Feb. 24, 1978, representatives of over 70 federal, New York State and City agencies will meet at The New York University School of Law for day-long panel discussions and group meetings on government career opportunities.

This program is being sponsored by the placement offices of the eleven regional law schools in an effort to provide information and guidance on careers in the numerous agencies to be represented.

The symposium will begin at 9:30 A.M. and extend to 5 P.M.

Hofstra students are urged to plan to attend this day-long activity. The availability of information on New York City and State opportunities should be particularly noted, as this data is difficult to acquire on a formal ongoing basis.

LAW STUDENT COUNSELLING

The Young Lawyers Section of the New York State Bar Association has recently proposed the organization of a Law Student Counselling Program. The idea of the program would be to have panels of young attorneys present seminars at the various law schools to advise law students of opportunities available in the practice of law and to discuss what the practice in their fields is like.

The Placement Office has stated its enthusiastic endorsement of this program and has offered its assistance to develop this enterprise. While this is in the formulative stage, your suggestions as to the particular areas of interest to you would be most appreciated.

SHAKESPEARE FESTIVAL

Hofstra University's 29th annual Shakespeare Festival, presenting "Two Gentlemen of Verona," the bard's youthfully serious comedy about friendship, love and loyalties, will take place March 9, 10, 11, 17 and 18 at 8:30 P.M.; and March 12 and 19 at 3 P.M., at John Cranford Adams Playhouse. Tickets are \$4, \$3.50 and \$3. Call the Playhouse Box Office, 560-3283, for information.

All performances will be on the five-sixth lifesize replica of the Globe Theater Stage, first used at Hofstra in 1951.

ELIE WIESEL TO LECTURE

Elie Wiesel, noted author and Judaic scholar, will give a series of three lectures at Hofstra University during the forthcoming spring semester. Professor Wiesel's annual lectures at Hofstra have become special campus cultural events that are viewed as experiences of emotional depth and intellectual challenge.

The lectures will be given at 8 P.M. on Tuesdays (Feb. 21, Feb. 28, and Mar. 7) in the Multipurpose Room of the Student Center on Hofstra's North Campus.

Mr. Wiesel's lectures are titled "Biblical Thought: Saul—the Story of a Melancholy King;" "Talmudic Thought: Rabbi Yochanan Ben Zakai—the Story of Survival;" and "Hasidic Thought: Rabbi Jacob Isaac—the Seer of Lublin."

For further information about the Wiesel lectures (\$18 for the series of three, write to Division of Continuing Education, Hofstra University, Hempstead, N.Y. 11550, or call (516) 560-3313. BankAmericard holders may register by telephone.

H.U.S.Q. CONCERT

The Hofstra University String Quartet, now in its 14th year of residence at the University, will feature selections by Haydn, Beethoven and Smetana at its third concert of the 1977-78 season on Friday, Feb. 17 at 8:39 P.M. in the John Cranford Adams Playhouse.

The concert will feature performances of Haydn's "Quartet in D major, Op. 33, no. 5," Beethoven's "Quartet in A major, Op. 18, no. 5," and Smetana's "Quartet in E minor (From My Life)."

Trial Skills...

(Continued from page 1)

The diverse combination of state and federal prosecutors, judges and nationally known defense attorneys resulted in lively exchanges, as long-time courtroom adversaries teamed up to teach their skills in an academic setting.

Edward W. McCarty, an Assistant District Attorney in Nassau County assigned to the Homicide Bureau, joined Mr. Sutter, the defense attorney, to teach the technique of direct examination. Although they were more familiar with each other in an adversarial setting, they both found their mutual effort stimulating and challenging, they said.

One of the law students who participated in their seminar sat as a juror last year in a murder case that Mr. McCarty prosecuted and Mr. Sutter defended.

"The exchanges between a prosecutor and a defense attorney in the academic setting were found to be highly instructional," said Mr. McCarty. "John Sutter is a true professional. There's a mutual respect between us."

Student reaction to the program was extremely favorable, even though a winter vacation for many was sacrificed.

"It's all coming together," said Craig Indyke, a third-year student. "I've learned how to put together the words and language of the courtroom. It's really an art."

Laraine Hayes, a second-year student, said the program should be saved for senior students. "It whets your appetite for litigation," she said. "After you take it, you won't want to go back to taking classes."

UNIVERSITY NEWS

Shuart Contracts Trustees Named

Hofstra University's Board of Trustees has unanimously renewed Dr. James M. Shuart's contract as President six months before it expired.

The action was taken on the recommendation of George G. Dempster, Chairman of the Board. President Shuart became chief executive of Hofstra in June 1976 and at the time received a two-year contract. The Board of Trustees has voted to offer Dr. Shuart a new three-year contract that will take effect at the end of the current academic year when the present contract expires.

Club Exchange

The Hofstra University Club of New York has announced its affiliation with the Cornell Club of New York.

Charles E. Evans, who heads the New York Chapter of Hofstra's Alumni Association, said that the recently-founded Hofstra Club will primarily serve graduates who either live or work in the five boroughs. But nonresident membership, he added, will be open to all of the University's other alumni.

The affiliation, Mr. Evans said, will enable Hofstra alumni to share the "superb facilities of Cornell's modern, centrally-located private club." The Cornell Club of New York is at 155 East 50th Street, in Manhattan, between Lexington and Third Avenues.

"Our affiliation," Mr. Evans said, "culminates a search of more than a year to find a 'home' in New York for Hofstra alumni. We will now be able to offer our members complete dining facilities, guest, hotel and private meeting rooms. In addition, our members will be able to use the facilities of more than a dozen prestigious clubs throughout the United States and England that have reciprocal arrangements with the Cornell Club. Some of the reciprocal clubs offer squash courts, swimming pools, or golf courses."

A cocktail party to introduce Hofstra alumni to the Cornell Club is being planned for the near future. Further information about the Hofstra Club in New York can be obtained from Mr. Evans at (212) 371-1212 or from Dr. Joseph D'Agostino at (516) 560-3271.

Three new members have been elected to the Hofstra University Board of Trustees:

Frank G. Zarb, former Federal Energy Administrator; Florence Kaufman, who has been associated with the volunteer programs at North Shore University Hospital; and Gerald Light, Partner, Gemini Advertising Agency.

Mr. Zarb, who lives in Sands Point, New York, is Executive Vice President for Corporate Finance and Investment Banking Activities and a Director of Shearson Hayden Stone Inc., Wall Street investment firm.

Mr. Zarb served in the federal government as Executive Director of the Cabinet-level Energy Resources Council; as Assistant to the President for Energy Affairs; and as a member of the President's Economic Policy Board and Domestic Council. He also served as Associate Director of the Office of Management and Budget and as Assistant Secretary of Labor.

Mrs. Kaufman has been active in the United Jewish Appeal and with other charitable organizations. Her husband heads William Kaufman Real Estate, which is the third largest firm in New York City involved in office building construction.

Mr. Light, who lives in Kings Point, N.Y., is an alumnus of New York University. He is a former Vice President of Revlon and of McCann-Erickson and was with J. B. Williams and with CBS. He is Deputy Mayor and Trustee of Kings Point, an Associate Trustee of Long Island Jewish Hospital, Trustee of the Asian American Institute, Associate Trustee of North Shore University Hospital, and a former Vice President and Director of the United Community Fund. One of his daughters, Hillary Light Fuhrman, graduated from the Law School last month.

1st Woman Dean

Dr. Leona Seldow, Chairperson of the Banking, Finance and Investments Department and Associate Professor of Finance and Insurance at Hofstra University, has been appointed Dean of Continuing Education. The appointment, effective Jan. 1, makes Dr. Seldow the first woman to become an academic dean at Hofstra.

IF IT SNOWS AGAIN

The Law School and the University were closed because of snow for five days since Friday, Jan. 20. In the event inclement weather forces a future school closing, the following radio stations will be notified:

New York City			Suffolk			Nassau		
WOR	710	AM	WLIX	540	AM	WGBB	1240	AM
WNEW	1130	AM	WBLI	106.1	FM	WTHE	1520	AM
WNEW	102.7	FM	WGLI	1290	AM	WVHC	88.7	FM
WNBC	660	AM	WBAB	1440	AM	WHLI	1100	AM
WNYC	830	AM	WGSM	740	AM	WLIR	92.7	FM
WHN	1050	AM	WCTO	94.3	FM	WHPC	90.3	FM
WCBS	880	AM						
WINS	1010	AM						

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Part Four of a Series

Hofstra's Neighborhood Law Offices

This is the fourth in a series of articles about Hofstra's Neighborhood Law Offices. This series, which has been taken from a position paper entitled "Hofstra Law School's Neighborhood Law Office: The Uses of Clinical Education," examines the methods of clinical education as applied in the law office setting. The purpose of this series is to inform our readers about the practice of law as a student in the clinic, and to increase your awareness of the benefits to be derived from working and learning in a clinical setting.

PROFESSIONAL GOAL V: NEGOTIATION

There is no area of the law in which the ability to negotiate does not exercise its dominion. Ninety-five per cent of criminal cases reach disposition through negotiation (1). Most civil and administrative matters are settled. Negotiation for contractual provisions controls every major corporation. The negotiation skill is used as frequently as the pen by the practicing lawyer.

Training is required to quickly determine the procedural and substantive factors present in a case which will control the parameters of settlement. Developing the case plan, tactics, timing, the use of procedure, fast discretion and especially the art of second-guessing opponents are all necessary elements to professional representation. Nearly every clinical case covers the negotiation skill in varying degrees.

Negotiating occurs between student and opposing lawyer, judge or probation officer from the inception of a case. When should negotiation begin? What elements of a case should be emphasized? Do you threaten? What are the rules? Does the

client control final negotiations? What does the lawyer do when the client's opinion differs?

The reflective atmosphere of the clinic provides a background for the analysis and discussion of negotiation. Real cases provide the means of implementing what has been learned in the endless variety of negotiating situations presented by daily practice.

PROFESSIONAL GOAL VI: ETHICS

Immediately before your client begins to testify you know he or she will lie. Your knowledge springs from a combination of investigation and intuition. Then it happens. What do you do?

Professional responsibility is present at every level of law.

Students practicing in the clinic confront difficulties every day. Students must resolve the ethical problems they encounter with clear thought and precise action. There is no back door to ease through. At some point discussion must end and implementation must begin.

Through supervision and lateral discussion in seminars, the clinic assures the analysis and realistic resolution of ethical difficulties. "Answers" in this area are impossible.

However, careful consideration of alternative resolutions, creative thinking and proper research in the realm of professional responsibility provide a background which enables the student to first perceive and then cope with apparently unresolvable ethical dilemmas in future practice.

(To be continued)

(1) American Bar Association Project on Minimum Standards for Criminal Justice, *Standards Relating to Pleas of Guilty*, (Approved Draft, 1968) Introduction.

Placement

Nontraditional Choices for Law Graduates

The following observations were made by Jay C. Carlisle II, Esq. at the annual meeting of the National Association of Law Placement on June 16, 1977. They are reprinted here to suggest, but certainly not exhaust, employment-career opportunities in nontraditional areas. More information will be developed in later issues along with guides to suitable bibliographical sources.

—Richard P. Cronin

For some reason, everyone obtaining a law degree assumes that he or she must practice law. Recent statistics from the National Association for Law Placement, Class of 1976 Employment Report, based on employment data submitted March 1977, seems to confirm this observation.

The National Association of Law Placement statistics indicate that of the 1976 graduates placed, only 392 of the more than 16,900 graduates are employed with nonlegal business concerns. In addition, 78 persons are employed with nonlegal government offices and 145 persons in nonlegal related academic positions. Approximately 1,454 graduates are still seeking employment and the employment status for over 5,000 graduates is not known.

Law school admissions are increasing. Dean James P. White, Dean for Academic Planning and Development at Indiana University School of Law and consultant on legal education to the American Bar Association, states that the nation's law school enrollment continued to rise this year, as it has for the past twenty-three years, to a total of 125,010 students. Dean White's figures show 117,451 students in the 156 law schools approved by the American Bar Association and 7,559 students in 15 non-accredited schools as of September 1976.

Tom Goldstein, of the New York Times, tells us that by 1985 the number of lawyers in the United States is expected to double. Judge Jacob Fuchsberg, of the New York State Court of Appeals, predicted that within a few years the number of lawyers should exceed the figure of 800,000. Yet the United States Bureau of Labor Statistics estimates an average of only 20,000 new jobs per year will become available for lawyers.

We must face the figures. The simple fact is that a substantial number of law graduates will not be able to practice law. There is, however, no need to despair. There are — I submit — a large number of alternative legal positions available for law school graduates. It is the responsibility of law school placement counselors to identify nontraditional career positions, to encourage employers thereof to develop an interest in our graduates and to counsel our graduates as to the existence of the non-traditional positions and to the merit of seeking and accepting such positions.

Federal Government

In preparation for my discussion, I initiated contacts with a number of persons. I began by contacting the General Counsel's Office of the United States Civil Service Commission. Thereafter I spoke with Christine Steele, author of the book, "Occupations of Federal White Collar Workers," Second Edition, who is employed in the Manpower Research Division of the Civil Service Commission.

Ms. Steele and members of her staff advised me that there are approximately 58,262 jobs in the federal government defined within the Legal and Kindred Group Series. Approximately 13,000 of these positions are classified under the General Attorney Series which includes all the law graduates who are members of the bar and are engaged in what is defined as the practice of law. Approximately 12,500 persons are classified as Claims Clerical Series Employees.

This means that more than 22,760 persons have jobs which do not involve the actual practice of law, but which are within the Legal and Kindred Group Series. Included in such positions are the following: Estate Tax Examining Series, Hearings and Appeals Series, Administrative Law Judge Series, Deportation and Exclusion Examining Series, Contact Representative Series, Legal Instrument Examining Series, Land Law Examining Series, Passport and Visa Examining Series, Legal Clerk and Technician Series, Tax Law Specialist Series, General Claims Examining Series, Workers' Compensation Claims Examining Series, Loss and Damage Claims Examining Series, Social Insurance Claims Examining Series, Unemployment Compensation Claims Examining Series, Estates Claims Examining Series and Civil Service Retirement Claims Series.

Banks

I also spoke to Anne Gilhuey, who is College Recruiter for the Chase Manhattan Bank in New York City. Ms. Gilhuey advises me that Chase recently recruited 100 persons for their lending program. Only one such person had a law degree. Nonetheless, Ms. Gilhuey advises me that the bank encourages applications from persons with law degrees, but that such persons do not appear to have any interest in the bank lending program.

Chase pays approximately \$16,000 to persons beginning in the lending program. Law graduates must apply by December or February of their third year to be considered for such positions. Likewise, Chemical Bank and Morgan Guarantee Bank advised me of similar difficulties in attracting lawyers.

Chemical Bank tells me that there are over 100 management and training positions available each year in banking and finance with salaries in excess of \$16,000. Traditionally, only 1 per cent of persons obtaining such positions have law degrees. Law graduates are encouraged to apply, but usually do not have any interest in doing so.

Insurance Companies

Many students are reluctant to consider careers with life and casualty insurance companies. Nonetheless, there are many positions available for law graduates in these areas which are not filled due to a lack of interest thereto by law students.

Neil H. Ashley, Vice President of Claims for Allstate Insurance Company, started his career as a claims adjuster and later was an agent, sales adjuster, market analyst, associate vice president and now is vice president.

In Vice President Ashley's address on May 21, 1976 to students at Suffolk University Law School in Boston, he pointed to many opportunities in his company and encouraged law students to apply for the same. Nonetheless, in the Rochester Region in Western New York, only two persons with law degrees are working in the 52 person claims adjuster department.

Jean Alexander, of Title Guarantee Insurance Company — one of the three large Tircos companies — advises me that in New York State 47 persons or at least 10 per cent of all professional employees of Title Guarantee are law graduates and most of the graduates are members of the bar. Likewise, the American Land Title Association in Washington, D.C. suggests to me that there are many opportunities available for lawyers in those areas of the country where attorneys are needed to examine titles. (This does not include opportunities traditionally available for outside counsel.)

The New York State Insurance Department currently employs over 250 insurance examiners. There are only five lawyers included in this number. The salary is comfortable — at least \$12,000 to start — and the annual turnover is high enough to provide for at least 25 new positions each year. Law graduates would have a significant competitive advantage if they applied for such positions. It appears to me that insurance departments in other large states, such as California, Ohio, Illinois, Texas and Florida would have similar openings.

Real Estate

Albert A. Walsh, Esq., of New York City, who is former President of the National Realty Committee and formerly a chief New York City Housing Administrator, says that there are opportunities for lawyers in real estate, but it appears as though very few recent law graduates express any interest in such work.

New York State

In New York State, there are many nontraditional positions available for law graduates. The New York State Department of Banking employs approximately 300 bank examiners at a starting salary from \$10,000 to \$13,000 per year. Only 4 of the bank examiners are currently lawyers. There is an annual turnover rate at the department which would probably result in from 20 to 30 new positions each year. Persons with law degrees would have a definite competitive advantage in seeking such positions.

The New York State Department of Tax and Finance employs in excess of 1,500 professional employees. Only 36 of such employees are lawyers.

Other state agencies employing lawyers in nontraditional legal positions in New York State include Division of Treasury, Department of Motor

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Trial Techniques Professionals...

(Continued from page 1)

THE FACULTY

Abraham P. Ordovery, Director. Professor of Law, Hofstra Law School, Northeast Regional Co-Director, National Institute for Trial Advocacy.

Lawrence W. Kessler, Deputy Director, Associate Professor of Law, Hofstra Law School, Faculty, NITA, Northeast Region.

Elkin Abramowitz, Member: Weiss, Rosenthal, Heller, Schwartzman & Lagar, New York City. Former Assistant United States Attorney, Southern District New York.

Burton Agata, Professor of Law, Hofstra Law School.

Edward Chase, Federal Defender Service.

Charles Crimi, Member: Palmieri, Passero & Crimi, Rochester, N.Y.; Former First Assistant U.S. Attorney, Western District New York; Faculty NITA, Northeast Region.

Thomas F. Curnin, Member: Cahill, Gordon & Reindel, New York City.

David A. Diamond, Associate Professor of Law, Hofstra Law School.

Angelo Faraci, Member: Faraci, Guadagnino, Lange & Johns, Rochester, N.Y.; Faculty NITA, Northeast Region.

David Gordon, Federal Defender Service.

Beverly Gross, General Counsel, District 37, American Federation of State, County and Municipal Employers AFL-CIO.

JoAnne Harris, Assistant United States Attorney, Southern District New York.

James Hartman, Member: Harris, Beach, Wilcox, Rubin & Levey, Rochester, N.Y.; Associate Professor of Law, Cornell Law School; Faculty NITA, Northeast Region.

Harold Herman, Member: Eichner, Herman & Volet, New York City; Faculty NITA, Northeast Region.

Peter Kolbrener, Member: Shayne, Dachs, Weiss, Kolbrener, Stanisci & Harwood, Mineola, New York.

Jack Lipson, Federal Defender Service.

Edward McCarty, Principal Assistant District Attorney, Nassau County.

Patrick McCloskey, Administrative Assistant District Attorney, Nassau County.

Shirah Neiman, Assistant United States Attorney, Southern District New York.

Frank Polestino, Associate Professor of Law, St. John's University Law School.

Thomas B. Rutter, Philadelphia, Pa. Lecturer; Harvard Law School, University of Pennsylvania Law School, Faculty NITA, National and Northeast Programs.

Joseph Ryan, Mineola, New York. Former Assistant U.S. Attorney.

Mel Sachs, New York City, Faculty, National College of Criminal Defense Lawyers and Public Defenders, Houston, Texas; Faculty NITA, Northeast Region.

Robert Skigen, Member: Baum, Skigen, Lefkowitz, Sak & Purcell, Smithtown, New York; Former Assistant District Attorney, Suffolk County.

John Sutter, Mineola, New York. Country Lawyer.

Elliot Taikeff, New York City, Adj. Professor of Law, Cornell Law School; Adj. Professor of Law, N.Y.U. Law School, Faculty, NITA Northeast Region.

Roland Thau, Federal Defender Service.

Richard Wallach, Justice, Supreme Court of New York, County of New York; Faculty NITA, Northeast Region.

Michael Walter, Houston, Texas; Faculty NITA, Northeast Region.

Frank Yanelli, Member: Yanelli & Zevin, Mineola, New York.

Marvin Zevin, Member: Yanelli & Zevin, Mineola, New York.

Caveat Emptor

You Can Get It Wholesale

by Vicki Lindgren

When money is tight, and you're trying to keep your car going, as well as keep your refrigerator stocked with food, your bookshelves stocked with Gilberts, and your land-person from tossing you out on your tush, it's often hard to scrape up extra cash for life's "luxuries," such as clothing. However, an answer has come to tight-fisted (or, empty-walleted) consumers who may not be able to afford that extra Cardin without a little bit of financial assistance—factory outlets.

Selling through factory outlets has become, in recent years particularly, the nation's newest and hottest retailing trend. According to an article which appeared in 1977 apparel magazines, as outlets proliferate, and as consumers become progressively more accustomed to shopping at them, sales should move into the tens of billions, with apparel continuing to be a top product category. The advantages to shopping at such outlets are twofold: the sellers are given the opportunity to dispose of sales goods and irregulars quickly, thereby clearing off their warehouse shelves, and the buyers are given the opportunity to get some high-quality merchandise at lower-than-retail (i.e., "I can get it for you wholesale") prices.

Having visited several of Long Island's outlets (many of which were recommended by Hofstra law students), I came to the following conclusions: (1) shopping at outlets saves you money, but "you can't always get what you want," and sometimes, you don't even get what you need; (2) one person's definition of "cheap" or

"inexpensive" is another person's definition of "extravagant"; and (3) you have to know how to shop in order to shop at outlets, because there's a lot of "garbage" mixed in with quality merchandise, i.e., name brands to which designers are ashamed to sign their initials.

Of the outlets I visited, here's what I came up with:

Burlington Coat Factory, (1187 Sunrise Highway, Copiague, N.Y. 11726): If you need a coat, such as an all-weather coat, or a winter coat, or a jacket, this is the place to go. In spite of the fact that it resembles a barn, there are many name brands, such as London Fog, Pierre Cardin, etc., at "drastic reductions." In addition, there is a separate menswear section, which is stocked with bargains. However, there are several drawbacks to the store. First of all, the security force is overzealous, to say the least. One evening, a friend and I went shopping for an all-weather coat, and as I was getting ready to leave, I thought the security-marm (or whoever she was) was going to try to stop me from wearing my own coat out the door. She watched our every movement, and it was very disquieting.

Also, selection is a problem, since all of the "good things" are snapped up as soon as they arrive. In order to find a bargain, you've got to really stalk the racks. Similarly, size-selection is a problem. For example, in women's coats, the biggest selection of sizes available were either very small (i.e., size three or five) or very big (sizes 15-18 and half-sizes).

Another drawback: There are no refunds or exchanges. If you

buy something at Burlington, make sure you like it. The hours are: Monday-Saturday till 9; Sundays till 6.

Oceanside Coat Factory (3640 West Oceanside Road, Oceanside, N.Y. 11572), is pretty impressive. Since it is a factory, in the background you can see bolts of fabric, and hear the coats being made. In the women's clothing department, name brands, including College Town, Lady Manhattan, Act II, and Trissi are available, in a wide variety of sizes, at a fairly substantial discount. One skirt, in particular, was reduced from \$65 to \$38.75. Also, Danskin bathing suits, and various tennis apparel are available at fairly reasonable prices.

The men's department is another story. A sign at the door boasts that the men's department has such famous names as Pierre Cardin, Givenchy, Stanley Blacker, Europe Craft, Phoenix, Robert Lewis, London Fog and Harbor Master, but my friend said, "That's a crock; they're just not there."

There are no refunds, but clothes can be exchanged for size. Alterations are available.

M.B.I. Factory Sweater Warehouse, Oceanside (3618 Oceanside Road, next door to Oceanside Coat Factory): This store is owned by a very personable man named Irwin Elman, who has known Hofstra Law's own David Weiss "since he was bar mitzvahed." Unfortunately, I think that's the last time he got any new and exciting clothing in his store.

Without being unduly critical, let me say the following: the clothes available (mostly women's, with a small men-

(Continued on page 5)

Nontraditional Choices for Law Graduates

(Continued from page 3)

Vehicles, Department of State, Department of Transportation, Department of Agriculture, State Labor Relations Board, State Department of Health, Department of Mental Hygiene, Department of Correctional Services and Department of Social Services.

Higher Education

The National Association of College and University Attorneys 1976 Directory reports a listing of over 1,650 attorneys at over 1,000 institutions of higher education. This does not include, to my knowledge, members of law school faculty or law school staff. The 1976 figures represent an increase of 365 attorneys from the 1975 figures of 1,285.

A quick review of the book indicates attorney positions available at colleges throughout the country; this is particularly true at small colleges and junior colleges where young lawyers are hired as staff and/or administrative assistants to presidents and vice presidents of such institutions. The young lawyer usually assists in drafting proposals, reviewing regulations, submitting legal opinions and responding to other questions regarding general practice legal issues. The salary is good and there is opportunity for advancement.

Media

Dean Christopher Trump of the Columbia School of Journalism advises me that more and more

lawyers are finding positions in the media. In addition to such well known names as Fred Graham, Geraldo Rivera, Tom Goldstein and Paul Bransburg, more and more young lawyers are being recruited for positions in the newspapers and communications field. Dean Trump advises me that the increasing complexity of the law and the necessity to explain it to laymen requires that journalists and broadcasters often have a law degree. Columbia University School of Journalism and School of Law has what Dean Trump advises me is the first joint degree program in the country.

Conclusion

I recently spent a delightful evening at a small restaurant in New York City where I sat at a table with six lawyers. None of the lawyers is presently practicing law. Each advised me that he was very happy with his present occupation and that he never did enjoy the practice of law. Each person told me that he only wished he had known of the existence of nontraditional legal opportunities when he was in law school so that he could have taken advantage of them. Fortunately for these persons, when they graduated from law school, they had the opportunity to practice law and to learn by experience that their career interests could be best satisfied in nontraditional legal areas. Today our law graduates do not always have this luxury.

At a meeting of the Student Representatives on Wednesday, February 1, they expressed their heartfelt condolences to Joan Irelan on the tragic, untimely death of her son Matthew.

The staff of Conscience also expresses its sympathy.

The Student Representatives voted to donate a sum of \$100.00 to a Matthew Irelan Memorial Fund. Any student, or faculty member, interested in making a personal contribution may contact Abe Gross.

Perspective

Tutorial Program — Unneeded Trauma

by Rick Shaffer

By now, we're all quite familiar with the newly instituted tutorial program. In theory, it may appear warranted, even encouraging; helping students who need help sounds like a good idea. But in practice, the tutorial program may be doing more harm than good.

Anyone connected with a law school knows that the first semester is filled with more anxiety than anyone would wish to handle. Thus, one questions the wisdom of shackling first semester students with the fear that they will end up labelled as members of the tutorial program.

Labelled? Yes, labelled. For there is no escaping the fact that the students who are given the "option" of partaking in the tutorial program are in essence being given the option of acquiring a stigma. It's hard to believe that a less traumatic way of assisting first-year students, all first-year students (such as the Law Fellows Program), could not be utilized.

In the past, the difference between a first semester 1.9 average and a first semester 2.1 average was very little — 0.2, to be exact. But now, this miniscule difference can decide whether or not a student must endure the embarrassment of having to tell his classmates that he's in "The Tutorial." Something's wrong here.

Law school pressure is a burden all first-year students are forced to bear in spades. But the additional psychological strain and self-doubt the tutorial program is placing on those who are in it is unwarranted. When (at the beginning of this semester) I first encountered a friend who seriously stated, "I'm in the tutorial; are you still going to talk to me?" I was bewildered. When I repeatedly saw formerly jovial classmates showing a constant pained look, having found themselves in the tutorial, I became dismayed. Is Hofstra Law School, the supposed mecca of legal education, more concerned with its students' state of marks than their state of mind? "Don't worry if you didn't do well first semester. Our new tutorial program will help you produce an acceptable G.P.A. come spring!" Such an approach may be all right for robots; it doesn't work with students. For students are people, people with egos, emotions and feelings, all of which are far more important than any arbitrary number we choose to call a G.P.A.

Is this the Hofstra Law School that prides itself on its humane approach to legal education? Humane for whom — only those who can make the grade? Well, to me that is not humane; it is hypocritical. Is that what "learning to think like a lawyer" is all about?

Get it Wholesale...

(Continued from Page 4)

swear department) are not bad; however, (1) the prices are really not much lower than retail, i.e., Macy's, Alexanders, et al, and (2) the selection is less than overwhelming. If you really look, you might be able to find a "Three Feet Off" (most prominent label) shirt for your cousin in Perth Amboy, but honestly, the clothes are not that impressive. As my friend said, after we were safely out the door, "That place makes Modell's seem like a good place to shop."

Pappagallo Shoe Outlet (1883 N. Grand Avenue, Baldwin): Like name brands? Like seeing customers look like walking Vuitton pocketbooks? Like feeling insecure about applying for a TAP award? Like spending \$46.00 for a pair of canvas espadrilles? Go to Pappagallo's.

The store is small, boutique-ish, and is really no bargain, in the sense that you can't really get off "cheap." The advantage is that you can get Pappagallo shoes at lower prices, but it's only for people who would normally spend a fairly large amount to dress their feet to begin with. There are various "Sale Boxes," but, as usual, the only sizes available are either very large or very small. To be sociable, I attempted to squeeze my rather fat feet into some banana-narrow shoes, and the salesperson (a man who should be an off-stage singer for the King Family) giggled in my face. (Caveat emptor.)

Marshall's (Old Country Road, Carle Place—across the street from Roosevelt Field): Marshall's trademark is "brand names for less," and indeed, there are Halston scarves (\$3.50), and name-brand bags, etc., at drastic reductions. The menswear department is better than the women's; once again, most dresses only come in very small or very big sizes.

In addition to clothing, there is a sheet and quilt department, and a large selection of pillows (floor pillows were on sale, at \$9.99 and \$12.99 each). As usual, you really have to be selective when shopping at such a store, because there is a lot of junk mixed in with the better merchandise.

Best feature of this store: the shoe department, where there was a pretty large selection of name-brand shoes (including Pappagallo, I might add) at very low prices.

Syms (250 S. Service Road, Roslyn Heights): Many male Hofstra law students recommend this store for suits, and one goes there for all his "undergarment" needs (when he's not at **Mid-Island Department Store** in Farmingdale). Indeed, there is a large selection of men's clothing, the best buys of which are the coats (according to a fellow consumer).

Women's clothing is another story, however, and a rather sad one at that. One of the labels on a dress read, "For rich girls who are tight fisted." The price of the

dress? Over one hundred dollars (yes, folks, one-hundred smackers). I asked the salesperson, "Do you have any dresses that say 'For middle-class girls who think Korvette's is extravagant'?" (She didn't get the joke.) The point is: if you like name brands, and have money to toss around, and are willing to pay over \$50.00 for every dress or skirt you wear, then Syms is a good place for you to go. Some of the brands included Bleeker Street, Evelyn de Jonge, Ralph Lauren, Herald House, Jonathan Logan, Blassport, and the ubiquitous Pierre Cardin. And, some of the prices aren't really all that outlandish. (In fact, the day I visited the store, Danskins were on sale for a very, very low price.)

Other items available in the store included Ann Klein tablecloths, placemats, wallets bearing the initials of various designers, and men's aftershave and cologne.

Of the stores visited, I would have to say that the best buys were, in general, at the **Oceanside Coat Factory** (for women) and **Syms** (for men). However, there are many other such outlets on Long Island just waiting to be discovered. If you have a strong stomach, a partly full wallet, and are tired of the same old clothes, try a few. (There's always the **Salvation Army Thrift Shop** on Front Street in Uniondale... maybe they have second-hand Pappagallos.)

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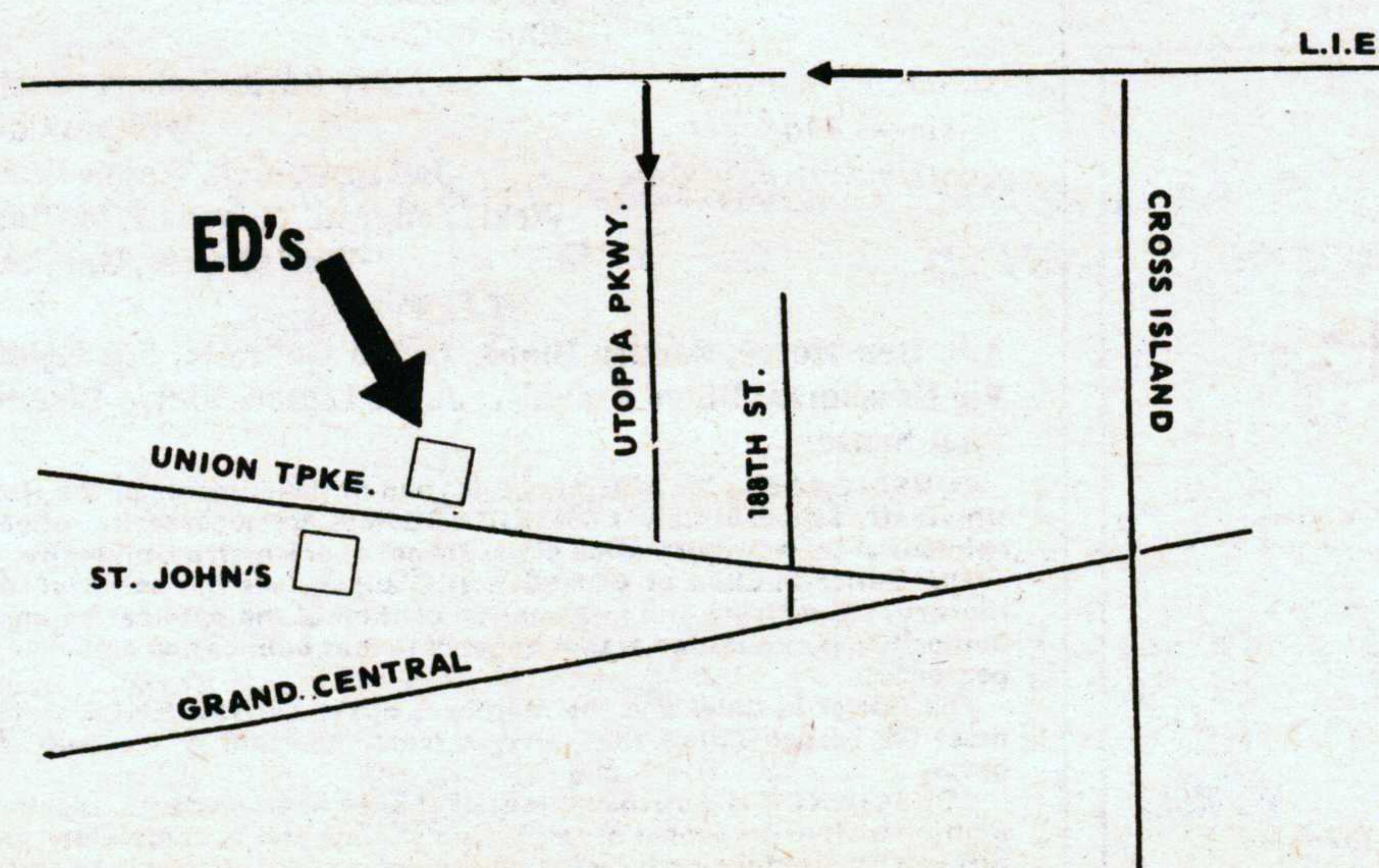
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Editorials

Where Are You?

All of us at CONSCIENCE invite all of you to join us in an experiment — to test whether this newspaper can survive and thrive as a forum for the exchange of news, information and opinion, and to see whether it can increase its scope, depth and quality.

We challenge you to express your views, to write to us and to write for us. We urge you to help us probe and explore our profession, our courses, our academic community and ourselves.

The invitation is open to all Hofstra Law School students to join our staff and to all members of the Law School community (anyone who receives this newspaper) to contribute ideas, criticism, articles and information.

It's very easy to join our staff: Come to the CONSCIENCE office, Rm. 031, at club hour, Wednesdays at 1 P.M.; or, attend our layout once a month; or, contribute an objective news story or a review regularly. You will be welcomed and needed. Since most of the present staff will be graduating this May, the future existence and direction of this newspaper are in your hands.

The Good News

In the ninth year of its existence, the students and faculty of this Law School are still engaged in the long-term task of creating a professional institution of the highest calibre. How well and how energetically we are fulfilling that responsibility are topics for future editorials.

The resounding success of the intensive Trial Practice course held last month helps us to identify our strengths as a law school. Our research, writing and trial techniques programs are especially important to us and are constantly being expanded and improved. We seek to include notable members of the profession in that process, as is evidenced by the long list of outstanding individuals who participated in the Trial Practice program.

Additionally, every student at Hofstra Law has the opportunity to gain professional skills by working with real clients on real cases in one of our many clinics and internships. A student may choose to work in one of two Community Legal Assistance offices, or in the Tax Clinic, or with a District Attorney, or at the A.C.L.U. A student may choose an Environmental Law Internship or a Legislative Internship in Albany.

Few law schools in the country can match Hofstra in the number and range of its clinical opportunities. For some reason, however, we tend to take our strengths for granted. As an institution, we are too young and relatively unknown to be quiet about our successes.

Pass the word: We have much to be proud of.

**Next
Conscience
Deadline
Friday,
Feb. 24**

Our Credo

As we begin a new semester, the Editorial Board of CONSCIENCE reaffirms the policy set forth for this newspaper by Margery Rosin and Josh Klapper in our issue of September 21, 1976:

"Conscience will endeavor to present diverse views of interest to the law school community. A monthly law school newspaper has the responsibility to present multi-faceted issues that affect the community it serves. It also has the responsibility of presenting a forum where differing points of view may be presented as fairly as possible.

"It is the pledge of the editorial staff of Conscience that we will neither neglect these duties nor abdicate them to political axe-grinders of any persuasion. We will at all times strive to inform and enlighten, presenting readers and the community with information and opinions from all perspectives.

"Nevertheless the editors' intent to publish diverse views should not be considered an abandonment of editorial discretion. The editors reserve the right, based on newsworthiness, fairness, and professional dignity balanced by the public's right to know, to decide which articles are publishable, and, in the interest of space, to do any necessary editing. (If a contributor only wants his article to be published 'as is,' he or she should so notify the editors.)"

We want CONSCIENCE to be a real newspaper so as to serve your needs, not just another bulletin board. We plan to present a wide range of articles on legal topics, in-depth coverage of school events, exploration of Law School policy and direction, and a forum for personal viewpoints responsibly expressed and intelligibly written. We hope to give you reviews of books, films, theater and records; good poetry; and even crossword puzzles. We will always be receptive to suggestions for improvement.

Bear in mind, however, that we are only a small group of fellow law students. Our schedules, course work and outside commitments are as heavy as yours. If you want to see a specific article appear in these pages, we may well invite you to write it.

We thank the staff members of CONSCIENCE, who willingly give their time and imagination every month. In particular we express our gratitude to Stuart Rosenthal for having carried the heavy responsibilities of Editor-in-Chief during a difficult year. Congratulations, Stu, on your graduation, and thanks.

Letters to the Editor

To the Editor:

Many people have commented favorably on the success of the Trial Techniques program held during the intercession in January. Those of us who participated in the program were certainly not the least vocal in our praise and acclaim for the course. Professor Abe Ordover, of course, was primarily responsible for the success of the program. There are, however, a number of other persons whose names should not go unmentioned.

Bill Chernio and Susan Dunn, the Assistant Coordinators of the program, worked many long hours both before and during the program. Most of us knew nothing of the many inevitable administrative hassles that arose during those eventful twelve days. The necessary lightning-fast problem solving was facilitated and accomplished in large part by Bill and Sue.

Behind the scenes, but essential to the program, was Ms. Inge Klomm. Thanks to Inge, much of the logistics for the lawyers and judges, their luncheons, and (not least of all) our daily coffee and donuts were effected with expertise and polish. These, however, are only the tips of many administrative icebergs which Ms. Klomm deftly maneuvered for the Trial Techniques program.

Also ensuring the success of the program were the other members of the staff: Kevin Burke, Brenda Klomm, David Morris, Vicki Lindgren, Susan Etra, Nancy Squeo, Tim Aland, and Eric Stricoff. The fleeting glimpses of a swiftly-moving small army of bailiffs, videotapers, mimeographers, xeroxers, coffee breakers, and general facilitators, still lingers in my memory.

The videotapes and materials from the National Institute for Trial Advocacy were excellent tools for helping us to develop our abilities. The state and local judges and high school juries helped us to raise our levels of trial proficiency even higher. And some of the most ingenious lawyers in the region and the country aided us in learning and practicing both the basics and the tricks of the art of trial advocacy.

I would sincerely like to thank all of the abovementioned persons for the atmosphere of professionalism which permeated the program.

Thomas J. Mattingly



CONSCIENCE

Hofstra University School of Law, Hempstead, N.Y. 11550

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"Asking You to Ask Yourself"

American Bar Association Law Student Division,
Class A Category 1st Prize, 1974 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.

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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YOUR TURN

First Year at Hofstra: The Good, the Bad and Finals

"Your Turn" is a new monthly column expressly reserved for student guest writers. Its purpose is to explore the Law School experience from the student's point of view. This month's column is written by a first-year student. We hope to have an article by a second-year student in next month's issue.

by Joyce Lipton '80

"Is law school really like *The Paper Chase*?" practically everyone I know has asked me.

"It's very rough," I tell them. "More difficult than I'd ever imagined, and I imagined difficult. But it's not quite like *The Paper Chase*, or at least Hofstra isn't."

If Hofstra is not like *The Paper Chase*, neither is it the Utopia that what's-her-name makes Hofstra appear to be in her glowing "letter from a first-year student," which is published in the back of the Hofstra Law Bulletin.

I don't mean to imply that Hofstra has little to be commended for. The school has instituted a number of measures in an attempt to remove some of the pressure experienced by first-year law students. For instance, it was a good idea to reduce the importance of first-semester grades. Hofstra has also tried to promote an "open door policy" to make faculty and administration more accessible to students. Nevertheless, the pressure still exists and there's a lot of it.

There is probably nothing that can be done to completely alleviate the pressure that a first-year student undergoes. The content of the work itself is sufficient to make many of us feel that somewhere between college and law school, we've lost the ability to comprehend what we're reading. I think what made me panic most was discovering within the first week of law school that I had no idea of what was going on.

While I concede that much of the pressure a first-year student experiences is self-induced, it is also true that Hofstra plays a part in fostering this feeling. For example, Hofstra's "open door policy" has not been totally adopted by its faculty. I've been fortunate in that, for the most part, the faculty and administration I've encountered were helpful and responsive. On the other hand, I've heard just the opposite from other students. Some professors go so far as to practice a "closed door policy" by either maintaining insufficient office hours, or by actively discouraging students from talking with them by being aloof and disinterested when approached. I call the latter practice Hofstra's "revolving door policy" because questions remain unanswered and problems unresolved, making the student feel exasperated.

The quantity of work assigned serves to place still more pressure on the first-year law student. Was

making the Moot Court memo due shortly before first-semester exams really necessary? Also, I hear tell that there are law schools that have only four required first-semester courses (not including legal research). Now, there's a nice thought.

As for grades, after surveying the grade-distribution chart for last semester, I've concluded that Hofstra has fairly strict grading standards. I didn't expect to see many "A's," but I was surprised at the number of "C's" and grades below "C". Of course I say this as a second-semester student, since through most of my first semester I was praying for a "C" average.

Along with concern for grades and class rank come elements of competition. Second- and third-year students have told me that this year's first-year class seems to be more competitive than previous entering classes. I have no way of making a comparison between this year and other years but I do sense traces of competitive feeling, although one doesn't yet feel the tension in the air, as I'm told one can in some other law schools.

For the most part, students at Hofstra are helpful to each other. Tapes and notes are exchanged, questions discussed, and concern and consideration for others is generally displayed. Thus far, I haven't encountered library books with pages torn out of them by law students who have gotten carried away by competitive spirit. I mention this because an N.Y.U. law student told me that he often utilizes Hofstra's Law Library because there are pages torn out in N.Y.U.'s library books.

Hofstra's library does have its share of problems, however, in that thoughtless people fail to reshelve books after using them, rendering it nearly impossible for someone else to use the book that day. I've located books that I needed on tables, and it's a shame that important time is wasted by our having to hunt for mislaid books.

What I like most about Hofstra's Law Library is that if you leave your belongings there, they'll still be there when you return. I find this to be an amazing phenomenon. The only unfortunate incident I've had in this respect was when I inadvertently left my folding umbrella in the Moot Court Room and upon returning for it, found that it was gone. To the individual who appropriated my umbrella: Here's your chance to redeem yourself. If you leave my umbrella in the CONSCIENCE office, I assure you no questions will be asked.

Would I go through the experience of my first semester again? No way. Last semester I worried and panicked more than I ever had in my life. But I'm glad that I stayed. I haven't yet reached the stage where I can think about actually graduating, but I've caught myself reading through the Law Bulletin, looking for electives for next year. I suppose that's a good sign.

FORUM

DISGRACE IN SOUTH AFRICA

by Vickie Lombardi

To those of you who have been entertaining doubts on the subject, there is a world existing outside of law school, albeit a world which has found little use for the protections embedded in the law we analyze every day. This harrowing reality confronted anyone who saw the British documentary *Last Grave At Dimbaza* which was recently shown in the Moot Court Room. The film showing was sponsored by B.A.L.S.A.

The film depicts how gross exploitation is legally sanctioned and publicly encouraged by a white minority South African government. This white minority of under 4,000,000 exercises total and exclusive control over the nation's 20,000,000 non-white inhabitants.

Before focusing on some of the more disparaging results of South Africa's Apartheid practices, the reader should be aware that *Last Grave At Dimbaza* was completed in the early 'seventies. Therefore, some of the statistics taken from the film and incorporated in this article will not be completely up-to-date. However, in the 5 or 6 years that have elapsed since the film was made, the desperately needed change has not taken place.

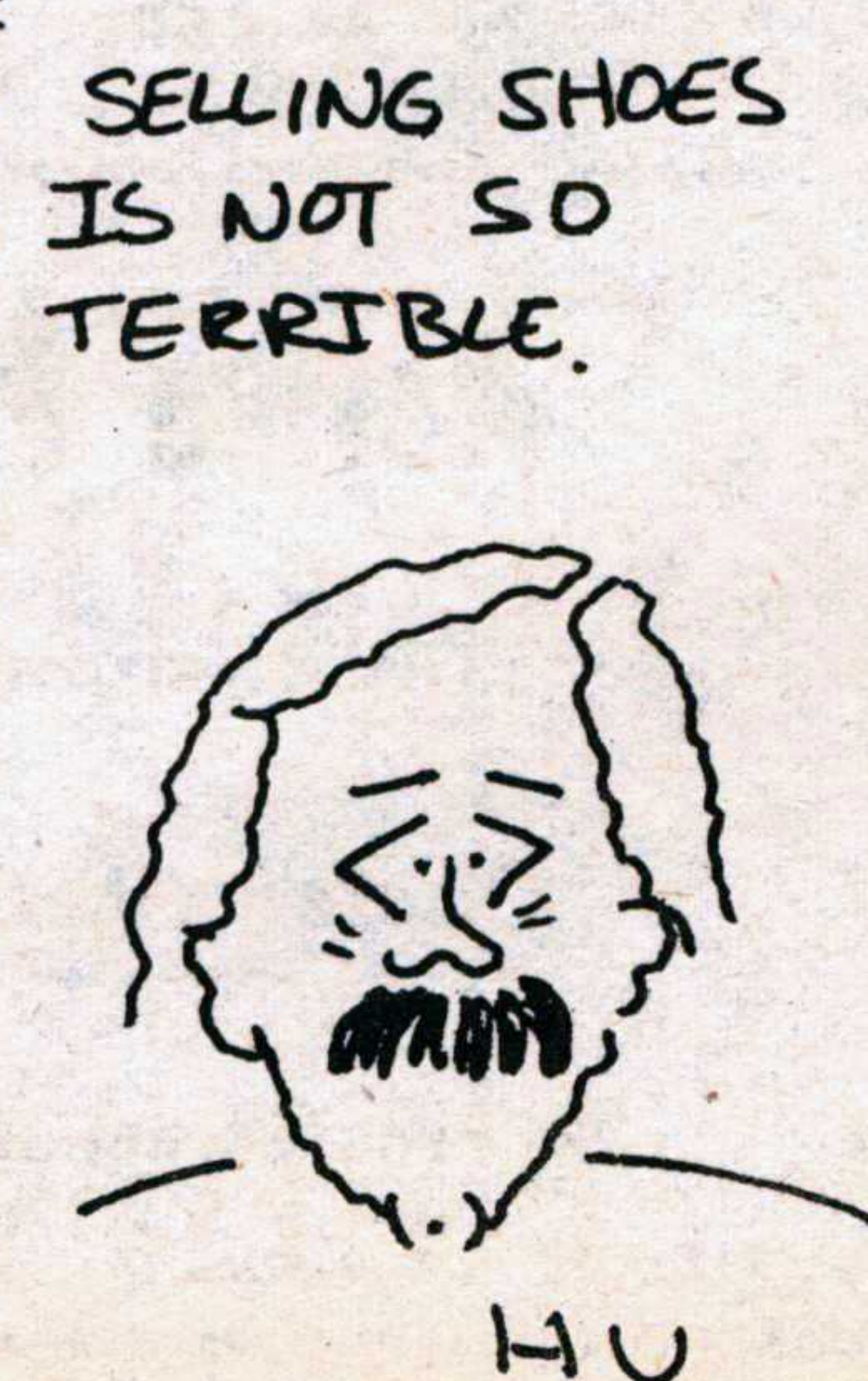
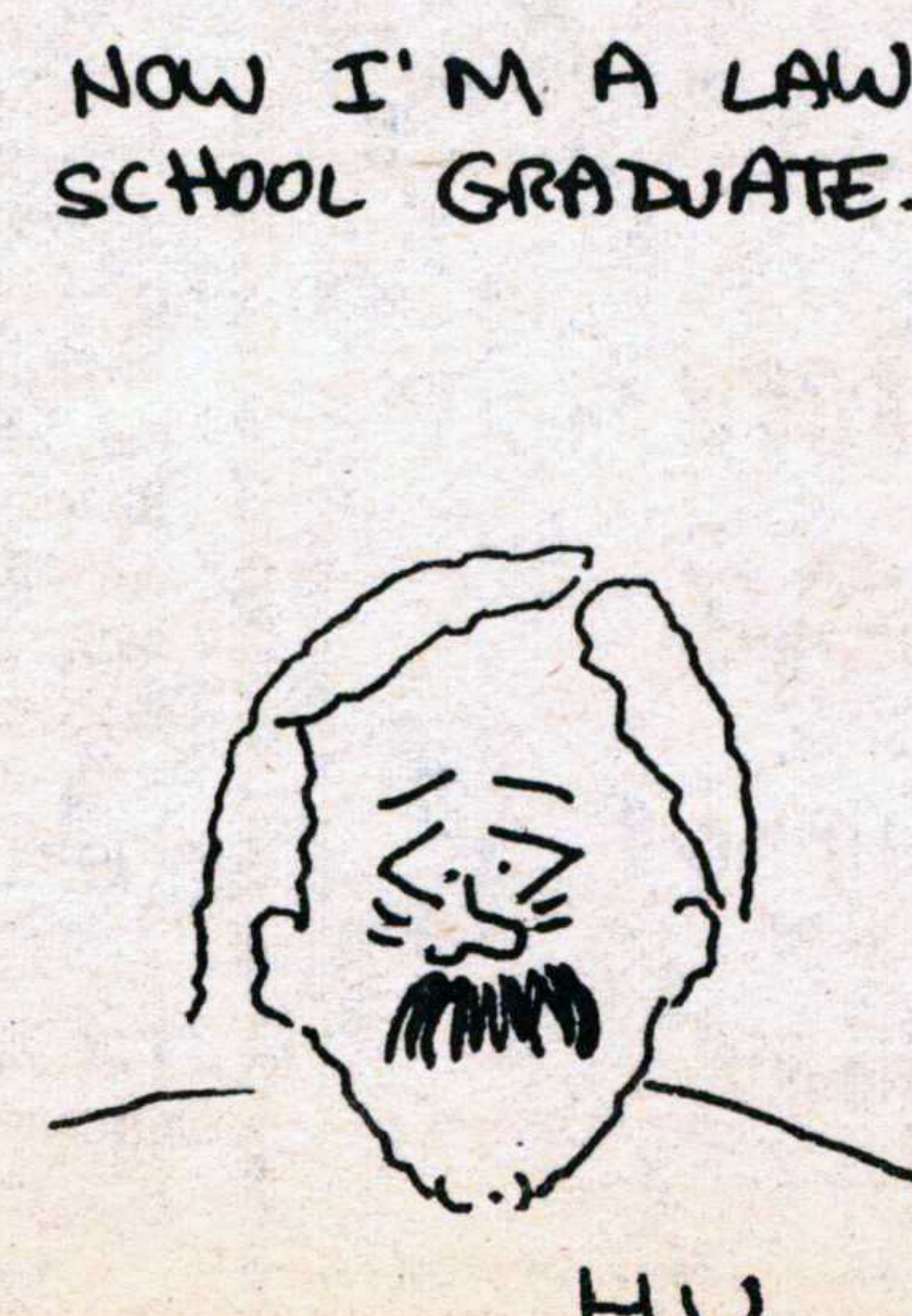
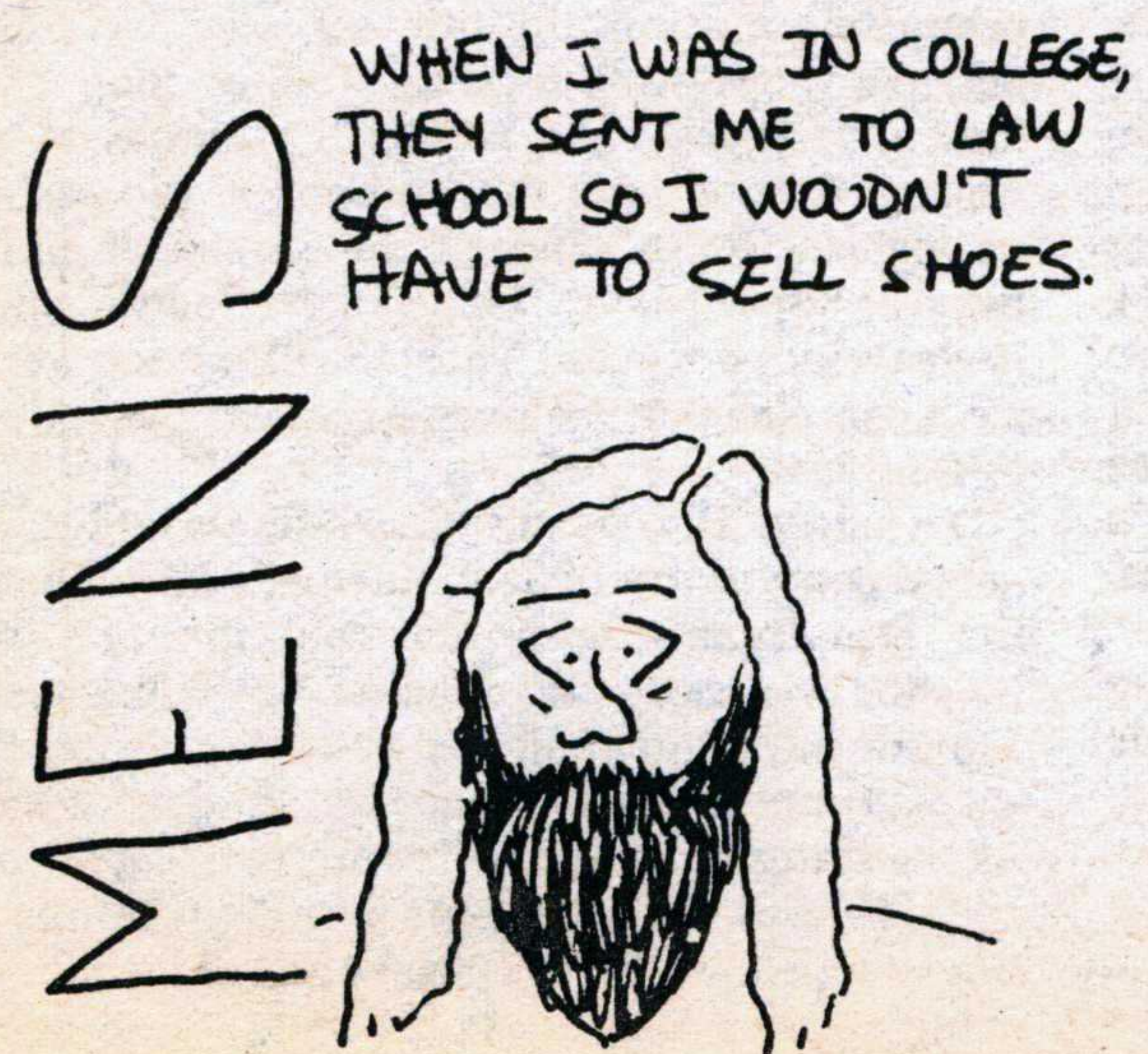
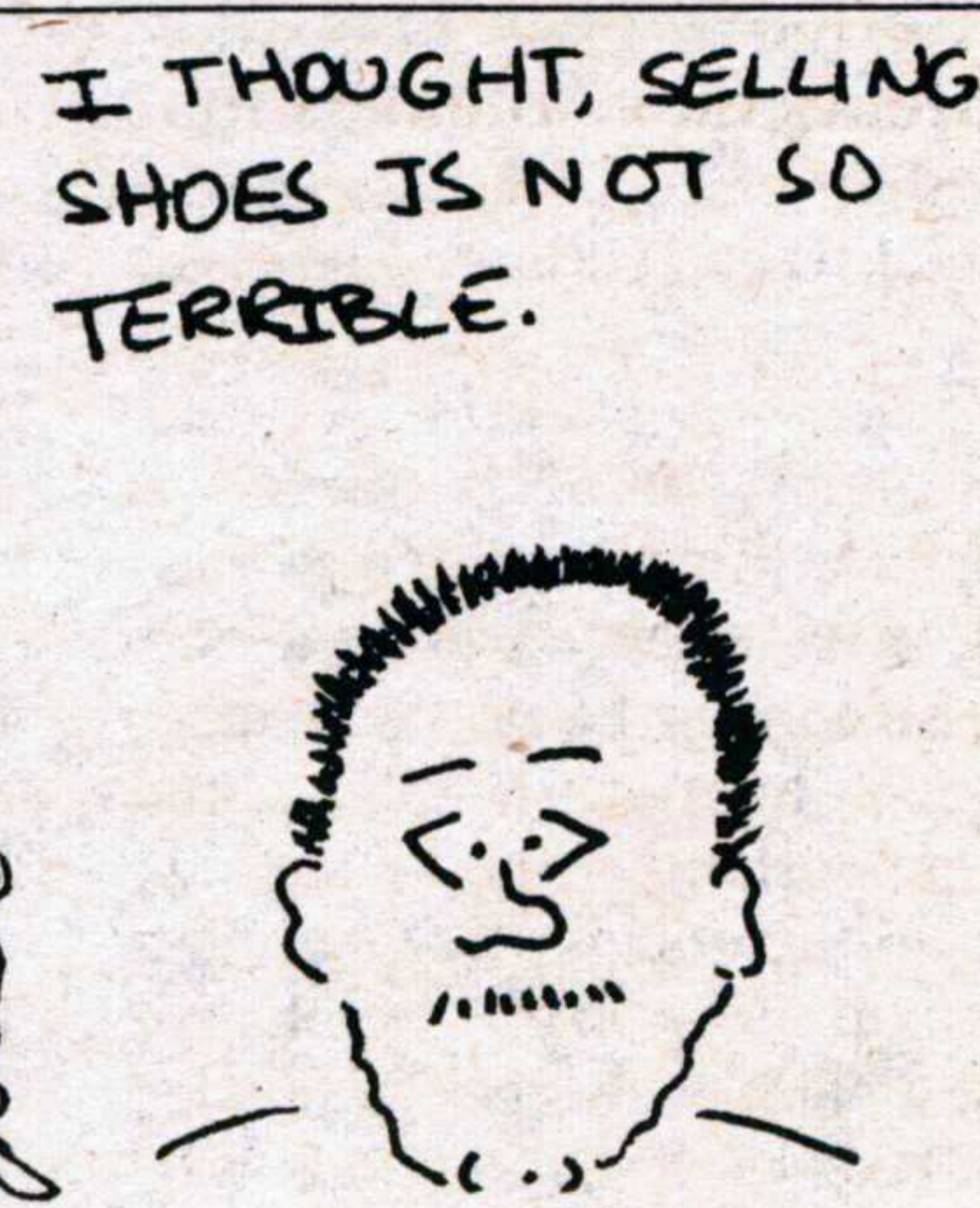
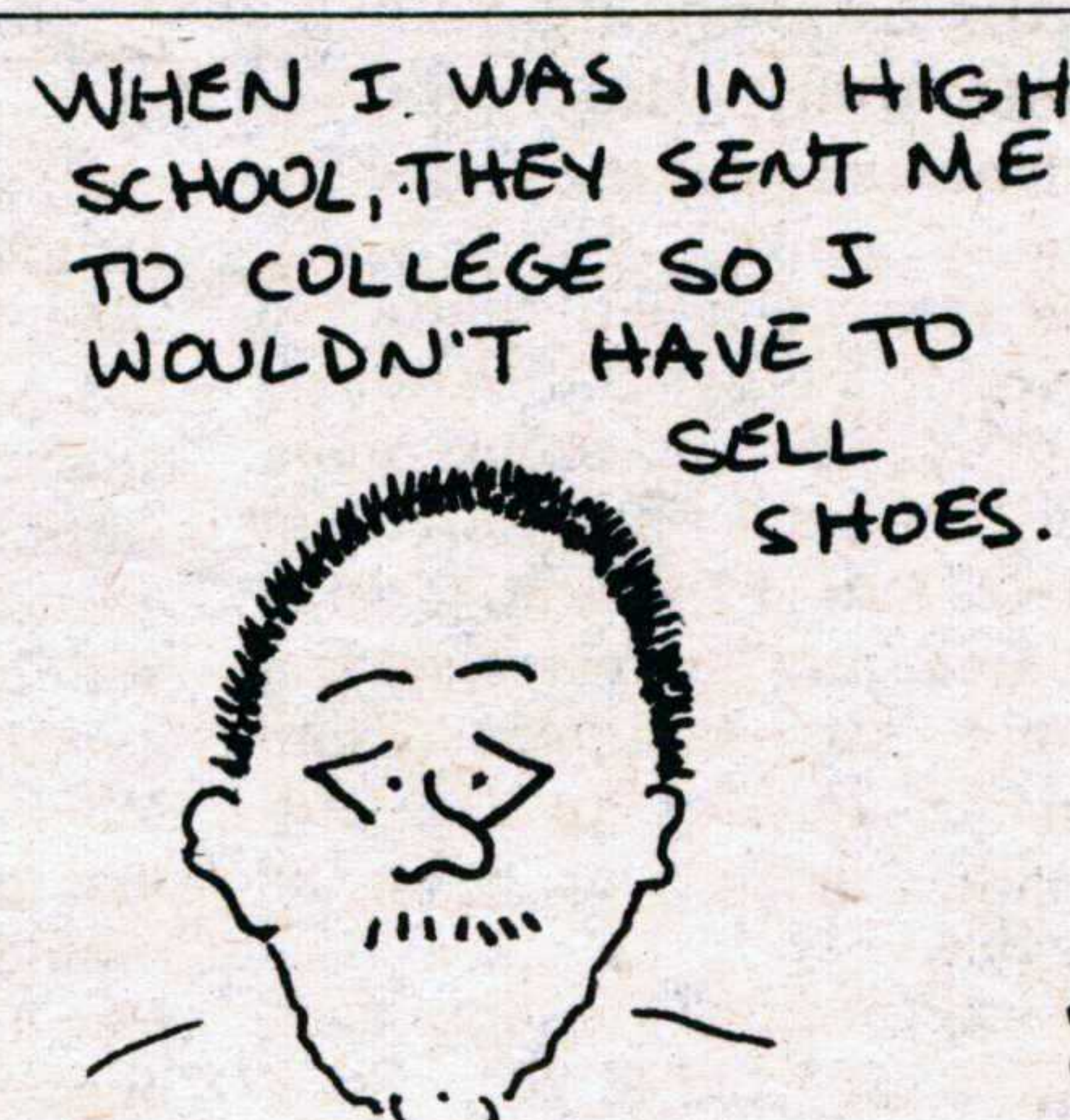
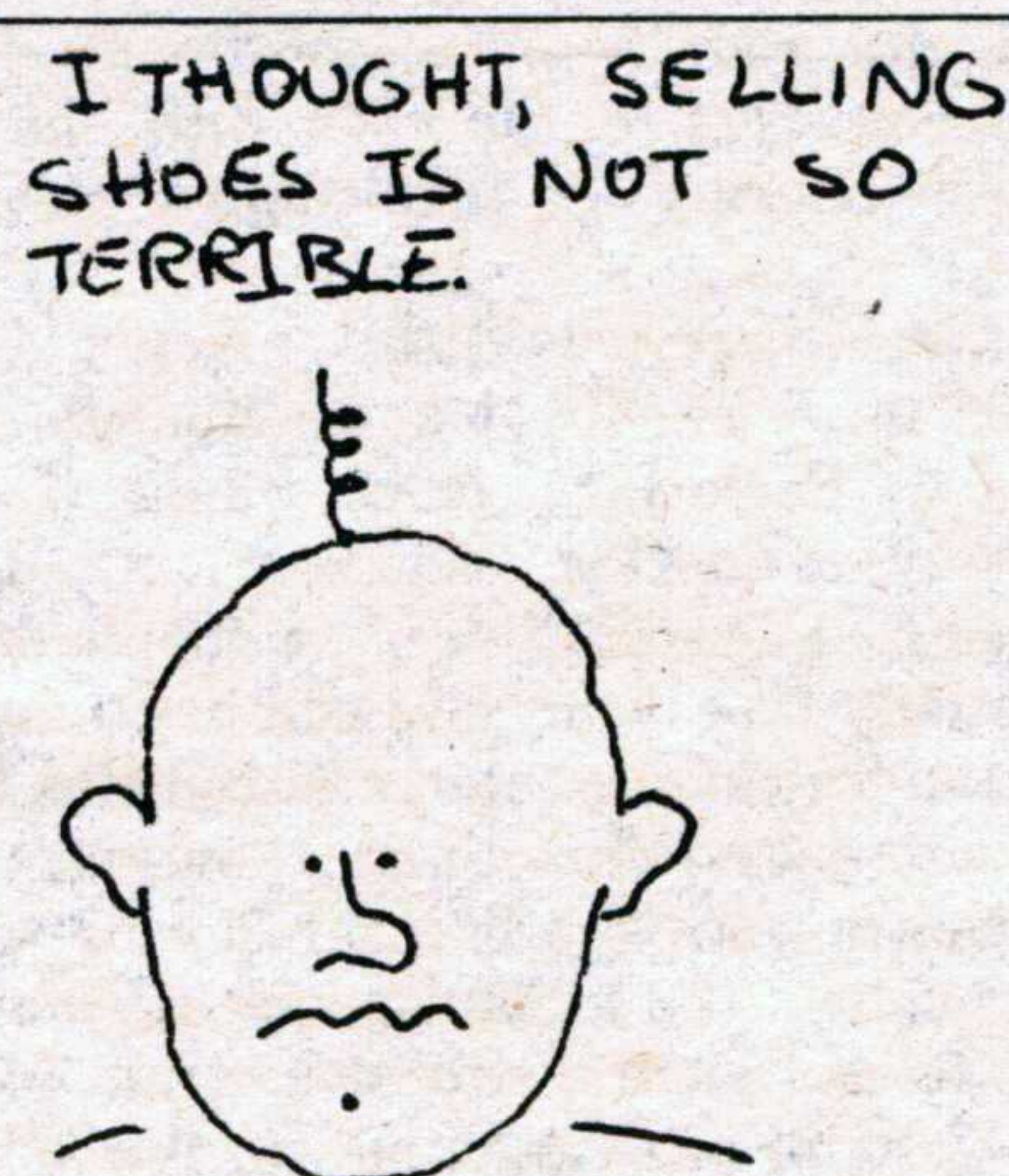
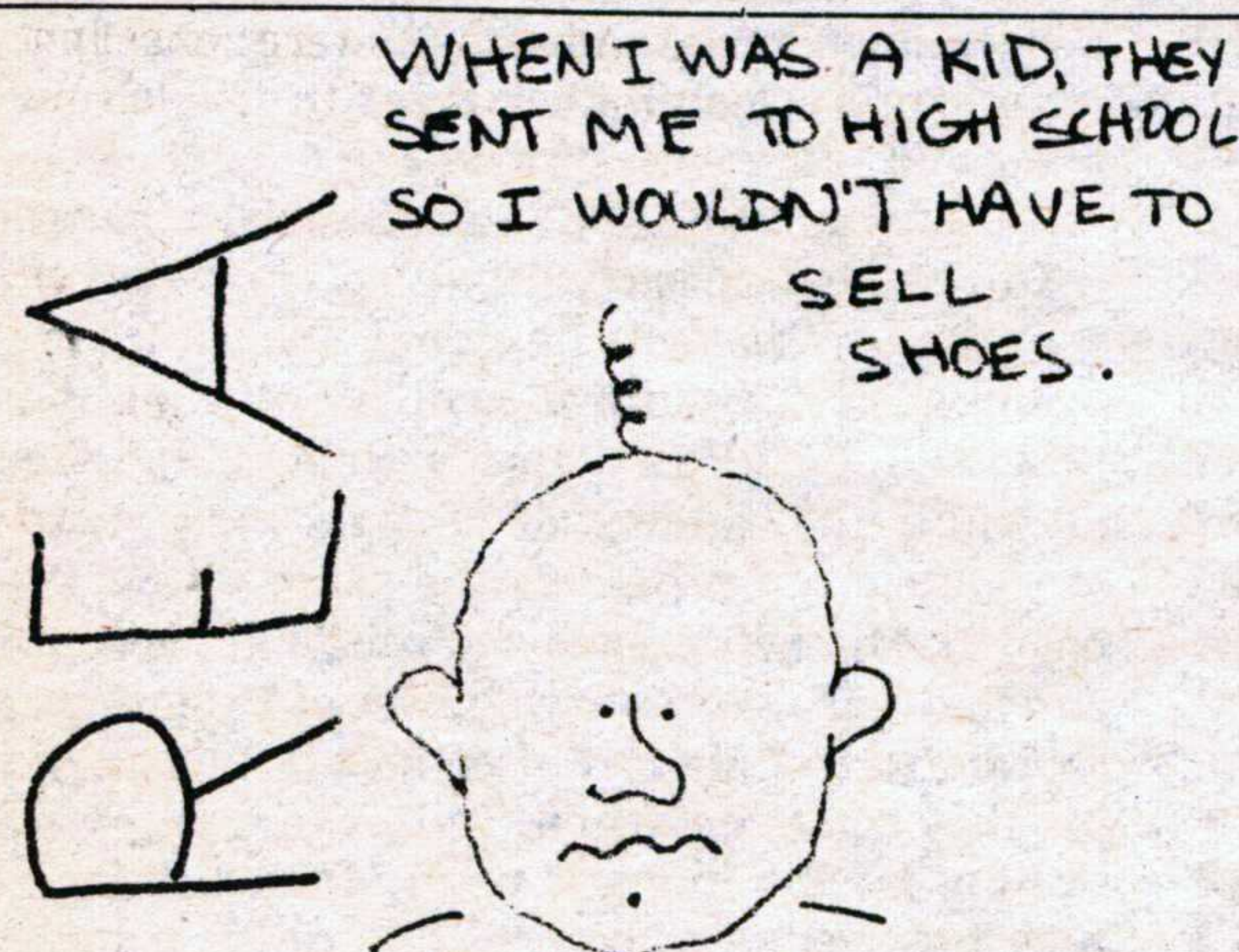
Apartheid, by definition, means a separation of the races, but for millions of black South Africans it means a way of life which forces a vast majority of them to live 30 miles outside white populated areas in one-room shacks that are not only incredibly small and dilapidated, but are illegal for them to own. The South African government controls these shantytowns and continues a system of uprooting and relocating blacks across the countryside to areas where they are needed to do menial work. Men are forced to leave their families in search of work so that they will be able to send what

little money they earn back home. The government thrives on the separation of families and regards it as a necessity lest laborers "be burdened with superfluous appendages like women and children."

Apartheid also means the indignity of being forced to carry an identification passbook at all times. Failure to produce the passbook upon command can mean instant and unquestioned arrest. The South African government considers such horrendous conditions normal for blacks while its white citizens maintain a much higher standard of living. This is perhaps most evident in the vast discrepancies between medical care for the separate races. There is one doctor for every 400 whites but only one doctor for every 44,000 blacks. One clinic may see up to 400 blacks per week, and many have to walk miles to get there. Even then, medical care is, at best, inadequate. The majority of black children suffer from malnutrition which may leave them physically and mentally retarded for life. In many instances, a visit to the hospital provides a black child with his first decent meal.

Based on these frightening statistics, it is very easy to assume that the desolation of everyday life in black South Africa is due to poverty. However, the distressing reality is that South Africa is by no means poor. The discovery of gold, which transformed it from an agricultural country into a major industrial nation, set in motion the rampant exploitation, since the wealth of the white power is based on cheap black labor. Again, the law sanctions this injustice—no black is allowed to have a better or higher paying job than any white. Consequently, menial labor is reserved for blacks. Those who

(Continued on page 12)



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6 P.M.

Jay Baris

Randy Stein

Place: Manhattan-Live
Statler Hilton

Hofstra
Video-tape

Gary Small

Ken Rashbaum

Bob Ginsburg

COFFEE AND DONUTS SELLER WANTED

by Marc Horowitz

Are you one of the many students who appreciated and enjoyed the weekly offering of coffee and donuts available the past two and one-half years? If so, please read on. The program, sponsored by the Law School administration, employed a student to supervise the one-day-a-week event.

The Law School is in need of a student who is willing to offer his or her time to continue the program. A salary of approximately \$16.00 is offered in return for the following services: 1) A twice-weekly trip to a convenient-to-your-home Dunkin' Donuts— to order the donuts and on the morning of the "event" to pick-up the donuts; 2) Obtaining approximately \$35.00 in change from a bank each week to service the needs of those students who have only one, five or ten dollar bills; 3) Working with the ARA Food Service to insure that the

coffee is delivered each week.

Although this normally requires only one call at the beginning of the semester, you will be responsible to followup in case there is a late delivery, no milk, insufficient cups, etc. You must also keep accurate records of all monies spent and all the monies received weekly, and provide a final accounting to the administration at the end of the term.

A car is required to enable you to pick-up the donuts the morning of the event. You should allow yourself enough time to arrive at Hofstra Law at 7:45 A.M. to setup the area. Any interested student should see Assistant Dean Marilyn Monter in the Admissions Office as soon as possible.

If you have any questions as to what is expected of you, please feel free to contact the previous "coffee and donut guy," Marc Horowitz, '78, at (516) 487-3968.

Sound Opinion

Mitchell Misses

by Rick Shaffer

For all her numerous attributes, Joni Mitchell's most valuable has been her willingness to change, to experiment. Without it, she would never have been able to create a *Court and Spark*, a *Blue*, and a *Hejira* — each one worlds apart from the other, but each an excellent artistic accomplishment. Experimentation, however, is often reckless and thus risky — one's experiments do not always succeed. Such is the case with Ms. Mitchell's latest offering — *Don Juan's Reckless Daughter*.

As she did on her previous album — *Hejira* — Joni has rounded up a wealth of accompanists — including Jaco Pastorius (bass), John Guerin (drums), Wayne Shorter (soprano sax), Larry Carlton (electric guitar). She again supplied them with her usually fine lyrics and compositions and gave them the freedom to interpret. But this time, Mitchell has forgotten the all-important ingredient that made *Hejira* work — a singular flowing strain, running throughout the album, giving it cohesion. Her failure to add such a cohesive strain to *Don Juan* results, more often than not, in the album's musicians going off on a tangent.

Take, for example, *Don Juan's* opening piece, "Cotton Avenue," a nice upbeat song. Unfortunately, the "Overture" that leads into "Avenue" — two minutes of false starts and stops by Pastorius and Guerin — is just so much excess baggage, serving only as a distraction. The same can be said of "The Tenth World," *Don Juan's* one instrumental piece. This overly-long attempt at African rhythm music (it features congas, coffee cans, bass drums, bongos, and even a cowbell) is interesting at first but soon becomes monotonous.

Or take Joni's reinterpretation of "Jericho." Pastorius' bass is interesting, Shorter's soprano sax is intriguing, and Mitchell's guitar and vocals are crisp. Innovative and experimental? Yes. Pleasing to the ears? Not really. The simple beauty encompassed in the original version has been lost in the translation.

Then there is "Paprika Plains," which occupies

all of the second side of this two album set. A typical Mitchell epic combining social commentary (here, the injustices done the Indian by the white man) with a personal love affair, the lyrics of "Plains" seem to offer the album's greatest promise. Who else but Mitchell could take lyrics like:

Only a little Indian band
Come down from some sandy mesa
No women to make them food and child
No expressions on their faces
and mold them with lyrics like:
... just as ancient Eve succumbed

To reckless curiosity
I take my sharpest fingernail
And slash the globe to see
Below me — Vast Paprika plains ...

all within the confines of a single song? But, unfortunately, upon hearing the piece, one is disappointed. Mitchell's piano and vocals are repetitious and flat. The accompanying bass of Pastorius and soprano sax of Shorter often soar with innovation, but they sound detached. Thus, the listener is left waiting for the moment when Mitchell brings the song together — a moment that never comes.

In fact, *Don Juan's Reckless Daughter's* only really fine piece is the title cut. For here, Miss Mitchell steps back a year. Rather than allow him to interpret, she returns Pastorius to the whispy, flowing bass that worked so successfully throughout *Hejira*. (Indeed, the cut sounds almost like a continuation of "Refuge of the Roads," one of *Hejira's* nicest pieces.) Thus, the title track works, for it contains the cohesiveness missing on the rest of *Don Juan*.

Obviously, *Don Juan's Reckless Daughter* will not go down as one of Joni Mitchell's best albums. But *Don Juan's* does illustrate the fact that Mitchell has chosen to maintain her willingness to experiment, to maintain her creativity. Better that she flop once in a while than sell out to mediocrity. As she states in the title cut: "We're going to come up to the eyes of clarity — And we'll go down to the beads of guile — There is danger and education — In living out such a reckless life style."

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EJF: A Proposal to Law Students

A Tithing Way to More Justice

by Ralph Nader

One of the tests of a democracy is whether various groups within the society can initiate a stream of events that can advance the course of justice for all citizens. Given their resolve and imagination, law students represent one of the groups which can make a signal difference in both the quality and level of the law's response to serious social problems.

In the next two months, students from over twenty law schools will attempt to establish a structure to champion adequate and expeditious access to justice at national, state and local levels. During the last ten years, enough documentation has been assembled about poverty, discrimination, pollution, consumer fraud, corporate crime, governmental corruption and waste to warrant their action. In addition, the opinions of the Burger Court have restricted access to justice procedurally and across a broad spectrum—two examples are consumer class actions and standing to sue.

At the same time, the concentration of power in the United States proceeds with little abatement. Fewer giant multinational corporations control larger sectors of the economy. Governments, whose functions include temporizing the unjust effects of corporate firms with democratic power, have become indentured to those same economic forces.

Although all these events have long been front page news, there has certainly been insufficient corrective response by our legal and political institutions. The first requirement to help change this situation is a broader deployment of the legal profession to permit more lawyers opportunities to work on lasting system change and to represent clients who are presently shut out of our legal system. This is where law students can make a dramatic contribution to our country.

Together with a number of public interest lawyers, I have joined with students from a

growing number of law schools to propose the establishment of the Equal Justice Foundation. Several members of law school faculties have taken a keen interest in this area as well.

The Equal Justice Foundation will be a nationwide, contributor-controlled, decentralized network of lawyers to advance nationally, regionally and locally work on issues of access to justice. It will be funded by tithing: law students will pledge to contribute one percent or more of their post graduate income to the work of EJF.

Although the tithers will determine the policy of the Equal Justice Foundation, the consensus so far indicates that this new organization for justice will have an office in Washington, where critical reform legislation and litigation will be advocated. The Foundation would maintain local grass roots chapters to advance access to justice on procedural and substantive grounds. EJF would be governed by an elected board of directors. The concept of tithing by the

bar has a history of adherents. It was proposed by legal aid pioneer Reginald Heber Smith back in 1912. At the 1968 annual meeting of the American Bar Association, tithing was urged by Common Cause founder, John Gardner.

Those who know well both the deficiencies and possibilities of the legal system, law students and lawyers, have a special obligation to provide concrete support for its improvement. And as part of the more idealistic dimension of the legal profession, law students are initiating the Equal Justice Foundation drive, just as their predecessors marshalled energies a few years ago to help the civil rights and anti-war movements. With one major difference—the EJF will have continuity and a full time staff situated around the country to enlist broader student and lawyer participation in its activities.

As one recent law graduate with loans outstanding put it, "The crucial time is now for organizing EJF; it is not the time to trot out the old excuse of

eighteen units and law school debts." It is time to take some of the privileges of belonging to the bar in America and translate them into exciting professional obligations to make a better society. There are few students who cannot find a few hours a week to work to establish an access-to-justice organization. And there are fewer students who cannot give one percent of their income as practicing lawyers to establish what could truly be called an historic undertaking of cooperative advocacy.

A model could be established for other professions to emulate as these callings explore ways to apply their collegial ethics to the problems to which they can minister under a tithing arrangement.

At Hofstra, details about the Equal Justice Foundation proposal are available from Gary Small and Tom Mattingly who met with me in Washington during December. I hope you will be able to join with them and other public interest lawyers, including our associates, who are assisting in this effort to advance the American justice system.

The Equal Justice Foundation

The following article is the author's re-draft of an earlier EJF proposal, and the contents of the article in slightly different form served as input for the final EJF proposal.

by Thomas J. Mattingly

The crisis in the American system of justice continues unabated. Fueled by Burger Court insensitivity to effective citizen access to the courts and fanned by special interest dominance of the process, the justice system is fast becoming a smoldering ruin. The ambitious task of the new Equal Justice Foundation is to begin to build a better vehicle for delivering equal access to justice for poor and middle-class Americans.

Although the muck rake has been honed to a fine edge in documenting the extent of inadequate access to public and quasi-public institutions, poor public interest financing has prevented many of the necessary reforms in judicial, legislative, and administrative processes. In order to remedy this situation, Ralph Nader, several public interest lawyers, and students from 16 law schools recently met in Washington to discuss the formation and financing of an appropriate organization. Ideas for the Equal Justice Foundation were the product of that fruitful December 3rd meeting.

Structure, Means and Goals

The participants in the meeting decided that the Equal Justice Foundation should be a contributor-controlled, nationwide, grassroots network of lawyers and law students supported by tithing. Law students would pledge a certain small portion of their post-graduate income (as a tithe) to an organization which will lobby and litigate both nationally and locally for more effective citizen access to justice.

Burger Court rulings have provoked a crisis in the courts. Unnecessary restrictions on poor and middle class access to the courts have made this Court at least as insensitive to citizen rights and remedies as any Court since the 1930s. A few examples of the atrocious Supreme Court rulings that the Equal Justice Foundation will address are the following:

- 1) The effective elimination of over 50 percent of all consumer class action suits;
- 2) Restrictions on the Clayton Act as a remedy for price fixing;
- 3) Unnecessary limitations on attorneys' fees in public interest law suits;
- 4) Overly-restrictive standing rules which throw legitimate plaintiffs out of court without a decision on the merits.

The goals of an increased access to justice do not begin and end with the egregious decisions of the present Court. While the demonically inefficient and inaccessible courts

have been the primary battlefields on public interest issues, the war over the underutilized and unreformed legislative and administrative processes is being lost. Access to decision-making processes of regulatory and quasi-public bodies (such as bar associations) is at least as restrictive as access to the courts. The mission is not impossible, and the task beckons.

The Equal Justice Foundation will maintain a supervisory office in Washington as well as local grassroots chapters (some of which will be affiliated with local law schools). The Washington office will lobby and litigate for critical reform measures on a nationwide basis. It will also channel a substantial amount of all tithes to the decentralized, local grassroots chapters.

The members of the local chapters will lobby national and state legislators on many of the same "access" issues as the national office. Examples of other possible local projects are the following:

- 1) National and state lobbying for class action reform;
- 2) Court monitoring to document patterns of judicial abuse;
- 3) Consumer group representation under the FTC "public participation" program;
- 4) Small claims court initiation and reforms;
- 5) Funding summer public interest internships for law students;
- 6) Lobbying, litigating, and reporting concerning monopolistic and abusive bar association behavior and practices;
- 7) Merit selection, rather than crony selection, of judges and U.S. attorneys (an unfulfilled Carter administration promise which is ripe for local pressure);
- 8) Other locally initiated activities.

The Washington meeting participants decided that the organization should be governed by an elected (not appointed) board of directors as soon as possible. Local Equal Justice Foundation chapter members will elect the directors in proportion to their numbers. EJF members who are not affiliated with local chapters will elect a proportionate number of at-large directors. There will also be a mechanism to ensure that law students will have some representation on the board. Voting rights will vest upon payment of the first quarterly tithe and will be on a one contributor-one vote basis. Any currently practicing attorney would also be eligible for EJF membership. Directors will serve no more than two consecutive terms. The board will decide the amount of money to be allocated to the local chapters as well as other policy questions. EJF members will have a very active part in the

decisionmaking process of the organization. This role will not be limited to electing directors. Members will also shape EJF policy directly through effectively conducted referenda, polls, and initiatives. Through these mechanisms members will directly be able to initiate policy and to approve or reverse board decisions. The active and meaningful involvement of the membership is necessary both to insure an effective organization and to maximize pledge renewals.

Equal Justice Foundation Funding

The organization will be funded by new lawyers with a 1 percent (or more) tax deductible tithe of their gross income. A preliminary survey indicated that many law students would be willing to make an initial yearly pledge of 2 percent to 4 percent for several years. Pledges will be made and renewed on a year-to-year basis, and June 1978 graduates may begin quarterly tithing as late as January 1979 (sooner if they want). Each third-year student (as well as first- and second-year students, if time permits) will be contacted on a personal basis.

The potential impact of the Equal Justice Foundation on law reform is enormous. If only 10 percent of the graduates of only 40 law schools with average graduating classes of 250 pledge the minimum 1 percent amount, an inaugural fund of \$150,000 would be created (assuming the average salary is \$15,000 for the 1,000 graduates who pledge). There is also a fair possibility that we will be able to obtain matching outside foundation support so that every \$1 that you tithe will yield \$2 for work on local and national Equal Justice Foundation projects. This would mean a minimum inaugural fund of \$300,000.

As the membership increases with each graduating class and as currently practicing attorneys also begin to join in increasing numbers, the annual fund may easily surpass the million dollar mark in a very few years. With matching foundation funds, the million dollar mark could be reached and surpassed much earlier. Some of the other factors which may affect the size of the fund are: (1) the increasing average income of the members; (2) variations in the number of renewals; (3) the number of new memberships by attorneys who are not recent graduates; (4) automatic payroll deductions in larger firms; and (5) attorneys' fees in EJF-litigated public interest law suits.

Progress to Date

Ralph Nader has been talking with law students about such a proposal since 1967. California public interest lawyer Jim Lorenz, Ralph Nader, and other public interest lawyers and law students have been shaping the present proposal since March 1977. A poll of students at

(Continued on page 12)

ABA NEWS

Discovery Mental Commitment Lawyers' Advertising Changes Procedures Assailed to be Studied Proposed

CHICAGO—A special committee of the Section of Litigation of the American Bar Association is calling for comment on its proposals to substantially amend rules governing discovery procedures in federal court suits. The proposals came in response to an ABA task force finding of alleged widespread abuse of discovery, "serving to escalate the cost of litigation, to delay adjudication unduly and to coerce unfair settlements."

Comment is being sought from federal judges, state and local bar associations and other interested persons. The committee will review their comments for possible inclusion in the proposed rule changes.

Major amendments proposed include suggestions:

—To narrow the scope of discovery from "the subject matter involved in the pending action" to "the issues raised by the claims or defenses of any party."

—To delay filing of discovery papers until they are required for the disposition of some motion or proceeding rather than having to file all of the papers with the court as soon as the lawsuit has been filed.

—To provide for a discovery conference to define the issues to be tried at an early stage in any action, to prepare a plan and schedule of discovery proceedings, to limit discovery and for other matters.

—To allow taking of depositions by telephone and to allow recording of them by other than stenographic means.

—To limit the number of interrogatories permitted as a matter of right to 30.

—To limit abuses in responding to an interrogatory by saying "look at my documents."

—To require an orderly presentation of required documents, preventing those producing them from deliberately mixing critical documents with others in the hope of obscuring their significance.

—To allow imposition of stiffer sanctions on anyone who abuses the discovery process.

WASHINGTON, D.C.—Civil procedures used to confine persons in mental institutions are often a sham "from start to finish" the Mental Health Law Project charged today.

Definitions of mental disability are often so imprecise that people may be committed for "relatively minor annoyances and vague concerns about the individual's welfare or the welfare of others," said the project.

The mental health group proposes specific grounds and precise procedures for commitment, including time limits.

In a legislative guide, "Legal Issues in State Mental Health Care: Proposals for Change," the project also advocates concrete protections for the legal rights of involuntarily confined mental patients, such as review of treatment programs by human rights committees.

The Mental Disability Law Reporter plans to publish the project's legislative guide in a series of four articles. An over-all summary and the first chapter,

"Civil Commitment," appear in the most recent issue of the bimonthly magazine, which reports case law and legislative developments in the mental health and developmental disabilities fields.

While noting significant changes in some states' commitment procedures, the guide's authors point out that "mental illness," a common criterion for commitment, "is still often defined as a condition which severely impairs mental health" or is just not defined at all.

The National Institute of Mental Health funded the guide and is underwriting costs of the guide's serial publication in the Reporter.

Copies are available from the ABA Commission on the Mentally Disabled, 1800 M Street, N.W., Washington, D.C., 20036, subscription to the Reporter at \$35 per year (\$25 for public defenders, legal-aid and poverty-law offices and nonlegal advocacy programs). Single copies of the special issues are also available from the commission at \$5.75 per copy.

NEW ORLEANS—Wm. B. Spann, Jr., president of the American Bar Association, announced the appointment of a seven-member commission to study the advertising of legal services.

Addressing the ABA's National Conference on the Delivery of Legal Services, Spann said he also is asking the commission to suggest models, including specific advertisements, for use at local, state and national levels by both bar associations and individual attorneys.

Referring to a major study of legal needs by the ABA and the American Bar Foundation, Spann said their "14 million bits of computer information showed no evidence whatsoever that most Americans have unmet legal needs" as claimed by some.

He said the study did identify groups who use lawyers less than other groups and identified situations in which lawyers can be used more.

"But we have not found that 'most Americans' perceive that they have unmet legal needs," Spann asserted.

The ABA president said, however, there is a sizeable information gap between the legal profession and the general public and "we know that some people do not perceive that they have

legal needs."

As yet, advertising has not filled that gap, Spann said. "Nor has it provided potential consumers of legal services with the broad knowledge needed to use the justice system effectively. Nor has it appreciably improved the business of most lawyers who have advertised," he said.

"The fact that advertising by lawyers has not worked, however, does not mean that it cannot work or that bar associations or lawyers will give up hunting ways to make it work," Spann noted, alluding to the new ABA commission.

Spann said improved communications is especially important for legal clinics, lawyer referral services and prepaid legal services programs.

"In fact," he said, "any innovation in the justice system will require some form of ongoing publicity."

Communication may also be the single most important long range factor in the field of poverty law, Spann observed. "We know from the survey of legal needs that minorities and the poor have the greatest distrust of lawyers. If our poor image with them is to be altered, some form of mass communication may well be essential."

Housing Court Cases Increase

WASHINGTON, D.C.—Deteriorating urban housing and a new sensitivity to tenants' rights have produced great increases in local court housing cases, said the American Bar Association's Special Committee on Housing and Urban Development Law.

In a study of housing courts, the committee said serious problems include delay in getting to trial, inability to secure legal assistance, and judges who lack sufficient expertise in housing matters.

The study has not been considered by the ABA's House of Delegates and thus is not official Association policy.

"In response to this nationwide jerrybuilt structure of housing justice, several major cities,

including New York, Boston, Pittsburgh, Detroit and Baltimore, have unified and rationalized their court systems to produce a new type of court: a Housing Court," said Committee Chairman Laughlin E. Waters.

The 36-page report, "Urban Housing Courts and Landlord Tenant Justice: National Models and Experience," focuses on housing courts in Boston, Pittsburgh and New York City.

A companion article covers small claims courts' handling of landlord-tenant disputes based on a national small claims survey conducted by the National Center for State Courts.

Free copies of the report are available by writing to: Kate Sullivan, ABA, 1800 M St., N.W., Washington, D.C. 20036.

Disbarment Data Revealed

CHICAGO—State disciplinary agencies disbarred 124 lawyers last year, according to the American Bar Association's Standing Committee on Professional Discipline.

The committee said another 47 lawyers resigned with disciplinary charges pending, 27 were suspended for failure to pay fees are required, 231 were suspended for other reasons and 74 received public discipline less severe than suspension. This is the first time the committee has released data gathered by the ABA's Center for Professional Discipline.

The figures were obtained on a voluntary basis from the in-

dividual state lawyer disciplinary agencies and do not necessarily reflect all actions taken against lawyers. Data on individual cases is retained on a confidential basis for release only to the highest court in the jurisdiction and official state disciplinary agencies who request it.

New York led in disbarments last year with 37. Virginia was next with 15 followed by California with 11. No other state had more than five.

The total number of public discipline actions reported by the states to the ABA center in 1977 was 503 compared to 614 in 1976, 573 in 1975 and 419 in 1974.

URBAN HOUSING REPORT SHOWS ABUSES

WASHINGTON, D.C.—State and local government housing policies are wreaking havoc on cities and are promoting racial and economic segregation, an ABA study charges.

"Housing For All Under Law," a three-year study issued by the ABA's Advisory Commission on Housing and Urban Growth, states that unplanned and haphazard growth has limited both housing choice and the opportunity for social mobility for millions of Americans.

Criticizing inaction by legislatures and courts, the report claims that zoning and other traditional local land use controls frequently have been

used to deny access to decent housing, and to reinforce and even aggravate current patterns of racial and economic segregation. "Large lot zoning, prohibitions on multiple dwellings, minimum building sizes, bedroom limitations, and other devices have helped make the cost of new housing prohibitive for over half the population," the study suggests.

The commission calls for the elimination of land use abuses. It strongly recommends that adequate local and regional planning be required by state governments in order to promote more equitable and rational land use decision-making.

The report claims that recent federal court decisions have unduly limited the access to federal courts of those contesting municipal land use regulations, and therefore have failed to heed the full promise of the equal protection guarantees of the United States Constitution. Moreover, the U.S. Supreme Court decisions do not necessarily resolve questions regarding rights guaranteed by state constitutions, the report concludes.

The commission advocates a "strong judicial role" in reviewing and remedying legislative and administrative land use decisions alleged to

frustrate housing choice. It stresses that communities exist in a regional context and that jurisdictional boundaries should not be viewed as confining the housing rights of Americans.

Calling the study an important resource, Secretary of Housing and Urban Development, Patricia Roberts Harris, said it presents "a strong rationale for all levels of government sharing responsibility for housing low- and moderate-income people."

"The leadership at all levels of government must join in combating the legacy of racial and economic segregation of our communities and join in an affirmative commitment for

housing for our low- and moderate-income citizens," she said.

The report further recommends that state laws be modified to require comprehensive planning on both the local and regional levels. The comprehensive plan is viewed by the commission as a vital document, and one that assists in making sound decisions regarding growth, housing and capital facilities (such as lighting, streets, sewage). Finally, the ABA commission urges that such plans should involve citizen groups and representatives of the public and private sectors.

Copies of the book are available from Ballinger Publishing Co.

ABA NEWS

(Continued from page 10)

Human Rights Institute Scheduled

The American Bar Association will hold a National Institute on International Human Rights Law and Practice April 25-26 in Washington, D.C. Sponsored by the ABA's Section of International Law, the Institute will review law and practice techniques, including immigration law implications for

refugees and political emigrants seeking residential asylum in the United States.

For further information, contact John F. Foley, ABA Director of National Institutes, 1155 East 60th Street, Chicago, Illinois 60637 (telephone: 312-947-3600).

Law Student Contests

Family Law

The Howard C. Schwab Memorial Award Essay Contest is conducted annually by the Family Law Section of the American Bar Association in cooperation with the Toledo Bar Association and the Ohio Bar Association.

All second- and third-year students enrolled in ABA-approved law schools, and first year students enrolled in said schools where the subject of family law is part of the first year curriculum, are eligible to compete except employees of the American Bar Association, Ohio Bar Association, or Toledo Bar Association.

The subject of the essay may be any aspect of family law that the contestant chooses. The suggested length is approximately 3,000 words. Essays must be the work of a single author and must not have been published previously.

Law students desiring to enter the contest should write to: Howard C. Schwab Memorial Award Essay Contest, Section of Family Law, ABA, 1155 East 60th Street, Chicago, Illinois 60637, requesting an entry form, which must be completed and returned with six copies of the essay. Entries must be postmarked on or before April 17, 1978.

The winners of first, second, and third places will be presented with cash awards in the amounts of \$500, \$300, and \$200 respectively. Judges will be designated members of the Family Law Section.

Appellate Advocacy

The Law Student Division is again sponsoring the National Appellate Advocacy Competition. The Regionals will be held in conjunction with the LSD Spring Circuit Conferences, which take place from late February to early April. Specific dates and locations will be announced by your Circuit Governor. Announcements and entry forms have been sent to the following people: the Dean, the Moot Court Board, the law school Newspaper Editor, and the LSD Representative.

Urban Law

CHICAGO—The American Bar Association's Section of Local Government Law has announced sponsorship of a \$1,200 essay contest for students enrolled in ABA-approved law schools.

Students will be competing for prizes of \$500, \$300, \$200, \$125, and \$75. Deserving entries will be published in the section's official publication, "The Urban Lawyer."

Students will be asked to write on the topic "Taxation and Revenue: the implications of Article 9(4) of the U.K. Tax Treaty for state and local tax purposes."

Full details, including a suggested preliminary reading list, can be obtained by writing to Ms. Mary Lou Cox, American Bar Association, 1155 E. 60th St., Chicago, Ill. 60637.

Deadline for entries is April 14, 1978.

Criminal Justice

WASHINGTON, D.C.— The American Bar Association's Section of Criminal Justice today announced sponsorship of a writing contest for law students.

The contest, part of the Association's Centennial observance, is aimed at encouraging law students to become actively involved in efforts to improve the nation's criminal justice system, said Section Chairperson B. J. George, Jr.

Open to all students enrolled in ABA-approved law schools, the Alan Y. Cole Law Student Writing Contest seeks entries on the topic: "Access to Justice: Prospects for Developments in Criminal Law."

Deadline for entries is May 1, 1978.

George said the winner will receive a set of the ABA's Standards for Criminal Justice and a free trip to the Association's annual meeting in New York City next August.

The winner will be invited to present an abstract of the paper to section officers and council members during the meeting. The section also plans to print the winning manuscript in an ABA publication.

For further information, please contact Susan Hillenbrand at 202-331-2260.

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MOVIE REVIEW:

CLOSE ENCOUNTERS OF THE THIRD KIND

by Rick Shaffer

Close Encounters of the Third Kind is Steven Spielberg's colorful, colossal, breathtakingly beautiful vision of what the first meeting between human beings and a UFO might be like. It is, in short, a masterful cinematic achievement.

The "plot" of Encounters is simple — unexplainable phenomena appear, perpetrated by the UFO's unearthly beings, for the purpose of guiding a host of very earthly humans to a lonely Wyoming mountaintop. These strange occurrences create enough intrigue, intensity and suspense within the human beings (both those on the screen and those in the audience) so as to lead them to the movie's climax, one of the most technologically skillful and aesthetically beautiful sequences ever put on film.

To accomplish this feat, Spielberg (whose writing, directing, and overall master-minding of Encounters is a follow-up to his direction of the overwhelmingly successful Jaws) recruited some of film's best technicians. Included are Vilmos Zsigmond (photography), Douglas Trumbull (special effects) and John Williams (music). Though the costs were astronomical (over \$10 million), the payoff is worth the price. Zsigmond's panoramic shots of Mid-western skies, Indian landscapes and Mexican deserts are breathtaking. John Williams' score, especially the music that serves as communication between the humans and the "unearthly"

visitors, is simple yet magnificently majestic. Indeed, Williams must feel a bit majestic himself right now; he also wrote the music for Star Wars. Douglas Trumbull's special effects are a mesmerizing collage of color and creativity. Some of these effects were achieved by using never-before tried technology. Included are luminous clouds that could light the entire eastern seaboard, a mother spacecraft that would dwarf Star Trek's Enterprise, and enough flashing lights to make any Christmas tree salesman drool. Through skillful direction and editing, Spielberg has molded all of this into an invigorating sensual experience.

To be sure, the acting in Close Encounters will not win Oscar nominations for any of the film's performers. This is, however, not due to poor acting. Rather, since the special effects were designed to be the film's "star," Spielberg simply didn't bother to develop any of the film's characters. Nevertheless, he was careful in his casting, and this in itself gives the film an additional special effect. Richard Dreyfuss is perfect as the bumbling Indiana power company employee whose alien-induced extrasensory perception leads him on a buffoonish, clumsy, but earnest search for the Wyoming mountaintop rendezvous. Francois Truffaut (who numbers among his successes the direction of the fine foreign film, Small Change) is equally effective as the introspective and

deeply humane international investigator of strange phenomena. Melinda Dillon, as another of the numerous searchers, adds a nice measure of natural beauty and warmth to the film.

The movie's best performance, however, is given by young Brian Coffey (playing Melinda Dillon's son), who has an especially close encounter of his own. Brian has almost no speaking lines. By concentrating on his reactions — delight, curiosity and awe — Spielberg conveys the film's message: the hope that man's fear of the unknown can be overcome by his natural desire to explore, to find, to understand, to know.

In addition to its wealth of sensual delights, Close Encounters of the Third Kind possesses one further attribute. Unlike the comic book fantasy of this year's other science fiction success — Star Wars — Close Encounters is very believable. To be sure, Spielberg's vision is just a vision, not an historical fact. Nevertheless, the intriguing and as yet unanswered question of UFOs and alien beings remains. Certainly, no one can irrefutably declare that someday an alien spacecraft will land on a lonely mountaintop in Wyoming. But then, neither can anyone irrefutably declare that one never will. I, for one, will wait excitedly for just such an event. Go see Close Encounters of the Third Kind. I'll bet, once you have, you'll wait excitedly too.

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Disgrace in South Africa

(Continued from page 7)

don't labor in the gold mines make up the bulk of the factory and domestic force. Many of those who work as domestic servants can only see their children once a year since they have sent them to live with friends and relatives so they can keep their jobs.

Education focuses on still another legal inequality in South Africa; schooling is free and compulsory for white children while blacks have to pay for inferior education. Moreover, the government feels the only pur-

pose of black education is to teach blacks that they will never be equal with the whites.

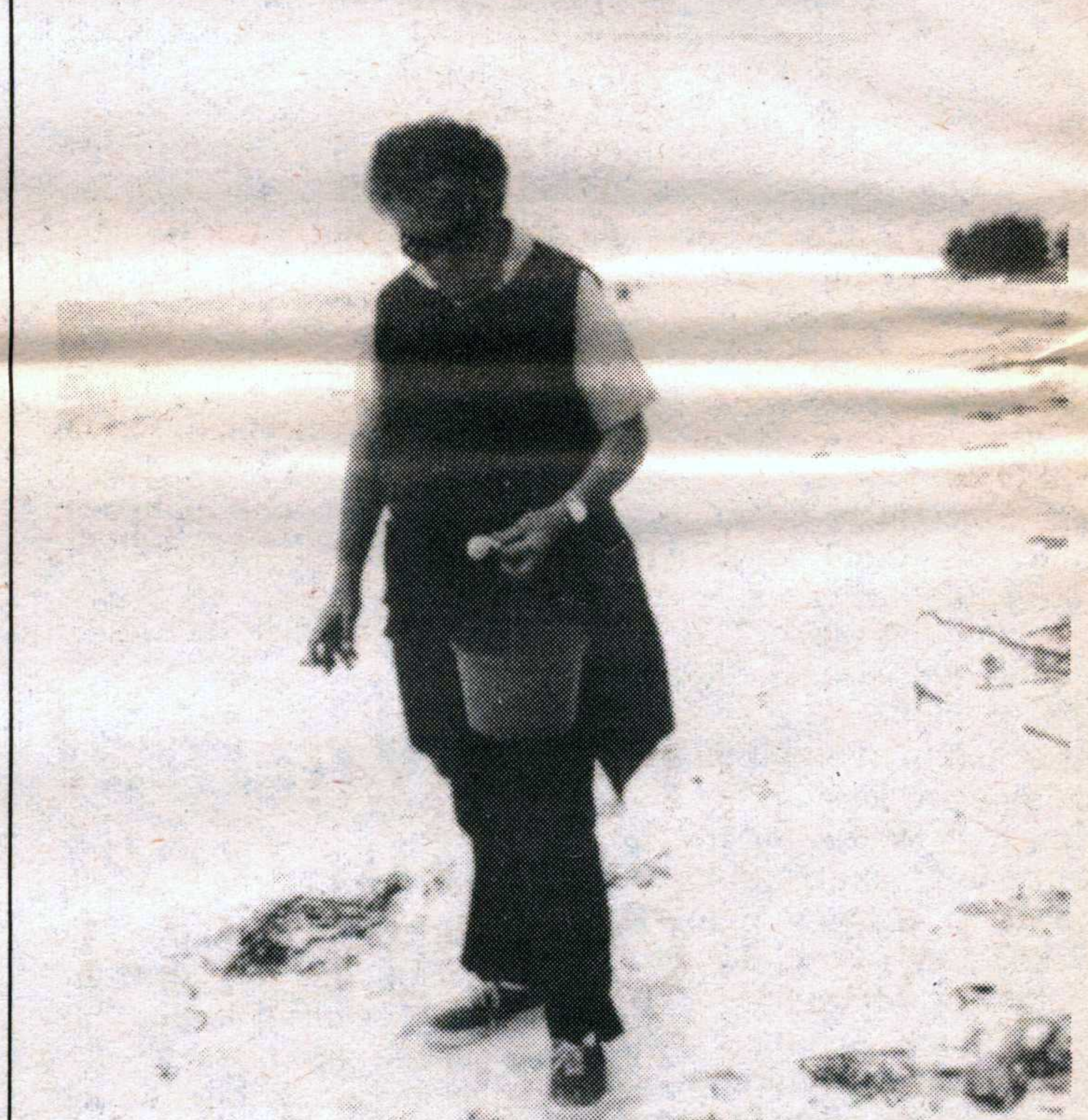
At one point in the film, the narrator asks the critical question: What hope is there for change? It is apparent that the white South African government doesn't believe any change can come peacefully. Therefore, they have been preparing for a major confrontation by focusing on their military strength.

The title of the film refers to the government policy of moving any black, no longer serving a purpose for white South Africa, to

a veritable wasteland known as Dimbaza. The most common sight in Dimbaza are the endless rows of graves, many of which mark the deaths of children.

After viewing the film it is understandable why it had to be shot illegally. According to the statistics, in the hour the film was shown 6 blacks were thrown out of their homes, 60 children died from malnutrition, and 60 blacks were arrested, while the gold mining industry increased the wealth of the white power. One final statistic: unless major changes occur, there will never be a last grave at Dimbaza.

PHOTO OF THE MONTH



A year ago we showed you student Abe Gross reading the Hofstra Law Review at poolside during intersession. Abe is now a third-year student and knows better; he beachcombed instead this year.

Submit your photos at Rm. 031. (Please identify on back.)

Nader-Law Student Proposal

(Continued from page 9)

nine law schools conducted by a visiting Nader lawyer indicated widespread support for the concept.

Jim Lorenz is the 39-year-old founder and former director of the widely-acclaimed California Rural Legal Assistance program and is now the director of the Council for Public Interest Law in Washington. He has already begun work with a small staff on some of the issues that the Equal Justice Foundation will address. Jim Lorenz is one of the prime founders of EJF and is expected to continue his work with the Equal Justice Foundation as the first director (subject to board approval).

Equal access to justice issues are presently being litigated in the courts and are currently being considered by the Congress and many state legislatures. Small

groups, however, cannot effectively confront the many-headed hydra that is devouring the rights and remedies of poor and middle-class Americans.

Equal Justice in the Process

To confront and to resolve the many interrelated problems requires law students and lawyers of vision and energy. Not only do the rights and remedies of millions of Americans hang in the balance, but also more jobs for more lawyers are also at stake.

The "substantive" issues of consumer protection, ecology, poverty, health care, energy, corporate abuse, and multiple discriminations are inextricably linked to the "process" issues. When citizens are denied access to the very institutions that were created to serve them, then

the process truly is the substance.

It may seem strange that law students — not yet lawyers — are being asked to provide the drive and the dollars to found this new organization. But it was students, many of us involved, who helped to ignite the civil rights and anti-war movements. If the legal profession is part of the problem, then let law students provide a good part of the solution. The moral leverage of thousands of pledging law students and tithing young lawyers may spur our older colleagues into action.

Major surgery, not just band-aid law, is required to save the smoldering American system of justice. The combustible energies of law students and young lawyers may yet raise something from the ashes.