HOFSTRA UNIVERSITY SCHOOL OF LAW

CONSCIENCE

The Hofstra University School of Law Newspaper

Volume 5, Number 7 | "Asking you to ask yourselves ..." | March 10, 1978

Research Program To Bring Sweeping Changes

by Paul Senzer

If you're a first-year student just clamoring to get into NLO next year, you may be in for a little jolt. The second-year NLO I program is being dismantled, according to Executive Director Chuck McEvily, to make way for a new clinical-research program which awaits the Class of '81.

McEvily suggested waiting until the third year because "there would be no realistic alternative" in the second. "I think it's unfortunate," he said, adding that between 75 and 90 students usually participate in the second year.

Dean Twerski said he was concerned, but "I don't see an immediate solution to it." He added, "My guess is that it was a slip. I'm not sure that if we did address it we would have any alternatives."

So why is it happening? The loss of NLO I may just have to be one of the costs, Twerski said, of the broadest accomplishment of his year as Dean: the all-new first-year Clinical program. At the moment, the Law School can't have it both ways. The reason, as always, is lack of money. Twerski said he couldn't "beg, borrow or steal enough to continue the NLO I program."

Four full-time clinical instructors will be handed a suite of offices somewhere in the Law School building. (Two have yet to be hired; two are already at NLO—McEvily and Susan Bryant). They will then, Twerski said, "sit down and knock their brains together" in an effort to breathe life into the ambitious revamp proposal the faculty adopted last semester.

But before any of this enthusiasm is unleashed, the new program desperately needs a $75,000 grant from the Council on Legal Education for Professional Responsibility (CLEPR), according to McEvily. The private foundation won't pass judgment until April, said McEvily, but preliminary indications are favorable. What if they turn us down? "Horrors," said Twerski, "I don't know what happens."

Twerski did indicate, however, that the University is slated to subsidize the program when the two-year CLEPR grant expires. Rather than speculate on the grant falling through, he prefers to look ahead. The new program is no longer just a proposal. It's a reality and "we're going forth."

Gone will be the traditional Legal Research program, administered by Law Librarian Eugene Wypyski. (Twerski: "It was the Achilles heel of this Law School and everyone knew it.") Replaced will be a student-run, six-member Moot Court Board. Modified will be the orientation program—expanded to five days, according to proposals.

Substantively, first-year students will represent real clients in real uncontested divorce cases. And, according to the proposal, the new program will be graded.

McEvily said that the first-year revisions will render the Law School experience more realistic. "The concept of 'client' was missing, generally, from the first year." This sentiment was shared by Prof. David Kadane, chairman of the Curriculum Committee, and Prof. Lawrence Kessler, who helped shape the new program, he added.

Underlying this concern was a dismay at the current legal research and moot court programs. McEvily said that first-year students would come down to NLO this year lacking in basic research skills. He noted that he saw "some inaccuracy," especially when it came to statute analysis. This is particularly undesirable, McEvily said, because "in New York and elsewhere, increasingly, your research will be based on statutes." The present "bibliographical" research approach, with its stress on Digests and the like, is less realistic.

The new orientation program will span five days, instead of the customary two. The rudiments of legal research will be stressed throughout, and a practice memorandum will be assigned—and due—during this five day period.

During the fall semester, the four staff attorneys will lecture to sections of the first-year class and meet with smaller groups (of 16 students each) on a weekly basis. The aim here: to increase student-faculty exposure.

The uncontested divorce will be the focus of all written work, and the new emphasis will be on interview methods, brief writing and adversarial techniques. In short, according to McEvily, first-year students will do "what one must do in practice—distill facts from an interview." Should a real-life divorce case prove unwieldy, revisions will be made to suit the program. As for possible client-harm, McEvily said that the nature of an uncontested divorce assures that the time factor won't be crucial.

All of the first semester's preparation is designed to lead naturally into the new second-semester Moot Court program. It is anticipated that one of the attorney-instructors will return to NLO to carry an increased spring workload there. That leaves three full-timers on campus. It also leaves a few questions.

Susan Kane is, like McEvily, a Law School alumnus. She is officially retained as a "teaching fellow," but she serves this year as the only staff member administering Moot Court on a full-time basis. Along with six third-year Moot Court Board members (who, incidentally, are paid $500 each), Prof. Brenda Soloff, and 33 second- and third-year Moot Court "advisors," Kane coordinates the entire Moot Court Program.

The new plan will do away with the Board as presently constituted. It will be replaced by another "board" consisting of 20 third-year students, selected on merit. This new "board" will do what this year's 33 front-line "advisors" do—draft bench memos, meet with first-year students, and coach nervous litigants on memorandum- and brief-writing. Instead of reporting to students, however, they will report to the three NLO instructors (or "support" them, according to the proposal).

"With three full-time instructors," the proposal reads, "it is anticipated significantly increased individual supervision will be possible during the Moot Court Program."

Kane disagrees: "The sheer number of first-year students cannot be handled by three staff attorneys and twenty third-year students. It's barely possible now. I think they underestimated the logistics of putting it together." But she said that the new program "may be good" for other reasons.

While some of this year's 33 advisors were "terrific," others were "terribly weak," according to Kane. "Some people indicated writing problems." Students can be competent advisors, Kane said, but she added that time demands tend to become "inordinate." The poor summer job market didn't help either, she noted. Because of this, many of the advisors had no real legal writing experience, apart from their own Moot Court endeavors in their first year.

Ultimately, the Moot Court program needs more faculty input, Kane said. She said that, generally, the faculty sees the student Moot Court hierarchy as "the blind leading the blind," classwork being more important. And as hard as it is to pull off a successful program, this year's Moot Court was particularly burdened. "The snow killed us," she said.

The new spring program will feature two arguments: a unilateral "moot" moot-court delivery, to be made in an instructor's office, and later, the "traditional" argument before a panel of three judges. McEvily said that when the proposal was drafted, Kane and the present Moot Court Board were not consulted. Only recently were they approached, he added.

When asked about the possibility that three instructors would necessarily spread themselves too thin, McEvily said it wouldn't happen. "But clearly, the administrative burden is going to be difficult."

Prof. Wypyski, who ran the first-year research and advisement program from its inception, sees the whole revision as a chance to become "more effective and improve."

The dual program, Wypyski noted, "has always been mine from day one." Now that it will no longer be under his aegis, a new concept will be given "a chance to fly." Is he hurt? Not at all, he maintains. "Quibbling is nonsense—we're a law school. This school prides itself on flexibility. If things don't fly, we ground them."

Over the early years of the Law School, Wypyski altered and improved the basic research program, looking into new approaches at other schools. He arrived at the current mode four years ago, and instituted the "Legal Research and Advisement Fellows."

That program drew upon a mix of second- and third-year students, who were selected by Wypyski and three student "co-directors."

The advisors would attend a weekly lecture, given by Wypyski, and then meet with small groups of first-year students—in classrooms, lounges and even the front lawn. During the first semester, students would, Wypyski noted, be turned into "bibliographers."

"As far as that part of it is concerned, we were very effective. I think we did a good job—I really do. Now we're going to attempt to improve."

He hopes the writing aspect will receive greater attention. "There was a component that was missing. It did lack a structural writing component; your writing was never corrected as such."

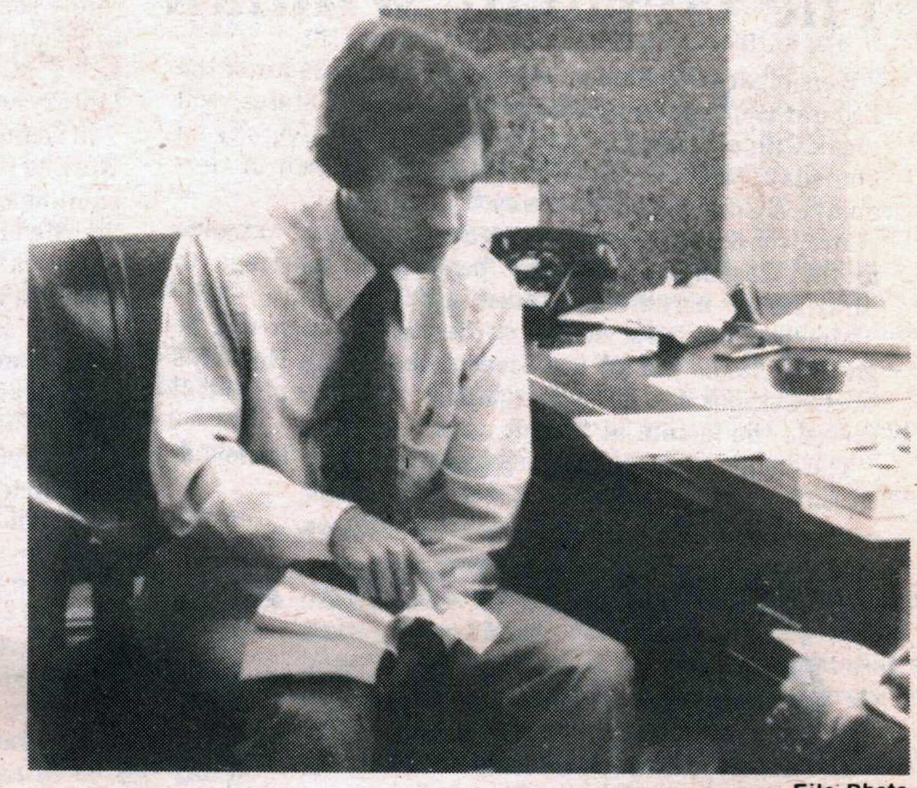
Asked if "it mattered" that the revised first-year program eliminates student administrative, teaching and advising positions, Dean Twerski said, "It matters in one sense. Student involvement is an important dimension of this place." He added that the purpose of the program is not to remove students from decision-making and teaching areas, but to add faculty. If the instructors find that more student involvement is needed, they will do what they must to ensure that. This year there were too many advisors. "It was too large to be effective."

Twerski said that while the program is a reality, the finer details remain to be hashed out. In a word, Twerski is remaining pragmatic.

He said he will consult Prof. Kadane to try to work out alternatives for prospective second-year students who want a clinical education short of the major 8-11 credit NLO II (third-year) experience. The demise of NLO I is leaving a gap, he said, but one which may be filled with other alternatives, such as the Trial Practice program.

Sensitive to the feathers he would ruffle were the location of the new NLO program to displace student offices, Twerski said that no shuffling will occur without "full consultation with everyone." At present, options include moving Law Review or the student organizations in the basement corridor, to Barton House, across California Avenue.

But that, as Twerski admitted, is a decision which will be reached farther "down the pike," money matters coming first.



—File Photo

Clinical Instructor Charles McEvily

THIS WEEKEND AT HOFSTRA

Parents' Day

Parents and relatives of all Law School students are invited to attend an Open House to be held at the Law School this Sunday, **March 12**. Dean Twerski and University Pres. James M. Shuart will address the visitors. Relatives of first-year students will be welcomed from 10 A.M. to Noon; relatives of second-year students from Noon to 2 P.M.; relatives of third-year students from 2 P.M. to 4 P.M., all in the Moot Court Room, third floor. Refreshments will be served in the Library Lounge area. The program will be informal, and faculty will be on hand.

The German Woman

Wendelgard von Staden, wife of the Ambassador of the Federal Republic of Germany to the United States, will speak with students and faculty at Hofstra University on Thursday, **March 9**. Her topic will be "Women in Germany: A Socio-Historic Survey."

Mrs. von Staden was a Foreign Service Officer assigned to the Washington Embassy before her marriage to Ambassador Berndt von Staden in 1961.

Mrs. von Staden's lecture on German women will be given in Room 145 of the Student Center on Hofstra's North Campus. It will begin at 3:30 P.M. A reception will precede the lecture at 2 P.M.

The public may attend the lecture. There is no admission charge.

International Malraux Conference

Scholars from many parts of the United States and from foreign nations will gather at Hofstra University on Friday and Saturday, **March 10** and **11** to attend the International Conference on the Life and Work of Andre Malraux, who at his death in 1976, left behind a vast cultural legacy and an indelible imprint on the worlds of literature, philosophy and politics.

In addition to scholarly sessions at which papers will be read, the Hofstra conference will feature a screening of Malraux's only film, **Sierra de Teruel**, an epic production of the Spanish Civil War. According to Professor Goldberger, the film is practically inaccessible and very rarely seen even in the cut commercial version. Hofstra will show the original version on Friday, **March 10** from 8 to 9 P.M. It has been loaned to the Conference by the Library of Congress Film Archives.

In conjunction with the Conference, Muriel Weingrow of Westbury, N.Y. has assembled a special exhibit of paintings, prints and objets d'art to illustrate Malraux's lifelong involvement with the arts, not only of Europe, but of Africa and Asia as well. All of the art, which will be shown in the Filderman Gallery of the Hofstra Library, is original and most comes from private collections that are usually not accessible to the public.

The exhibit will include paintings by Fernand Leger, Pablo Picasso, Georges Braque, Andre Masson, Marc Chagall, Georges Rouault and an etching by Rembrandt and African sculpture.

The Hofstra Malraux event will be the first full-scale university conference to honor the late multifaceted French intellectual. It is sponsored by the University's College of Liberal Arts and Sciences; the Cultural Services of the French Embassy in New York; and by art collectors and philanthropists, Howard and Muriel Weingrow.

The Hofstra Malraux Conference will convene at 9:15 A.M. on Friday, **March 10**. Dr. James M. Shuart, President of Hofstra University, will welcome the participants. He will be followed by Andre Gadaud, Permanent Representative in the United States of the French Universities, who will address the Conference.

Shakespeare Festival

"Two Gentlemen of Verona," Hofstra's 29th annual Shakespeare Festival production, will be presented in the John Cranford Adams Playhouse on **March 9, 10, 11, 17** and **18** at 8:30 P.M., and on **March 12** and **19**, at 3 P.M. On **March 11** and **18** at 3 P.M., a concert reading entitled "Tapestry of Time," exploring the effect of time on the human condition through Shakespeare's works, will be presented along with a Festival Concert by the Collegium Musicum. Tours of the five-sixths life-size replica Globe Theater Stage will also be run. For ticket information, call the Box Office at (516) 560-3283.

Hofstra Team Wins Regional Competition

On Saturday, Mar. 4, Dolores Battalia and Barbara Miles represented Hofstra Law School in the Annual ABA Client Counseling Competition at New York Law School. The topic for this year's competition was a family law problem on unmarried persons living together.

Most of the ABA-approved law schools in the United States are involved in the competition. Barbara and Dolores have been practicing, using Hofstra students as mock clients in an attempt to deal with the possible issues to be raised at the competition.

They will be judged on how they deal with the feelings and attitudes of the client, how and what kind of a relationship did they develop with the client, were they able to ascertain all the essential facts from the client, how the attorneys tried to solicit more information from the client, how they communicated information (whether legal or non-legal), and whether the attorney informed and reassured the client of all matters involved. Lastly, they will be judged on the post-interview feelings between the attorneys as to whether they felt they omitted anything, and if they feel they may have handled it differently to have been more effective.

Hofstra Law School is in the Second of 12 regions. They will be competing against Albany Law School, Brooklyn Law, SUNY at Buffalo Law, Fordham Law, New York Law, NYU, and St. John's.

The faculty advisors were Charles McEvily and Linda K. Champlin.

Late News: Dolores and Barbara won the Regional competition last Saturday. They will compete in the National competition scheduled for April.

Students Chosen For Faculty-Student Committees

by Thomas J. Mattingly

Eight new students were recently selected by the Student Representatives to serve on the Law School faculty-student committees. All of those selected are first-year students.

The new committee members and their respective committees are as follows: Andrea Friedman, Isa Kantor, and Daniel Weiner (Curriculum); Alan Koslow, Kenneth Sinkler, and Richard Small (Academic Standards); Russell Burman and Debra Wallerstein (Governance). These students were interviewed by the Student Representatives, and the Representatives voted to select the new students to serve on the committees until January 1979.

The Student Representatives had previously chosen the committees on which they are presently serving. Their choices were as follows: Patricia Moore and David Weprin (Curriculum); Abraham Gross (Faculty Appointments); David Gonya (Governance); Leslie Ellison, Barbara Urbach, and Charles Walker (Academic Standards). Eddie Hadden and Michael Patrick have remained as members of the Faculty Appointments and Curriculum Committees, respectively.

The last time that new students were elected or selected to become members of Law School committees was two years ago, when the students were elected as members by a vote of the full Law School student body. There are no written procedures or timetables for the selection or election of the student members of the committees, but Student Representatives Pat Moore and David Gonya indicated that the Representatives are planning to draft a set of guidelines and procedures for student elections, selections, and structure.

Attorneys in Residence

Grievance Process Examined

On Wednesday, Feb. 22, 1978, the Hon. Robert Roberto, Jr., former Chief Counsel to the Joint Bar Association Grievance Committee, lectured on the cause of grievance complaints, the procedures that follow the complaint, and the possible dispositions of a complaint. According to Judge Roberto, the most common complaints filed against attorneys are: (1) failure to communicate with the client; and, (2) conversion of funds.

Judge Roberto advised students that, as attorneys, they will have a responsibility to keep their clients informed of any developments in their case. The "communication problem" between the attorney and client may be easily solved by the attorney forwarding copies of all pertinent correspondence to the client. This will obviate the client's concern that his case is being neglected. Judge Roberto also admonished the students not to keep escrow accounts when they practice.

There were two disappointing aspects to the lecture. First, despite all the concern over legal ethics, only 8 students (including two **Conscience** staff members) were present. Second, Judge Roberto was interrupted numerous times to answer mundane questions from the floor. Important issues such as the Grievance Committee's inability to initiate an investigation of an attorney, the inability of the complaint process to afford any real relief to the victim, statute of limitations and legal malpractice, etc., could not be discussed due to lack of time.

Dorms

Breach of Implied Warranty?

by John Fausti

The Student Senate is considering a proposal to bring suit against Hofstra University for failure to correct the water leakage problem in the dorms. If successful, the action would force the University to pay a $400 rebate to each student whose room has been affected by water damage.

Presently, the University will only reimburse for property damage. Forty students have received such compensation. Sue Randle, the Director of Residential Life, stated that "we cannot offer monetary compensation to a student for abstract or immaterial damages. For any harm to your spirit, we can only offer sympathy and our best efforts to prevent future re-occurrences." University Pres. James Shuart added that the school will not compensate "emotional distress caused by wet socks."

One law student, a resident of Tower F whose name is withheld upon request, argues that the University has contracted with the students to provide them with housing. The student claims that the water problems are a violation of the implied warranty of habitability and that the University is liable for the rebates.

Law students in Tower F report that the real problem is not the water damage to their property, but the loss of their time in dealing with the leakages, and the odor and the dampness in the building. Tower F Director Andrea Johnstone indicated that the water has reached all 14 floors of the tower. David Cybulski, a third-year law student and a Resident Assistant in Tower F, said that, "Tower F, by even the most base standards, is an unfit place to live. The odor of saturated hallway carpeting and wet plasterboards is so nauseating after a rainfall that the Plant Department has on at least four occasions spread mothballs throughout the hallway on each floor, often making matters worse."

Arthur Belendiuk, a first-year law student and a resident of Tower F, has awakened twice this school year to a ¼ inch of water on the floor of his room. The water seeps through the walls and comes out under the baseboards. Not only did he become physically ill due to the damp odor, but also he fears electrical shock. Electrical circuits are in these damp walls. Belendiuk is careful to unplug all of his electrical fixtures at night to avoid having a live wire become immersed in water. The University has compensated him for his property damage but has refused to remedy both his illness and inconvenience. He is seriously considering taking further action.

"The University has escaped paying larger property damages because students who have experienced leakage now know better than to leave items on the floor," says Belendiuk. "All that keeps us dry is that ice cannot seep through the walls as easily as water does, but the snow, which blows through closed windows now, are just a preview of the spring rains."

The law student who withheld his name pointed out that the University has failed to respond to the problem. He described Assistant Facilities Manager Charles Churchill as "an incompetent, whose promises have no bearing in fact. He promises to get back to you and he never does."

The University is employing an engineer at a salary of $300 a day to investigate the water problems. Cybulski added that he "understood that Hofstra is taking measures to repair the dorms at the present time. But this situation has existed since 1968 when the University accepted the dormitories from the contractor. Only after the situation had so grossly deteriorated has Hofstra initiated these stop-gap measures."

Faculty Profile

-Mattingly Photo

Linda K. Champlin

by Vicki Lindgren

When Prof. Linda Champlin graduated from law school in 1966, she had two distinct handicaps: she was a woman, and she was a Democrat.

"I remember an interview I had with the placement officer at Ohio State," she said in a recent conversation. "When I asked where I should look for a job, she said, 'Well, since you're a woman, you can forget about a job in a firm in Columbus.' When I told her I was a Democrat, she said, 'Well, that leaves out government.' "

In spite of the odds against her "making it" in the beginning of her career, Prof. Champlin managed to distinguish herself in several areas of the law. Her college career started at Hood College, and she later transferred to Barnard in 1962. After graduation, she started law school at the University of Pennsylvania, but left after 2½ years.

"After having completed two years of law school, my then-husband received a fellowship to study at Oxford. In those days, it was unheard of to transfer. The best the University of Pennsylvania could do for me was to say that if I stayed another half-year and completed 2½ years, when I came back to the United States, and if they approved of the school that allowed me to get my additional credits, I could get my degree."

After finishing her last semester of law school at Ohio State University, Prof. Champlin graduated in 1966. Her main interest was poverty law (or "underdog law" as it was better-known then), but few positions were available to her for various reasons. Because of the limitations ascribed to her being a woman and a Democrat, Prof. Champlin's options upon graduation were to either hang out a shingle, or take one of the few government jobs that was not politically tied.

"I went to work for the Legislative Service Commission, which was to research the Legislature. Literally, it was the only job I had a possibility of being considered for," Champlin explained.

During her fifteen-month stay at the Legislative Service Commission, Prof. Champlin worked on a very specialized project. Ohio had decided to rewrite its substantive Criminal Code, and she was the staff attorney to a technical committee on the project which had been appointed by the Legislature.

"I wrote position papers which the committee then discussed and provided material to the committee that aided them in drafting the code," she said, in a description of her duties.

After that, Prof. Champlin left to take a job as a Reginald Heber Smith Fellow. This fellowship program was designed to bring people into legal services who, for one reason or another, would otherwise be prevented from going into that area. (For example, low pay might prevent someone from becoming involved with legal services, and the pay was higher as a Reginald Heber Smith Fellow.) Champlin stated:

"When I got out of law school, I had applied for a legal aid job; that's what I wanted from the start. However, there was little federal money available, and few positions. And, reading between the lines, I got the message that I was the kind of person who they thought was going to 'rock the boat.' One of the purposes of the Reginald Heber Smith program was to help people in a position such as mine."

Although there was initially some hostility between Prof. Champlin and the system when she entered ("I think they perceived me as being some sort of a federal spy," she said.), she found the program fascinating, and it was a successful venture for her.

Subsequently, Prof. Champlin worked at the Legal Clinic at Ohio State Law School, and then spent a year as a Teaching Fellow at Harvard. This involved teaching Legal Method and taking courses. Afterwards, she returned to Columbus as a member of the faculty at the law school, and taught in the clinical area as well as the classroom. Almost all of the subjects she was involved with were poverty-related, with the exception of Civil Procedure.

As a full-time professor here at Hofstra, Prof. Champlin's favorite subject is Civil Procedure, because she feels that it is of fundamental importance to the legal system.

"Given my background in litigation, I know that if you're not familiar with the procedure, it really doesn't matter how much of the law you know — you can find yourself out of court. You can improve the context with which you present your case in court through a manipulation of procedure, and accomplish what you hope to if you know what the possibilities are. Being well-versed in procedure is an absolute prerequisite to being an effective litigent," Champlin maintained.

Much of Prof. Champlin's personal time is spent with her seven-and-a-half-year-old daughter, Rebecca. "Spending time with my daughter and teaching gives me a pretty full life," she said. When asked whether or not her daughter had ambitions of following in her mother's footsteps by becoming a lawyer, Prof. Champlin responded, "She says she does, but I'm not sure she has the foggiest notion of what it means!"

Placement

The Job Hunt Jungle

by Joyce Lipton

"You have to be Law Review, top 10 percent, or know someone. Otherwise, it's a struggle," said Barry Wein, summing up the employment situation for the Hofstra Law class of '78.

Barry's comment seems to ring true. Out of 6 third-year Hofstra students who comprised my mini-survey on the employment outlook, only one had been hired by a law firm and that person, you guessed it, was on Law Review. The others, though somewhat discouraged, are continuing to job hunt.

So far, Barry Wein has sent out about 450 resumes to New York, New Jersey and Washington Real Estate firms. About 60 percent of the firms replied, and out of that figure, 1 to 2 percent asked to interview him. Barry also sent out resumes to New Jersey judges in an attempt to be selected for a judicial clerkship. He received 10 interviews for clerkship positions, was turned down for 4, and is awaiting replies from the other 6.

None of Barry's interviews were obtained through the Placement office. "I found Placement of no use," Barry said. "In fact, many of their listings, such as their list of corporate firms, are out-of-date. I discovered that some of the firms on the list no longer exist when letters sent out to those firms came back in the mail."

Steven Delinko also found Placement a disappointment. Steven said that a problem with Placement is that they send out all the resumes on file of those interested, to the law firms who then choose who they will interview. "It's always the same 10 to 15 people who get interviewed," Steven said.

"I have a friend who goes to Berkeley and I'm told that instead of permitting firms to do the initial screening, Berkeley sends out resumes on a rotating basis, and that way, at least you don't get the same people being interviewed for every job. But then, this is Hofstra and not Berkeley."

After becoming disgusted with his lack of results through Placement, Steven decided to send out resumes on his own to firms listed with Placement. By doing so, he managed to receive a few interviews that he did not obtain when Placement sent out his resume along with the many others. "You have a better chance of getting an interview when firms are looking at one resume than being one out of many," Steven said.

Steven has sent out about 150 resumes to New York City firms with commercial and corporate litigation practices. He is still awaiting results from firms that interviewed him. "Going through the third year with this hanging over your head is devastating," Steven said.

Neal Platt has a job. After graduation, he will be working for the New York City firm of Hale, Russell, Gray, Seaman & Birkett. Neal Platt is the Managing Editor of Law Review. "Don't think people on Law Review have it made, though," Neal said. "About half of the editors have jobs and the others are still hoping to get offers with firms of their choice, but even they can't be that choosy."

Neal explained to me that while he wasn't worried about finding employment, he was concerned about whether he would find a job with a top-notch New York City firm. In December, however, Neal was able to breathe more easily since that was when Hale, Russell offered him a position. For Neal, Placement was an effective medium, since it was Placement that was responsible for arranging the interview that subsequently got Neal his job offer.

Martha Zeleniak hasn't really started to seek employment. She did send out some resumes to New Jersey and Pennsylvania firms, but has yet to hear a positive response. One reason Martha hasn't made much of an effort to find employment is because only the large firms who usually hire from the top 10 percent, hire a year in advance. Smaller firms usually can't predict what their needs will be and will not interview until they know they have an opening. "Also, smaller firms prefer to hire people who have already passed the bar, so right now I'm just looking as far as the bar, and I'll spend August vegetating at the beach," Martha said.

Another problem Martha encountered is that it is difficult to receive help from Placement for out-of-state jobs and Martha does not want to practice in New York. On the bright side, Martha said that all the people that she knows who graduated from law school last year have jobs, so she's not too pessimistic. "But if by fall I don't have anything, I'll be upset," she admitted.

Howard Lane is another Hofstra student who hasn't really started looking for a job. "I realize I should have started looking last semester, but I just didn't have the motivation to do so. I suppose I was afraid of being rejected. Other people I know sent out 300 resumes and were turned down. So, I'm not too optimistic."

One problem with Hofstra Law School, Howard points out, is that since it is a fairly new school, it doesn't have the alumni, as other schools do, who return to hire students from their alma mater.

Howard believes that he will find a job eventually, but it may not be until he passes the bar. "Until then? Well, if I have to, I'll drive a taxi," Howard said.

Jonathan Weinberg, the final participant in my mini-survey, figures that he has three options if he can't find a job in the legal field. "I'll either go to medical school, go to Aspen and wash dishes, or go to the Caribbean and be a tennis pro."

Curriculum Comm. to Consider Writing Requirement

by Rick Shaffer

A proposal that students be required to undertake and complete a satisfactory research and writing project before qualifying for graduation is being considered by the Curriculum Committee. Discussion of the proposed requirement occupied the entire Committee meeting of this past Wednesday, March 1.

The impetus for the new proposal has apparently stemmed from the Law School's faculty. In recent years, there has been a growing concern among professors over the lack of quality writing skills demonstrated by much of the student body. This concern has been intensified by the fact that, besides first-year Research and Writing, and Moot Court, students receive very little in-depth writing instruction or experience during their three years at Hofstra Law School. This is viewed as a major problem, since a large portion of an attorney's duties require quality writing.

Because the proposed requirement is still very much in the planning stages, the final form it may take is as of yet unknown. However, it is known that the required product would be in the form of an expository piece of writing stressing in-depth research and analysis.

Sheila Rush, Curriculum Committee chairperson, stressed that the committee was still deliberating and that no concrete proposal has yet been reached. In addition, she stressed that whatever shape the final proposal takes, it will be reached with much student input, and that before any new research and writing requirement goes into effect, it must be ratified by the Law School faculty.

Further discussion of the new proposal is scheduled for the next Curriculum Committee meeting. The members of the Committee include: faculty—Professors Rush, Angel, Kadane, Kessler, Ordover and Filler; student representatives—Andrea Friedman, Isa Kantor, Mike Patrick, Dan Weiner, and David Weprin. Students with views concerning the proposal should address them to the Committee's student representatives.

Apologies to Perry

Conscience Congratulates Dolores and Barbara

Part Five of a Series

Hofstra's Neighborhood Law Offices

This is the last 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 VII: ORAL ADVOCACY

Judges throughout the country have called upon law schools to produce litigators. Chief Justice Burger has advocated clinical programs as the method for producing advocates. (1)

Many students enter the clinic with a great deal of anxiety about oral advocacy. This fear is not unusual. Many members of the practicing bar avoid trials and oral arguments. The clinic eases the transition from student to lawyer.

Before students appear in court, they moot their argument with supervisors and other students. Soon audio-visual aids will also be used to moot arguments.

Students are usually accompanied to court by supervisors. Trial and motion memoranda are prepared to organize oral argument. In seminars, techniques are discussed by students and supervisors.

The judges students appear before usually are supportive and helpful. But the fact that students appear before state courts, federal courts and administrative agencies requires thorough professional preparation and delivery in anticipation of the spectrum of prejudices and opinions, both positive and negative, found in these various forums.

REALITY

The clinic does not, of course, teach reality. But, since the clinic exists in the practicing legal world, it provides students with the opportunity to confront reality. This enables questions previously not asked to emerge. Though the broad area of reality orientation has many components, only a few of them can be mentioned.

Self-awareness: At the clinic, students begin to analyze what the practice of law (as opposed to the study of law) is all about. Reactions are as varied as the number of students. The emphasis is on reflection and exploration of the relationship developing between student and profession. Whether this energizes, demoralizes, or idealizes students, the total effect is to build a foundation for thoughtful analysis regarding professional standards.

Without this time students must learn in the hectic pace of daily practice. Rather than being intellectually stimulating, postgraduate employment usually forces young lawyers to learn by imitation. Between the student's idea of self and the application of this idea lies a void filled by the clinic.

Evaluation by Supervisors: In addition to daily supervision, each semester the clinic's faculty evaluates students. This one-to-one confrontation provides a final opportunity for students to hear and consider honest opinions regarding aptitudes. The next opinion will be offered by a judge or client. Inquisitive students find clinical evaluations helpful.

Thoroughness: The parameters of professionally and thoroughly preparing pleadings, briefs and trials are impossible to define. The clinic confronts students with the type of preparation which is usually only encountered in "high finance" firms. This ideal provides some definition of what thoroughness actually means, and why it is essential.

Integration of Knowledge: Students are shocked by the realization that after years of law school they do not know how to begin structuring a remedy for a client. The ability to unpack substantive knowledge safely stored in cartons marked "contracts," "torts," "procedures," and begin to formulate a case plan must be developed before the student becomes a lawyer.

Actual cases require students to restructure their knowledge into imaginative, creative action. Substantive law, interpersonal relationships, institutional manipulation, values, and the lawyer as interactor, all of which were previously segmented, must be distilled into a remedy in a single case.

Justice: Through daily practice which encompasses the spectrum of legal systems — judicial, legislative and administrative — students begin to concretely define their personal concept of justice. Personal values, legal policy and the financial limitations of society are confronted in representing every client.

Sorting, analyzing and structuring thoughts in these areas in a setting which encourages discussion provides the opportunity to focus on the lawyer's relationship to justice. Needless to say, justice cannot be taught. But justice, or the lack of it, can be experienced. The question which is presented is to what extent is justice a personal value for the profession which controls it?

Synergistic learning: As an educational institution, the overall goal of the clinic is to provide students with a practicing law office where they can actively investigate lawyering at every level. This tone enables a synergistic exchange of ideas, techniques, concepts, definitions and goals. Questions not considered by supervisors, are asked by students. Tactics and techniques not traditionally employed by lawyers are discovered because each new semester provides a fresh and creative mind to solve a client's problems. The dynamic of the clinic, then, is this student-client mixture.

Developing Confidence: The first experience of bearing the weighty responsibility of representing clients can be paralyzing. The clinic provides the opportunity for students to develop confidence in their abilities, through supervised experience. This confidence is the mark of the professional and the ultimate goal of the clinic.

(1) Chief Justice Warren E. Burger, The Special Skills of Advocacy, 42 Ford. L.R. 227, 239 1973.

Mark Green Speaks Here

by Thomas J. Mattingly

Mark Green, Director of Ralph Nader's Congress Watch, was slated to speak on March 8th as this issue of CONSCIENCE was going to press. Mark Green's topics for the Wednesday talk were to include the public interest job scene and a request for support of the Equal Justice Foundation. Mark Green's presence at Hofstra is the result of activities by the organizers of the Equal Justice Foundation Project.

These same EJF organizers and students from 25 other law schools around the country are contacting third-year students for their support of EJF. The Equal Justice Foundation is the first major legal-process-oriented public interest organization to sprout grassroots in America. In exchange for a voice in the control of EJF, law students are being asked to pledge a certain small percentage of their post-graduate income to support the new organization.

Students' Role in Admissions Expanded

In a move designed to maintain the voice of students in the Admissions process, the scope of the Student Admissions Committee has been broadened to include those applications which had been rejected by faculty members. The action will provide a second look at many applications.

The reason for the change is a shift in the numbers and quality of applications being sent to the Law School. Acting Dean Aaron Twerski noted, "The quality of applicants this year has increased significantly." As a result, many acceptances have already been mailed, and a large overacceptance is planned on the expectation that a portion of those accepted will not attend the Law School.

For unknown reasons, the shift in the quality of applications has had an impact across the board. Several weeks ago, the Student Admissions Committee, which normally reviewed those applicants with weaker or unique credentials, was reviewing fewer applications than in prior years, and as a result it was felt that its influence would be lessened. The newly broadened scope of the Committee was designed to maintain the student voice in the admissions process. It remains, however, that any application which is favorably reviewed by the student committee will still be reviewed by Dean Twerski.

Rumors of the change in scope had been circulating within the Committee for a short time before Dean Twerski made the formal announcement at a meeting of the Committee on Thursday, Feb. 23. In making the announcement, Dean Twerski recognized the role of the Student Admissions Committee as "bringing a different perspective to the evaluation of an admissions application." After observing the review of one application, the Dean again emphasized, "We don't want to miss that perspective that students can add and which doesn't change merely because faculty members have looked at (many of the same) applications."

Chairperson Sandy Bayo welcomed the added responsibility of the Committee as an "indication of the need for the Student Admissions Committee, and the recognition of its role as a viable element in the admissions process." Chairperson Bayo has been a member of the Student Admissions Committee for three years and recalled "the basic purpose for having a Student Admissions Committee is to review the applicants at the bottom, and provide them with an opportunity they wouldn't otherwise have." She added, "the tendency in reviewing applications, even at Hofstra, was to look at numbers as the basic factor in accepting applicants and that even if the quality of applicants has increased there will continue to be applicants at the lower end who need to be reviewed from other than numerical qualifications. So, even if the responsibility and the workload of the Student Admissions Committee has increased, the basic purpose of the Student Admissions Committee has not changed."

Law Review Elects Editors

The following individuals have been elected to the Board of Editors for Volume 7 of the **Hofstra Law Review:**

Editor-in-Chief	Thomas C. Wales
Managing Editors	Andrea Bayer Felder, John Pacht
Articles Editors	Carol Ann Pisano, Catherine Samuels
Articles & Book Reviews Editor	Patti Ann Alleva
Research Editors	Michael I. Friedman, Clifford M. Gerber
Recent Developments Editor	Deborah C. Moritz
Notes & Comments Editors	Shirley Jay, Lesley Beth Magaril
	Neal Steven Schelberg, Julie Wachs

Law Review Devotes Issue to Commodities Law

The entire issue of the current **Hofstra Law Review** is devoted to the theme of "Commodity Futures Regulation."

John V. Rainbolt II, Commissioner and Vice Chairman of the Commodity Futures Trading Commission, is contributor of the lead article on "Regulating the Grain Gambler and His Successors."

Other articles include "The Mechanics of Futures Trading: Speculation and Manipulation," by Joseph J. Bianco; "Manipulation in Commodity Trading: Towards a Definition," by Thomas A. Hieronymus; "The Exclusive Jurisdiction of the Commodity Futures Trading Commission," by Thomas A. Russo and Edwin L. Lyon; "Tax Aspects of Commodity Futures Trading," by Stephen F. Selig; "Antitrust in the Commodities Field: After Gordon," by Philip F. Johnson; "Commodities Law and Predispute Arbitration Clauses," by Howard Schneider; "On Being Regulated: Remarks by a Futures Commission Merchant," by Stephen Greenberg; "The Mechanics of a Commodity Futures Exchange: A Critique of Automation of the Transaction Process," by Leo Melamed; and "Legislative Proposal: Commodity Futures Account Protection."

Copies of the **Hofstra Law Review** are distributed free to currently enrolled students of the School of Law and may also be obtained by calling (516) 560-3633, 3636.

Posin v. U.S.: A Hopeless Case?

by Jay Baris

Vowing never to succumb to the impenetrable federal bureaucracy, Prof. Daniel Posin has launched a valiant, one-man crusade against the United States of America to locate an elusive government document.

Fueled by relentless dedication and full of unblemished optimism, Prof. Posin has nevertheless run up a bureaucratic dead-end in his seemingly futile attempt to secure a copy of the Annual Report of the Secretary of the Treasury on the State of the Finances.

It all started back in November when the softspoken law professor wrote to the Superintendent of Documents in Washington D.C., asking for a copy of the Report and the accompanying Appendix (catalogue numbers 048-000-00294-3 and 048-000-00302-8). Enclosed with the one paragraph correspondence was a check for $9.60, the designated cost of these two items.

Three weeks later, Posin received in the mail his original letter to the Superintendent of Documents, which was stamped in various colors and contained assorted check marks, circles and underscorings indicating that some action had been taken. Along with this letter came two copies of the Appendix to the Annual Report of the Secretary of the Treasury of the State of the Finances.

Sensing that some low-level bureaucrat in the web of the federal government misunderstood his request, he sent another letter, requesting that his order be clarified and returning one of the appendices.

In a sudden burst of efficiency, the government replied almost two months later. Posin received his first two letters back, again with multifarious markings in a rainbow of colors. But this time, he received a book entitled: "Screening and Assessment of Young Children at Developmental Risk," a product of The President's Committee on Mental Retardation.

The mild mannered, gentle professor became enraged and threw the envelope, together with the book on Screening and Assessment, on the floor. He was beginning to sense the hopelessness of the situation.

"Filled with hope and optimism," Posin wrote to the Government, pleading for some sympathy, understanding, and a copy of the Annual Report of the Secretary of the Treasury and the State of the Finances and the Appendix (catalogue numbers 048-000-00294-3 and 048-000-00302-8). He returned his copy of "Screening and Assessment of Young Children at Developmental Risk."

"I have vowed never to give up in this effort to obtain a copy of the Annual Report of the Secretary of the Treasury on the State of the Finances," a weary Posin wrote. "Indeed, quite frankly, I have found that I have no need of that document—the information I was seeking was contained elsewhere. However, this has risen to a level of principle and I can only promise you that I will never give up."

One month later, he has still received no reply. Perhaps he will next receive "Review and Evaluation of Analytical Methods for Environmental Studies of Fibrous Particulate Exposures," (catalogue number S-N 017-033-00237-1).

Dorms

Student Who Was Trapped in Elevator Sues University

by John Fausti

Second-year law student Kieth Rieger, who was trapped in the West elevator of Tower F recently, filed a $1,000 lawsuit against Hofstra University charging it with gross negligence in both the maintenance of the elevator and the school's rescue procedures. Rieger's case, which he initiated the day after the incident, will be heard on Mar. 13 at a Small Claims Court in Hempstead. He seeks damages for emotional distress. He was released from the elevator with the use of a sledgehammer and crowbar by the Uniondale Rescue Squad after University efforts had failed.

Since this incident, two cases of students trapped in elevators have been reported. They occurred in Towers B and F.

Rieger is a resident of Tower F, the graduate dorm. He was trapped for one hour at 11 P.M. on Jan. 31, 1978. Four hours before this, a student had informed the Tower F desk that the West elevator was malfunctioning. No warning signs were posted nor was any action taken to warn students of any possible problems.

Assistant Facilities Manager Charles Churchill stated that the elevators are safe and that if any problems arise it is due to the intentional abuse inflicted upon them by students. Andrea Johnstone, the Tower Director of this graduate dorm, reported that she has never seen any reports regarding this abuse. She added that "the conditions of the dorms are frustrating. I'm aggravated. I don't know what the problem is, money or what."

Arguments between the Security and Plant Departments concerning whose job it was to respond to the incident prompted the calling of the Uniondale Rescue Squad and lengthened Rieger's confinement. Richard Lee, a security worker, arrived with what he mistakenly thought was the key to open the elevator. When his efforts failed, Lee called the Plant Department but failed to reach them for a half-hour. Plant, which is on duty 24 hours a day, reported that they were between shifts. Plant refused to bring the correct equipment to Tower F because they felt that it was Lee's job to come and get it. Johnstone said, "While they bickered about whose job it was, this guy was stuck in the elevator."

Rescue efforts were complicated further because it could not be determined exactly where the elevator was on its fourteen-floor track. Both the main floor and desk panels, which indicate the position of the elevator, have been inoperative for some time. Also, since there is no phone in the elevator, attempts to speak to Rieger were somewhat futile.

The elevator moved uncontrollably up and down. To prevent this movement, Rieger pressed the emergency stop button which locks the elevator at the main floor. This button is accompanied by a loud alarm which made screaming the only possible means of communication. Lee instructed Rieger to release the button to permit them to converse, but the release of this button caused the elevator to travel up and down again.

Rieger was finally rescued by the Uniondale Rescue Squad which used a sledgehammer and crowbar to pry the doors open. The noise of the alarm accompanied by the crashing sound of the sledgehammer resounded throughout the small elevator, and Rieger later reported that this increased his discomfort. After being released, the trapped law student walked up 11 flights of stairs to his room. Currently, after the incident, he reports that he is still apprehensive about riding the elevators. He said, "When I'm alone, I'm hesitant to ride them and many times I walk the 11 flights. I was scared that the elevator would crash down to the basement."

According to Rieger, the purpose of the lawsuit is not only to compensate him, but also to cause the University to reassess the conditions of the dorms. "I want to activate people at Hofstra, make the University more responsive to students' needs rather than look for the cheapest way out," he stated. "As a law student, I have a special obligation, being educated in this area. I have a duty to take a first step rather than just walk away."

Churchill pointed out that the weight of the elevator is balanced by a counterweight that makes a critical fall unforeseeable. "We've been aware of severe problems with the elevators for some time now," Churchill said. "We've allocated $40,000 for their beautification and repair."

Replying to Rieger's complaint that no University official has ever contacted him regarding his condition, Churchill stated that he only became aware of the incident when he read about it in the University newspaper weeks later. However, Johnstone had immediately made a written report to Sue Randle, the Director of Residential Life. Johnstone did not know whether Randle had notified Churchill regarding the incident, even though it is Churchill's office that allocates the funds needed to make repairs. Churchill did say that the University is concerned with the problems of the students and has spent money on elevator repairs, snow removal and new chairs for the student cafeteria.

University Pres. James Shuart, in an interview with CONSCIENCE, pointed out that the elevator repairs are a slow process. Johnstone stated that, "Only one worker has been assigned to service six dormitory towers. I'm sad that it came down to a lawsuit, but I'm glad that Kieth is taking an individual stand, and I hope something comes of it."

Placement

Federal Job Information Available

There are now available in the Placement Office two services providing federal government employment information entitled "Federal Research Service" and "Federal Job Letter." These lists are designed for anyone, regardless of training or education, who is looking for employment with any of the agencies. It can therefore be assumed that 70-80 percent of the listings would be of no interest to law students or graduates. However, 20-30 percent of the listings—which is a considerable number of jobs—would be of interest. The emphasis is on law related jobs where the combination of one's undergraduate specialization, work experience and a law degree makes one suitable for a variety of positions.

A careful but rapid examination of the lists, looking at grade 9 and up in such agencies as HUD, HEW, Treasury, EPA and others likely to have need for legally trained applicants, could open areas of employment that are rewarding and can in time lead to attorney positions within that agency. In short, once in place in a federal agency, attorney openings are usually first known to you, thus giving you an edge on "outside" applicants.

The best example of this is a recent notice from the IRS.

The IRS is presently soliciting for positions of "Tax Law Specialists." To qualify for a mid-level position—grades 9-12 ($14,097-$20,442) — you should have a J.D. degree or two years of professional tax accounting experience. It is not a requirement that you be a member of a bar or have passed a bar examination. (Bar requirements must of course be met for movement into attorney positions). To be eligible you must be on the Civil Service register. File S.F. 171 and Mid Level Data Sheet. Once you have filed with the Civil Service Commission notify the IRS at Employment Section Room 1028, 1111 Constitution Ave., N.W., Washington, D.C. 20224.

All other non-legal positions will be filled in the same way. You must be on the Civil Service register (171 and Data Sheet). Make numerous copies of 171 to have when applying to each agency. Each will require at least one copy of S.F. 171. The Civil Service Commission will notify you in 6-8 weeks of your status.

To assist you in preparing the necessary forms and guide you through the maze of federal agencies, the Placement Office has made available several information packets called "Federal Job Finders Kit." This "Kit" is designed to familiarize you with the practical approach to finding and getting a job with the Federal Government.

Editorials

'Attorneys' Series Must Be Kept

The Attorneys in Residence Program, administered by Judge Edwin J. Freedman, has for several years sponsored lectures and discussions in the Law School by experienced lawyers on a variety of important topics. This series has been useful in supplementing our regular curriculum with information not otherwise available.

Unfortunately, the last program, held during the Dean's Hour, on Feb. 22, was poorly attended despite the interest of the topic and the qualifications of the speaker. Notice of the lecture was given only four hours before it commenced, and numerous other meetings held at the same time had been planned and publicized for weeks beforehand.

We think the Attorneys in Residence Program is essential to the diversity of opinion at Hofstra Law that makes us so unique. We as law students need and welcome the discussion at the Law School of real-life legal problems and of methods for dealing with them. We also acknowledge the valuable contribution Judge Freedman has made for several years by bringing respected practitioners to us to explore these issues. As a prominent attorney and the president-elect of the Nassau County Bar Association, Judge Freedman has earned a highly respected position in the Law School community.

We have two suggestions: we urge all students to take advantage of every presentation of the Attorneys in Residence series, and we encourage the program coordinators to advise this newspaper, before each month's deadline, of the scheduling of the next lecture.

Conscience-ness Raising

Many first-year students have joined the CONSCIENCE staff since this semester began, and we are delighted to have them aboard. Not only are they essential to the continued functioning of this newspaper, but their enthusiasm and hard work will make CONSCIENCE a more interesting and vital student voice.

If you have been thinking about joining us, now is the time. Oral arguments in Moot Court will soon be completed, and half the semester still remains for getting acquainted with us and with our procedures. If you are a second-year student, won't you want a say in your newspaper? If not now, then as a third-year student next semester?

You need not become a staff member, however, to submit articles for publication. We welcome articles from all students, faculty and administrative staff.

CONSCIENCE

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

Volume 5, Number 7
March 10, 1978

"Asking You to Ask Yourselves"

American Bar Association Law Student Division,
Class A Category 1st Prize, 1974 Best Law School Newspaper

Nechama Masliansky
Editor-in-Chief

Managing Editors **Jay Baris, Robert Ginsburg**
Business Manager **William Cherno**
Contributing Editors **Jon Bramnick, Wayne Leibert, Vicki Lindgren, Thomas J. Mattingly, Rick Shaffer, Gary Small**

STAFF

A.S. Ben-Merre, Sandra Blank, John Fausti, Guido Gabriele, Stu Goldfarb, Vic Grossman, Howard Herschberg, Bingo Knightly, Joyce Lipton, Vickie Lombardi, Nuwak Nuwak, Paul Senzer.

CONSCIENCE is the official publication of the students of the Hofstra University School of Law. CONSCIENCE does not necessarily reflect the opinions of the administration of the School or of Hofstra University.

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

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

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

Letters to th

To the Editor:

I wish to thank you for the copies of your law school newspaper, CONSCIENCE, which I have received and to compliment your staff in producing a very interesting and informative publication.

The individuals responsible for the establishment of the Trial Skills Course and the Attorneys in Residence Program should be congratulated and with the passage of time the students who participated will be more appreciative of the practical educational opportunities that were made available to them.

Your student body should be proud of the services rendered to the community by your Community Legal Assistance Program, your clinics and the various Internship Programs.

It may well be that the impact of your paper was greater in my case since I had the opportunity to read six issues at the same time. Your observations on your editorial page on the ethics course in the August issue and your reaffirmance of your editorial policy in the February issue, were refreshing to read and it appeared to me that your paper is one that has lived up to its name.

I thoroughly enjoyed reading each of the issues and thank you again for your kindness in forwarding them to me.

Sincerely yours,
Donald X. Clavin
District Court Judge

To The Editor:

I wish to express my thanks for your kind expression of condolence on the death of my son, Matthew.

Joan Irelan

To the Editor:

In response to Rick Shaffer's article, "Tutorial Program—Unneeded Trauma" which appeared in the last issue of CONSCIENCE, I cannot believe that he honestly feels that pride is more important than personal achievement, or that a concern about whether one's classmates will label one as being "dumb" because one's average dropped below a 2.0 is more important than working on getting through law school. His attitude reinforces all the negative things that Hofstra Law School professes to minimize, such as competitiveness among its students.

Having personally experienced and overcome academic difficulties during the "rocky road" to becoming an attorney, I feel that the tutorial program is a much-needed aid to students and should be applauded rather than criticized. It reflects a concern on the part of the faculty that students who start Hofstra Law end up graduating, instead of flunking out, which may merely be a result of not "catching on" to the legal way of thinking rather than being unqualified to be a lawyer.

Contrary to what Mr. Shaffer may feel, the tutorial program is perhaps one of the most "humane" approaches to legal education presently available at Hofstra.

Sincerely,
Vicki Lindgren

To The Editor:

The purpose of my writing is to respond to an article concerning the Tutorial Program.

I must say that I was somewhat shocked by the article. First, the Tutorial Program is not mandatory and is available to students at their option. Its function is to help identify serious problems which have contributed to the failure of the student to make a passing average at the conclusion of the first semester. Second, there may indeed be some stigma attached to a program designed to help students who are not doing well, but it doesn't compare at all with the anguish and heartache of a student who has to face failure at the end of the first year. Perhaps there ought to be some other way to help students in academic difficulty but, short of angels coming down from heaven to accomplish this process, mere mortals must identify the students and find some practical way to address their problems.

However, a strange thing has happened in the short duration of the Tutorial Program. We have students clamoring to get in, not students being concerned with the stigma of staying in. I have been approached by numerous students who have scored 2.5 and above who find what is going on in the Tutorial Program of such value that they would like to join. Frankly, I wish we could make it available to everyone. However, the drain on personnel and finances would be such that it would be impossible.

I am fiercely proud of the action that the faculty has taken, in which it has demonstrated its concern and care for every student who enters the portals of Hofstra Law School. It enhances rather than detracts from the spirit of caring which has always been the core of the Hofstra Law School experience.

Aaron D. Twerski

To the Editor:

The first year of law school is a unique experience, requiring different modes of analysis and study habits never used by a majority of entering students. With the exception of the Law Fellows program, there is a minimal amount of direction and feedback given as a practical orientation. We are left to our own resources to rationalize the case-book method of teaching and extract the necessary rules of law. Those who transcended the first semester's confusion early enough were rewarded by favorable grades. Still others received an abrupt indication that an adjustment was needed in approaching their studies.

This year those students who didn't "get their act together" early enough and had less than a 2.0 were made eligible for the new Tutorial Program. In the last issue of CONSCIENCE the program was criticized because students who didn't "see the light" were now being put under it, i.e., being spotlighted by the tutorial label. But, the logic of characterizing this program as "inhumane" simply because others may know who the participants are is an absurd one. What may be an initial embarrassment is really insignificant, for the program could make the difference between survival and failure in one's law school career.

The article entitled "Tutorial Program—Unneeded Trauma" is short-sighted in its perspective. Following the article's premise, one could necessarily conclude that it is more traumatic to tell a friend that you're in the tutorial than to be denied the opportunity of a legal career because you have "flunked out" of your first year. If the tutorial meets its objective it will instruct its participants on how to maximize efficiency in law school and acquire lawyering skills. Also, the tutorial program is not coerced on anyone; it is an option. Since a majority of students who qualified for the tutorial are taking it, clearly they have found that the "risk-utility" balances in their favor.

The program exemplifies the Hofstra perspective, that those who are accepted here have the qualifications to graduate and will be given every opportunity to prove themselves. It is especially impressive that Hofstra is one of the few (if not the only) law schools in the country to offer its students this benefit. Inhumane? Hardly! In fact, this program puts Hofstra in the vanguard of reactionary law schools that still employ **Paper Chase** tactics.

The CONSCIENCE article contains the sentiment: "... students are people, people with egos, emotion and feelings all of which are far more important than any arbitrary number ... ." Here I agree. Yet, the author is under the misconception that participants' rights are being violated because they are (in his own words) "Labelled? Yes, labelled." I suggest we all do some lawyering, i.e., look behind the labels and judge the program according to its actual policy. By doing so, the tutorial program can only be viewed as innovative and an asset to the Hofstra Law School. The professors who made the tutorial program a reality should be commended for their efforts, for the criticism of "inhumane" could not be more inappropriate.

David Cornell, '80

To The Editor:

In response to Mr. Cornell's letter I offer two notes of clarification.

First, nowhere in the article expressing my opinion on the Tutorial Program did I use the word "inhumane." Rather, I used the word "humane" in a context which (I believe) expressed what I felt and still feel to be a certain lack of sensitivity on the part of Hofstra University School of Law. I'm sorry if this was not made clear to Mr. Cornell. But I do not appreciate being misquoted.

Second, nowhere in the article did I state that helping students who need help is wrong or undeserving of praise. Rather, I criticized the manner in which the tutorial program is being practiced here at Hofstra. ("... helping students who need help sounds like a good idea ... (but) It's hard to believe that a less traumatic way of assisting first-year students ... could not be utilized.")

I appreciate the fact that Mr. Cornell took the time to read my

e Editor

article and write a letter of criticism. However, I would request that, in the future, he be a bit more scrupulous in his reading.

Sincerely yours,
Rick Shaffer

To the Editor:

Regarding the recently instituted policy of a week off from classes for the writing of Moot Court briefs:

This policy is well deserving of praise, and judging from upperclassmen's observations, a definite improvement. Much can be said for this policy; to wit, it eliminates the undesirable and unproductive situation of having professors lecture to unprepared and "briefed-out" students. It affirmatively encourages higher quality work by affording students the needed and undivided time.

However, there is one refinement which I, and many others, think should be made. Presently there is no time off for writing the draft brief and one week off for the final brief. The result is that students take either of two paths (or, unfortunately, the worst of both): (1) Putting a lot of work into the writing of the draft brief and proportionately de-emphasizing or neglecting class work. In this case we're back to the original problem (I would venture to say that the lack of preparation for Wednesday's and Thursday's classes was exceeded only by Friday's inattendance.). Plus, there is a week off for the revision and typing of this well-done brief, a task probably not requiring more than two or three days. (So, a reward for the well-prepared student—a few days at Killington . . . how unfair to those of us who like summer sports!). It should also be noted that, in most cases, the draft brief doesn't get critiqued till Monday or Tuesday, leaving only the second half of the week for its intended purpose, and Monday and Tuesday off. With Easter before us (and snow days behind us), we're in little need of more vacation. It certainly wouldn't be a bad idea to at least have classes on these two days.

The other path taken is to "put together" a draft brief in a minimum of time (all the while keeping up with class work) and putting off most of the heavy work until the following week. This is the course taken by students who (a) are diligent about class preparation, (b) are not that into writing the perfect brief, or (c) who just don't get started until two days before the deadline. (Listed in ascending order of frequency.) With this path taken, there are at least two drawbacks: firstly, Thursday's and Friday's classes still manage to get neglected somehow, and, secondly, patch-up work is encouraged and students will be fixing up poorly-put-together briefs instead of having written solid briefs to begin with. Furthermore, no matter which of these paths is taken, the ten-day break from classes, in and of itself, is quite detrimental to the course work.

The ideals of both English writing and legal research demand that the best effort should be put into the draft brief originally. The more one puts into the draft brief, the more he or she stands to gain from the advisor's suggestions and criticisms. The revision should be a correction and refinement process (and, of course, a crash course in citation), not an overhaul and rewriting.

Therefore, for all the considerations discussed above, I propose the following policy: Wednesday, Thursday and Friday off, and the draft brief due Friday afternoon. The following week, classes on Monday, Tuesday and Wednesday, with Wednesday afternoon through Friday off, and the final brief due Friday at 4 P.M. Of course, the days off could be changed slightly, or lessened, as has been suggested, but the idea of a more appropriate allocation is crucial. This proposal serves many, if not all, of the competing interests and should be adopted for future first-year classes.

Howard Herschberg, '80

ABA/LSD Seeks New Members

by Thomas J. Mattingly

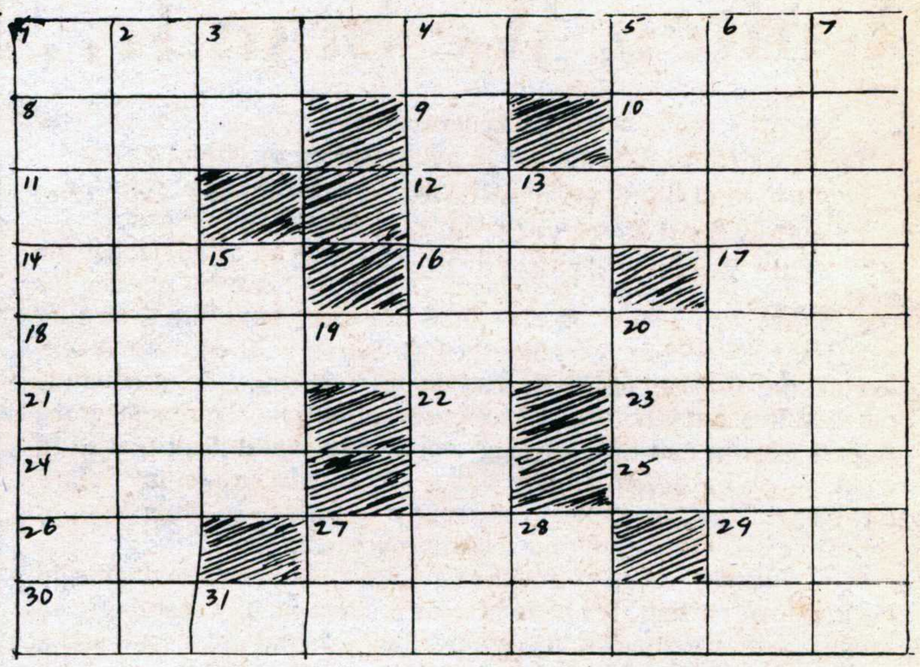
The American Bar Association's Law Student Division with over 30,000 members is presently the largest professional student organization in the nation. At Hofstra, slightly over 23 percent of our 690 students are enrolled in the ABA-LSD, as compared with the 25 percent of the 115,000 students (from all ABA-approved law schools) in the organization.

There are substantial benefits attached to membership, including low-cost group health insurance, useful placement information, and bargain book buys. A copy of **Student Lawyer** is sent to each member every month, and money from the Law School Services Fund is available for Special Hofstra Law School projects. Law student members are also entitled to reduced rates at ABA conferences, such as the recent Environmental Law Conference that one of our first year students attended in Washington, D.C. Membership in the various ABA Sections is also offered at substantially lower prices ($3 to $5) than are available to regular ABA members. These ABA Sections include Criminal Law, Litigation, Taxation, and over 20 others. Hofstra graduates are also entitled to a free one-year membership in the ABA.

The ABA has been the object of a substantial amount of criticism in recent years for its policies on lawyer advertising, anti-competitive practices, solicitation, fees, and pro bono work. Public confidence in lawyers is at an all-time low, according to a recent poll published in the **New York Times**. An active and vocal membership in the ABA-LSD offers opportunities to change some of the bar practices that have led to this criticism and lack of public confidence.

"Thinking Like A Lawyer"

by Lotto Daley



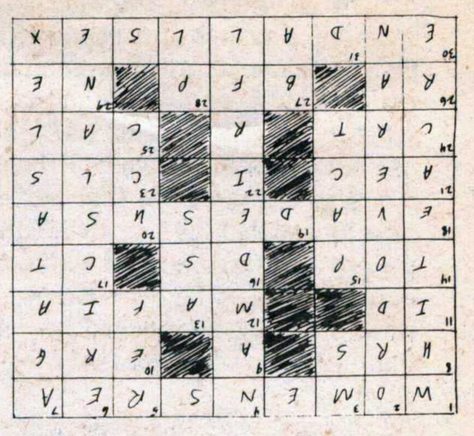
ACROSS

1. Element of female criminality
8. Reggie specialties (abbr.)
9. Mahon improbability
10. Work unit
11. Brief staple
12. Ness's monster
14. Plaything
16. N.Y.C. environmental group (abbr.)
17. Grassoland (abbr.)
18. Vesco success
21. Subject for Ad. Law (abbr.)
22. Roman numeral
23. Research tool (abbr.)
24. Disemvoweled court
25. Traynorland (abbr.)
26. Egyptian deity
27. Protected species (abbr.)
29. 1st Cir. area (abbr.)
30. Reading week suggestion?

DOWN

1. Prof. Ginsberg's winter retreat
2. Like a trial practitioner
3. Editor's work (abbr.)
4. Inverted constitutionalist
5. Ump.
6. Room 104 pathway
7. Trade regulations
13. Mr. Bumble's law
15. International contract
19. Roman numeral
20. Rush hour item
27. DKK neighbor
28. Legislative end-product (abbr.)
31. See 19 down

SOLUTION TO CROSSWORD



YOU KNOW YOU'VE BEEN IN LAW SCHOOL TOO LONG WHEN...

by Barbara Naidech

You say "Statute of Liberty"
You giggle at the mention of LASON v. STATE, 12 So. 2d 305
You want to and can read a lease
You no longer use yellow highlighters
You tell jokes in Latin
You wonder what the "reasonable man" would do
You answer questions evasively
You find yourself becoming annoyingly long-winded
You remember Contracts as being an easy course
Bridge is the most efficient way of releasing tension
You admire someone else's briefcase
You use the briefcase you got from your aunt for college graduation
You understand the Federal Court system
You buy canned briefs
You no longer shake when called on in class
You feel no remorse in telling a Professor that you are unprepared
You no longer feel the need to complain about the tortures of law school
You seek out other law students at a party
You avoid other law students at a party
You say hello to the policeman on the corner
You think the food in the cafeteria is good
You travel all night to go hear BAKKE instead of the DEAD
You wonder what the Character Committee really knows
You look over your shoulder before speaking freely

The above first appeared in the Dec. 22, 1977 issue of the Brooklyn Law School *Justinian*. Reprinted by permission.

Ode To A Painful Swallow

by Nechama Masliansky

My tale is set in days of yore
when I a "First Year" label bore.
That special time I now recall
as light and shadow, glare and pall.
But be forewarned, my meanings vanish
unless to Sec. A you were banished.

The longest shadow, naturally,
was Ichabod's (Master of U.C.C.),
who with craggy face and wide-brimmed hat
refused to tell us what was what.
In Contracts, we lived by tooth and claw
because no one knew black-letter law.
So our hallway discussions grew rife, wild and heated
'til he calmed us (rarely) with a phrase thrice-repeated.
And as for exams, we were on the wrong track
if instead of in tort we sued in contract.
The remedy for those in his class now, therefore,
is to mitigate damages — **caveat emptor.**

In Torts some light was shed on the topic
by cigarettes lit by a woman myopic
whose vigorous mind and inquiring habits
reside in a body as calm as a rabbit's.
This woman — imagine it — managed to teach
a class that squirmed to stay out of her reach.
But this Mistress of Mishaps from **Garrett v. Dailey**
to **MacPherson v. Buick** grew on us daily
'til I hear in my sleep, as I turn, frown and toss,
"Well, what makes you say so? Why transfer the loss?"

I cannot escape from a grey-bearded ghost.
His renown in Con. Law is spread coast-to-coast,
but inside our classroom he scarcely was heard;
every joke was a mumble, every sentence, one word.
My notebook's a melange of scratches and ramblings.
In his class, volunteering was dangerous gambling.
Further reflections seem to evade
me; it happens each time that I think of my grade.

Though illusions of law school bliss soon eroded,
I quickly found property silver-loded.
In Blackacre, many good friends are residers —
from A to B to Sam the Subdivider.
I even met animals, wild and-or tame,
like a bear who roared when he called out your name.
And my class, as we learned of security and lender,
were bona fide purchasers from a bona fide vendor.

Sad to tell, we entered a joust meant to sort
the women from the girls — it was called "Moot Court."
We hibernated in the law library
absorbing all cases, both pro and contrary,
and emerged, weeks later, only to find
the judges had earlier made up their mind.

So that's a synopsis of times now concluded
when law school and I seemed sometimes unsuited.
And if you accuse me of making all this up,
I'll bring in one rabbi, two cops — but no bishops.

Your Turn

United We Stand...

by Ira Lederman '79

(Author's Note: This article is not intended to offend any individual or group of individuals, but to serve as one person's attempt to place Hofstra Law School in a critical perspective.)

It is difficult for one to sit down and just write an article about the Law School off the top of one's head. One of the primary reasons for this is that very few of us ever take the time, have the desire, or even think it's necessary to view the Law School in its entirety. A self-evaluation, if done properly, can be a cleansing and productive process. It is in this hope that I seek to constructively comment on the state of Hofstra Law School as one second-year law student sees it. In addition, perhaps this article will serve to encourage my fellow members of the Law School community to engage in some form of collective self-evaluation and self-improvement.

At the outset, I recognize that the Law School is an outstanding legal institution at present. We have many excellent faculty members, an extensive library, innovative, practical and clinical programs, and a most diverse and committed student body — all of the things which make up a top-notch law school. But we lack certain elements which would allow us to reach the position we deserve to achieve in the field of legal education and in the eyes of the legal profession.

The Law School is at a critical point in its existence; it can reach the height of excellence, or fall back into the shades of mediocrity as many of our neighboring law schools have done. Hofstra is no longer an infant school; several new law schools in the metropolitan area make us seem ancient by comparison. They present a real obstacle to our recognition in the legal community. Thus, this additional competition makes more urgent the need for us to unite ourselves with the goal which we all desire, which is providing the best legal education possible.

The Law School attained its present status in such a short period of time, not because it was like the other traditional law schools, but because it had the desire to be innovative and progressive in its mission. We then had the backing of the University, the faculty, the Law School administration, and the founding students in this effort. In addition, we were most fortunate to have had Dean Freedman as the catalyst for this transformation. Even the most severe critics of Dean Freedman must recognize that his pleading of our cause served to get this Law School to greater heights than normally would be possible.

Last year, we went through a most trying experience with the loss of a Dean and the ensuing confrontation with the University Administration. We survived, though, and established a good-faith agreement with the University as to many of our demands for autonomy. The question is: have the promises been fulfilled, and have we, the Law School community, been assiduous in ensuring their maintenance; or were all of our efforts and sacrifice last year for naught? It seems to me that we have not been active in seeking to maintain a system of accountability over the agreement reached, but instead, have returned to complacency and business as usual. Why must we always only unite to react, and in times of emergency, when prospective efforts would be far more productive? We must begin to ask ourselves these types of questions.

It seems imperative that our efforts to find a new dean be given priority and that the search be enhanced. Our selection of the person of the new dean will foretell the future this Law School will bear. Such efforts must not be overshadowed by polarization among the members, but must be marked by cohesion to the task undertaken. The committee must realize that their efforts are of crucial importance to all of us.

The faculty of this school have an obligation to seek to curb a growing sense of cynicism which many students are developing towards many faculty members. This is in great part due to a shift in the "open-door" policy which exists. What use is an open door if there is not an open mind and receptive person behind it? It would be destructive of me to seek to specify or generalize as to what the faculty needs to do, but it is necessary for them to introspect and to be aware that students are not their adversaries, but wish to be part of an interactive community which could be established at Hofstra Law.

The administration of the Law School needs to involve itself to a greater degree in a process of accountability to the Law School community. It is their obligation to inform us as to our relations with the University. It was their responsibility to tell us that our classes were to be enlarged this year. They have an obligation to show us where our money is being spent, and if it is being done as promised. Where has the money gone which has been saved through our operating with fewer faculty members than we should have had this year? Their duty is to maintain a source of information to our community and to be accountable, and not just to serve as bureaucrats.

The University Administration needs to involve itself in our self-evaluation because we are entities of each other. We exist because of Hofstra University, and Hofstra University will benefit from the recognition and achievement that the Law School will bring to the University. Their investment in us now will more than pay off for them in the future. They must have the foresight and perception to recognize the need for such a commitment.

Additionally, the Law School community must heighten its examination of its placement services. What happened to the committee which was set up to do this and report back after the Christmas break? A law school which provides an excellent legal education will never attain the recognition it deserves unless it has a competitive placement service. Why are we not putting sufficient resources into the one area which affects all our graduates most? The committee must not cause further delay in their efforts, for the problem is critical and the damage being done irreparable.

The students must examine their own roles and obligations to the

(Continued on page 10)

Viewpoint

The Grand Jury: An Abusive Process

by Stu Goldfarb

In 1970, the federal grand jury began to be used to gather intelligence, harass, stigmatize, and destroy organizations working for social change. The best-known text in the field of federal criminal procedure puts the matter as follows:

> (W)hen technical and theoretical distinctions are put aside, the true nature of the grand jury emerges — i.e., it is 'basically . . . a law enforcement agency.' Nowhere is this characterization more apt than in considering the use of grand jury proceedings by the Nixon Administration. In Nixon's war against the press, the intellectual community, and the peace movement generally, the federal grand jury has become the battleground. As a result, the courts — whose workload the Administration is ostensibly seeking to reduce — are now confronted with a large amount of grand jury litigation. It is clear that the administration's legal position in many of the pending cases is exceedingly weak, but this is to be expected in the light of the Administration's political strategy which is based on harassment of the opposition. If the time, money and energies of newsmen, intellectuals, and other leading critics of the Administration can be diverted from affirmative action to defending themselves against grand jury inquisition, and if in the process these critics can be publicly stigmatized as outlaws, the Administration may prove to have won the political war while losing the legal battle. 8 Moore's Federal Practice § 6.02 (1) b.

In the past eight years, hundreds of people have been subpoenaed to appear before federal grand juries all over the country, often thousands of miles away from family and friends, frequently with little or no notice. The massive and abusive use of the grand juries has produced a flood of litigation. Judge Hufstedler of the U.S. Court of Appeals for the Ninth Circuit has said:

> Today, courts across this country are faced with an increasing flow of cases arising out of grand jury proceedings concerned with the possible punishment of political dissidents. **Bursey v. United States,** 466 F.2d 1059, 1089 (9th Cir. 1972).

Although the flagrant abuse of the grand jury began with the Nixon Administration, it did not end with it. Grand jury abuse continues both in the same and more subtle forms today.

From An Accusatorial To Inquisitorial System

In our system of checks and balances, the grand jury was designed as a check against the otherwise totally unregulated power of the prosecutors to determine whether or not to prosecute. Under the Fifth Amendment, no person has to stand trial unless the government can present enough evidence to convince a grand jury to vote an indictment.

Despite this clear historical purpose, it has long been recognized that the grand jury does not function as a buffer. As long ago as 1931, the Wickersham Committee said:

> The Grand Jury usually degenerates into a rubber stamp wielded by the prosecuting officer according to the dictates of his own sense of propriety and justice. (1)

But something even worse than the loss of an independent grand jury has been taking place in the last few years. The grand jury's powers, particularly the subpoena power, are being used at will be prosecutors and the FBI despite the fact that Congress has consistently refused them this power. Thus, the shield has become a weapon against those whom it was designed to protect.

Prosecutors have free rein with grand juries. They are protected by grand jury secrecy. Much of what they tell the grand jury is not recorded. There is no scrutiny and review, and no adversary counsel. Prosecutors have virtually absolute control over what the grand jury hears, sees, and understands as its duty. They are in a clear conflict of interest position insofar as they function as the grand jury's legal advisor while simultaneously attempting to secure indictments and using its powers for their own investigative work.

Grand jury witnesses are deprived of rights many consider fundamental to our constitutional system: the right to counsel — even to be told of the right to consult counsel before appearing and the right to have counsel in the grand jury room; the right to remain silent; the right to know if one is a target; the right not to have to assist in preparing one's own indictment; the right to know what is being investigated and what the potential charges are; to be told what one's rights are and warned about perjury; to know why one is being subpoenaed; not to be questioned on the basis of illegally seized evidence; to get copies of the government's version of prior information supplied to the government by the witnesses; and statutory rights to which persons other than grand jury witnesses are entitled.

The witness is put to the same intolerable trilemma that faced witnesses summoned to the High Commission and the Star Chamber: (1) to be forced to give self-incriminating evidence; (2) to risk prosecution for perjury; or (3) to be punished for asserting the right to remain silent and to withhold self-incriminating evidence. The witness contemnor is presumed not innocent but guilty and the government escapes its burden of proof.

Judicial Erosion of Safeguards

At the same time as the Nixon Administration massively expanded both the dimension and repressive impact of grand juries, the Supreme Court of the United States, dominated by appointees of that same administration, fostered grand jury abuse in a series of decisions.

Thus, in the well-known case of **United States v. Calandra,** 414 U.S. 338 (1974), the Court held that a grand jury could use illegally seized evidence. In 1973, in **United States v. Dionisio,** 410 U.S. 1 (1973), the Court held that the Fifth Amendment applied to actual testimony only and accordingly permitted grand jury subpoenas to compel production of voice and handwriting exemplars. And in **Fisher v. United States,** 425 U.S. 391 (1976), the Court strongly indicates that despite the Fifth Amendment, any witness may be required to produce private documents and papers. The latter decision effectively overruled one of the landmarks of constitutional law, namely, **Boyd v. United States,** 116 U.S. 616, 631-32 (1874), which held that:

> (A)ny compulsory discovery by extorting the party's oath, or compelling the production of his private books and papers, to convict him of crime, or to forfeit his property, is contrary to the principles of a free government. It is abhorrent to the instincts of an Englishman; it is abhorrent to the instincts of an American. It may suit the purpose of despotic power; but it cannot abide the pure atmosphere of political liberty and personal freedom.

In the spring of 1976, Chief Justice Burger in his opinion in **United States v. Mandujano,** 425 U.S. 564 (1976), legitimized the procedure developed by the Nixon Administration of routinely calling the target of an investigation and forcing him-her to testify and be exposed to a perjury prosecution or plead his-her Fifth Amendment privilege without even being given notice of applicable constitutional rights. The anomalous nature of this practice is revealed by the fact that the **Handbook for Federal Grand Jurors,** which was published by the Government Printing Office a few years ago and is still being distributed in some District Courts, includes the following statement:

> Neither the person under investigation (sometimes referred to as the 'accused' although this does not imply he is guilty of any crime) nor any witnesses in his behalf normally will testify before the grand jury.

Perhaps most serious of all is the Court's 1972 decision in **Kastigar v. United States,** 406 U.S. 441 (1972), sustaining the 1970 statute by which any witness (including a target) in any criminal case, at the sole discretion of the Department of Justice and with no judicial review, may be given a very limited immunity (use immunity), although she-he might subsequently be prosecuted not only on the general subject matter but on the very act about which she-he testified.

Kastigar buries the Fifth Amendment privilege which was intended to provide a "shield of absolute silence." **Brown v. Walker,** 161 U.S. 591 (1896) (Field, J. dissenting). It gives the government the power to "probe the secrets of every conversation, or society by extending compulsory pardon to one of its participants, and thus turns him into an involuntary informer." **United States v. James,** 60 F. 257, 264 (N.D. Ill. 1894).

Indeed, **Kastigar** bears out Mr. Justice Field's warning in **Brown,** addressed to a limited transactional immunity statute, that the smallest compromise of constitutional guarantees is the first step to their wholesale abrogation. Conferring upon the executive the power to coerce immunity ignores the origin of the Fifth Amendment as the basic guarantor against totalitarian power. Justice Field in his dissent said:

> (B)oth the safeguard of the Constitution and the common law rule spring alike from the sentiment of personal respect, liberty, independence, and dignity which has inhabited the breasts of English speaking people for centuries, and to save which they have always been ready to sacrifice many governmental facilities and conveniences. In scarcely anything has that sentiment been more manifest than in the abhorrence felt at the legal compulsion upon witnesses to make concessions which must cover the witness with lasting shame, and leave him degraded both in his own eyes and those of others.

The impact of this series of decisions, which has made the grand jury the major loophole for constitutional rights, is to legitimize the shift from an accusatorial to an inquisitorial system of justice.

The framers' insistence on an accusatorial rather than an inquisitorial system was the fundamental guarantor against the excesses of executive power, fought in England and the colonies. As the Supreme Court stated in 1961:

> (O)urs is an accusatorial and not an inquisitorial system — a system in which the State must establish guilt by evidence independently and freely secured and may not by coercion prove its charge against an accused out of his own mouth. **Rogers v. Richmond,** 365 U.S. 534, 541 (1961).

Together with the Fifth Amendment privilege against compulsory swearing, the presumption of innocence and the burden on the state to demonstrate guilt without the assistance of suspect or accused, the grand jury was an essential bulwark of the accusatorial system. Even the Department of Justice concedes that "the Constitution explicitly refers only to its (the grand jury's) protective function." (Office of Policy and Planning, U.S. Department of Justice, "Memorandum on the Grand Jury," **Hearings,** at 87.) Today, however, the grand jury, under the sway of the prosecutor, unconstrained by constitutional rights, and recently equipped with the power to coerce testimony and other evidence, functions purely as the mainstay of a vicious inquisitorial system. It bears only a superficial resemblance to the people's protector envisaged by the framers.

The effects of this shift from an accusatorial to an inquisitorial system are felt not only by the grand jury witnesses, the target, and the accused, but all of society. When the use of illegally seized evidence before the grand jury is authorized, no one is safe or secure in their houses or effects.

When these inquisitorial powers are applied to the investigation of crime, they are oppressive enough; but, as we have seen, when applied to even the mildest political dissidents, they threaten the basic principles of our system.

(1) National Commission on Law Observance and Enforcement, Report on Prosecution 125 (1931).

Deadline for Next Issue:
Thursday, March 23, 5 P.M.

Sandy Miller's Book Published

Law school placement offices have recently received notice from Little, Brown and Co., Publishers, of the availability of a new book to assist law school students and graduates. Titled **After Law School? Finding A Job In A Tight Market,** it is written by Saul Miller, past Director of Placement, Hofstra University Law School.

Little, Brown describes the publication as "a guidebook for the second and third year law student and neophyte lawyer which shows the full range of legal opportunities available through Private Firms, Corporations, Public Interest Groups, the Government, and Judicial Clerkships. It also covers Fellowship Programs, Summer and Part-Time Jobs and Alternative Careers."

This guidebook will be available in the Placement Office in the near future.

We extend our best wishes to Sandy and our hope that his publication will be well received and helpful to all those engaged in "finding a job in a tight market."

Perspective

The Nazi March in Skokie: No Place to Hide

by Gary Small

Having failed, at least up to this point, in their legal efforts to keep the Nazis from marching through Skokie, Ill., the Jewish community of that town and other Jews generally might now want to turn their attention to questions of strategy and response to that march. Perhaps a preliminary question is whether there need be any reaction by Jews at all either collectively or as individuals, to the march.

I believe that there ought to be a response. It seems very clear that the Nazis have chosen to march through Skokie as a symbolic gesture of their contempt for Jews and for the memory of the victims of the concentration camps. Skokie is the home of many survivors of those camps, and of many relatives of those who didn't survive. Since the war, persons of every ethnic persuasion who share a common concern for humanity have been haunted by the memory of those camps, and the symbolism of the Nazis' march should not go unchallenged.

Some Skokie Jews have expressed their intention to close their doors that day, to pull down the blinds, and to act as if the Nazis weren't there. At the other end of the spectrum are those who have expressed their intention to be on the streets and to do physical violence to the Nazis.

The Jews who intend to stay indoors usually cite a variety of reasons for planning to do so. Some feel that this would be the best way of showing the Nazis that they (the Nazis) are a force of no significance or consequence, that the Nazis no longer have the power to hurt Jews or anyone else; that the Nazis are not even worthy of counterdemonstration.

Others say that it is too painful to see men wearing Swastikas and brown shirts marching through the streets again. Others are reluctant to contribute in any way to a Nazi-created media event.

All of these reasons make some sense, I suppose, but I believe that it will be a terrible mistake for Jews to stay home that day for any reason. Empty Skokie streets will not indicate to the Nazis, and other watching bigots, that the brownshirts are an impotent group; on the contrary, empty streets will demonstrate that the tactics of intimidation and fear still work, that Jews still believe, as German Jews did years ago, that hiding indoors will make the enemy go away. Empty streets will simply be streets surrendered to the Nazis. It may be horrible to look at Nazis, but the consequences of not looking at them are certain to be more horrible.

Jews are correct in not wanting to contribute to the media appeal of the Nazis, but thinking that this can be achieved by staying home is tragically wrong. We must have learned by now that the media will cover the Skokie march whether Jews turn out or not. If the Nazis march through empty streets, the media will not go away; empty streets are as sensational a story as crowded ones. It won't be the case that empty streets will mean the absence of headlines; it will only mean that the headlines will read: "Nazis March as Jews Stay Home."

Giving the Nazis a violent reception won't achieve much either. Though it serves the obvious purpose of clearly showing that Jews won't be intimidated, there may be a better and more long-lasting way to do that.

A common humanity and a history of suffering at the hands of the Nazis is something that the Jews share with many other peoples. Aryan supremacy, as a racist doctrine and as the motivation for destruction, made a supreme effort to destroy blacks, Poles, Slavs, Russians, and gypsies, free-thinkers, artists, intellectuals of all nationalities. The Skokie march is an affront to all peoples, not just Jews. What a thing it would be if representatives of all these groups, along with the Jews, joined together on the day that the Nazis have chosen to march, Hitler's birthday, in a massive show of collective strength and mutual support, and, with their presence, say, "Not ever again." If other peoples refuse to join us, then the Jews alone will have to demonstrate their own internal solidarity, by occupying the streets alone. We should do it as we should do anything else necessary to ensure our own survival; if we are joined by others, however, we may together be demonstrating for the survival of mankind.

United We Stand...

(Continued from page 8)

community here at Hofstra Law. We must not be so involved in our studies that we become complacent and apathetic to all that is occurring around us. How can we defend the rights of others if we cannot even speak out for ourselves? We must nurture our relationships with the faculty and administration for the purposes of cohesion.

We must seek greater accountability from our elected representatives. More importantly, we must question whether we should continue without having an organized student organization to represent our needs on an ongoing basis. We as students need to ensure that we get the best legal education possible. We need to commit ourselves to the cause of progressive legal education. We need to question our involvement by preparing ourselves to be trained in ethical matters, and to question whether we are fulfilling this responsibility at all.

This article is not intended to supply "the" answers or identify all of the problems that exist at Hofstra Law. I do it to show that at least one second-year student feels strongly enough about this school to speak his mind. I have not spent much time on complimenting what we affirmatively possess at Hofstra Law; I felt a critique would be much more useful at this point. But I sincerely believe that we as a school have much to offer in the way of legal education and preparation of students to practice law. The restrictions of time and space upon this article have made many of my attempts at the areas which need to be examined seem cursory and broad. I hope that all of us who are members of this Law School community will undertake a narrowing of these issues, and pose even more concise questions to be answered. Only through such a self-evaluation process will Hofstra Law School be accorded the recognition it truly deserves from others: a reputation which will follow all of our graduates for the rest of their legal careers.

Survey Names Factors the Public Seeks in Use of Attorneys

The results of a national survey of legal needs of the public, jointly undertaken by a special committee of the American Bar Association and by the American Bar Foundation, have just been released. Barbara A. Curran, Associate Executive Director and Senior Research Attorney at the American Bar Foundation and a noted authority on consumer credit and the delivery of legal services, directed the study. The mission of the project was to get information about the legal problems encountered by ordinary citizens and to find out how they dealt with these problems, what experiences they had with lawyers, and how they felt about lawyers and the legal system.

For all of the possible legal problems considered, the survey reveals that the chances of a lawyer being consulted were one out of three for a third of the problems, one or two out of six for another third of the problems, and only one out of six for the rest. Overall, lawyers are consulted for slightly less than one third of all the problems that could reasonably be considered legal problems.

Under the supervision of Ms. Curran, the National Opinion Research Center administered to more than 2,000 adults a questionnaire designed by the American Bar Foundation project staff in consultation with the ABA Special Committee to Survey Legal Needs.

Queried first on problem-solving behavior in general, without identification of a legal emphasis, survey respondents were then questioned about legal problems they encountered and ways they dealt with these matters, including whether they turned to a lawyer for help. With the emphasis on personal, family, nonbusiness problems, the actual law-related situations included jobs and wages, marital matters, consumer problems, ownership or rental of real estate, crime, liability for damage or injury, credit transactions, violation of civil or constitutional rights, problems involving children, wills and estate planning, settling estates, and relations with governmental agencies.

The Legal Needs study, which is designed to provide a solid factual basis for policy decisions, goes beyond mere quantification. Analyzing a wealth of data presented in over 200 tables and figures, Ms. Curran considers the effects of such background characteristics as age, sex, race or ethnic group, education and income. She also explains the complex interrelationships among types of problems encountered, extent of lawyer use, demographic characteristics, problem-solving styles, and perceptions of lawyers and the legal system.

For instance, the general profile of the person most likely to have had a satisfactory experience in consulting a lawyer is a white male over 30 years of age whose income and education is above average for his age group. But both the frequency of lawyer use and the high degree of satisfaction among this group can be explained by the type of problem encountered—namely, real estate matters, estate planning, and estate settlement—problems easily handled by one lawyer and likely to bring satisfaction to the client.

By the same token, blacks and Spanish-speaking Americans are more likely to have negative feelings about the lawyer-client exchange not because of ethnic-based attitudes or problem-solving capability but because of the greater likelihood that they have consulted a lawyer on personal injury, property damage, problems with governmental agencies, consumer difficulties, or criminal charges—all problems carrying with them a greater risk of failure of resolution, disruption of the lawyer-client relationship, and unpredictability of costs and results. In fact, for those blacks and Spanish-speaking Americans who do make real estate transactions, the extent of lawyer use and satisfaction with the performance of the lawyer and the legal system are comparable to those of the typical upper-middle-income white male.

Basic perceptions about lawyers apparently remained the same through the Watergate experience. Asked to reflect on whether their response to a question on lawyers' ethics would have been different before October 1972 (the beginning of the Watergate revelations), 92 percent of the respondents said no. Moreover, opinions about lawyers that had changed were usually attributed to a positive or negative personal experience with a lawyer, not to events in the news and attendant publicity.

Members of the legal profession will find in the study important information on what makes a person turn to a lawyer, what constitutes the lawyer's "mystique," and what aspects of lawyer behavior or operation of the legal system satisfy or frustrate the client, including such matters as lawyer promptness, keeping the client informed, and confidentiality.

Ms. Curran, who sees the book as "only the beginning of the examination, integration, and understanding of the survey results," plans further exploration of the many issues brought forth in the study.

The Legal Needs of the Public was funded by the American Bar Endowment; Carnegie Corporation of New York; the Edna McConnell Clark Foundation; International Foundation of Employee Benefit Plans; International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW); and the Russell Sage Foundation.

The Survey of Legal Needs is available from the American Bar Foundation, 1155 E. 60th Street, Chicago, Illinois 60637, for $25.

Take 2 Bar Exams This Summer™

If you've ever thought of practicing outside New York State, you should start thinking now about taking another bar exam.

Why?

Many states require a wait of 5 years *after your admission* to the New York Bar before you can petition for admission to practice in their state.

Other states have no reciprocity at all.

To be admitted to practice in California or New Jersey, for instance, you *must take* a Multistate bar exam—*no matter how long you've been a member of the New York Bar.*

Thus if there's any possibility that you might *ever* practice law outside New York State, you should start thinking now about taking another bar exam.

But why take a second exam now?

- Your chances of passing a bar exam are infinitely greater when you're fresh out of law school than they will be at any other time in your life.
- Taking and passing two bar exams gives you added mobility in choosing where to live and where to work.
- You'll save hundreds of dollars in filing fees and in the cost of bar review courses.
- Passing one Multistate exam will facilitate your admission to the bars of a growing number of additional states.
- View your second exam as an insurance policy. You will have increased greatly your chances of becoming an attorney.

barbri

401 Seventh Avenue, Suite 62
New York, New York 10001
212/594-3696

But how can I study for two exams at one time?

You can't, and you don't. For about seven weeks, all you prepare for is the New York exam. You attend classes three–four hours a day, five days a week. You learn an analytical, New York Bar Exam-oriented approach to New York practice (CPLR), New York Wills, New York Trusts and each of the other subjects tested on the New York Bar Exam. Four times during the course, you take part in simulated bar exam sessions, and throughout the course you review probable short answers and essays.

On July 19 and 20 you take the New York Bar Exam.*

On July 21 you sleep late.

On July 22 you pick up your Multistate materials and you begin a three-day compressed course to prepare for a Multistate exam.

Beginning July 25 you take your second bar exam.

*The above dates are *tentative*, subject to official announcement of the bar examination dates by the State Board of Bar Examiners.

But will I pass?

That we can't guarantee. We can tell you only what happened the last time this program was offered.

What happened?

BAR/BRI offered this program to more than 200 students who took a Multistate exam as their second exam.

About 85 percent of them passed.

Anything else?

Yes. But there's not enough room in this ad to squeeze in all the details.

To learn more about our special "Twofer" program, call, write or visit the BAR/BRI office in New York.