conscience

HOFSTRA LAW

Hempstead, New York

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Record rake-off

Law school revenues siphoned by University

By Thomas J. Mattingly

The University is presently siphoning off more Law School revenue than ever before.

Over $1,200,000 (or almost 38 percent) of our tuition, fees, contributions and other revenues are going to the University. This is an increase of a few percentage points over 1977 when Monroe Freedman resigned as dean, in part, over this issue.

An American Bar Association rule of thumb is that no more than 20 percent of a law school's revenues should go to the parent university, according to James P. White, Consultant on Legal Education to the ABA.

"As we inspect each law school, we look at that percentage with a great deal of care," said White, who is in charge of routine law school inspections for the ABA. "Even if all university services to a law school are included in the figure, we would have some concern if it goes over 20 percent," he stated in a recent telephone conversation.

Indirect expenses (accounting for almost $1,200,000 of the Law School revenues going to the University) include the following items: (1) debt service on our building; (2) allocated plant (utilities, maintenance and security); and (3) central administration overhead expenses.

According to White, universities normally handle the debt service on law school and other buildings. Our Law School, therefore, appears to follow the minority rule.

"Allocated plant" is computed on a square footage basis, stated

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Conscience photo by Joan Genchi

A common gripe shared by many second- and third-year students concerns the oversized class. There are currently sixteen such classes with enrollments over 50, and eight with enrollments over 100. For example: 140 people are stuffed into ConLaw "B," ConLaw "A" having 113. One hundred twenty-seven students are sardined into Evidence, while BusOrg "A" and "B" have 106 and 124 students respectively. Dean Regan acknowledges the overcrowding dilemma and is pondering solutions. See page 4.

Law Review: the power elite?

by Vicki Lindgren

In Kindergarten, being number one means getting a gold star for successfully learning to tie your shoe, and in third grade it means getting a high score on the Stanford-Binet and being labled "gifted."

Being number one in high school means being queen of the prom, class president, editor of the newspaper, valedictorian or salutorian. And, in college, being number one means making it into Who's Who, Phi Beta Kappa, Psi Chi, Phi Delta Kappa, or getting into Law School. And, in law school, being number one means making Law Review.

Law Review. Are the members really "the power elite?" Are they "the cream of the crop?" Are the negative feelings of some students toward those on Law Review attributable to the "sour grapes phenomenon?" Is resentment a hazard of the profession? Should first year students feel the pressure to make it to the top ten percent? Is a law school "only as good as its review?" These, and other questions, were posed to various members of the Hofstra Law community in an attempt to explore the mystique of Law Review.

Mike Friedman, Research Editor of this year's Law Review feels that Law Review is the single most important reflection of the quality of Hofstra Law to the outside world. Because of this, he noted, "It serves an extremely important function to legal scholars and practitioners who depend upon Hofstra Law Review to keep abreast of recent developments in the law." Friedman feels that the so-called elitist attitudes of Law Review students is a characterization which is "grossly exaggerated."

He indicated that the fact that firms only interview Law Review students is more a function of the relative newness of Hofstra Law and an "inadequate placement office." He said, "The simple fact of life is that Law Review is the only indicator that law firms feel they have of a student's ability. At Hofstra, that is simply not true because of the excellent clinical programs which are offered, but the law firms do not know that yet."

Friedman believes that if Law Review members appear

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Students 'revolt' on CPLR; 450 sign petition

by Paul Senzer

An emotional groundswell, capped by the names of 450 petitioners, has raised anew old animosities about adopting a New York CPLR (Civil Practice Law & Rules) course at Hofstra.

Much like Proposition 13, the CPLR "revolt" has managed to arouse an otherwise apathetic student body. Cast in the role of Howard Jarvis, is third-year student representative Mike Rosoff, who ignited the issue in a virtual one-man crusade.

Put on the spot last month at his first Dean's Forum, John

analysis

Regan termed the whole brouhaha "an appeal to anxiety" while at the same time telling angry students, "but I'm not sure where I stand. I'm not doctrinaire about it."

In the past, CPLR was a dirty word at Hofstra. Such a course, many thought, was inconsistent with "national" objectives. Regan rejected this view, but said, "I have not seen the concrete evidence that other schools do, in fact, offer the course—such as better schools with a national thurst." He added, ad absurdum, that the justification for a New York practice course applies

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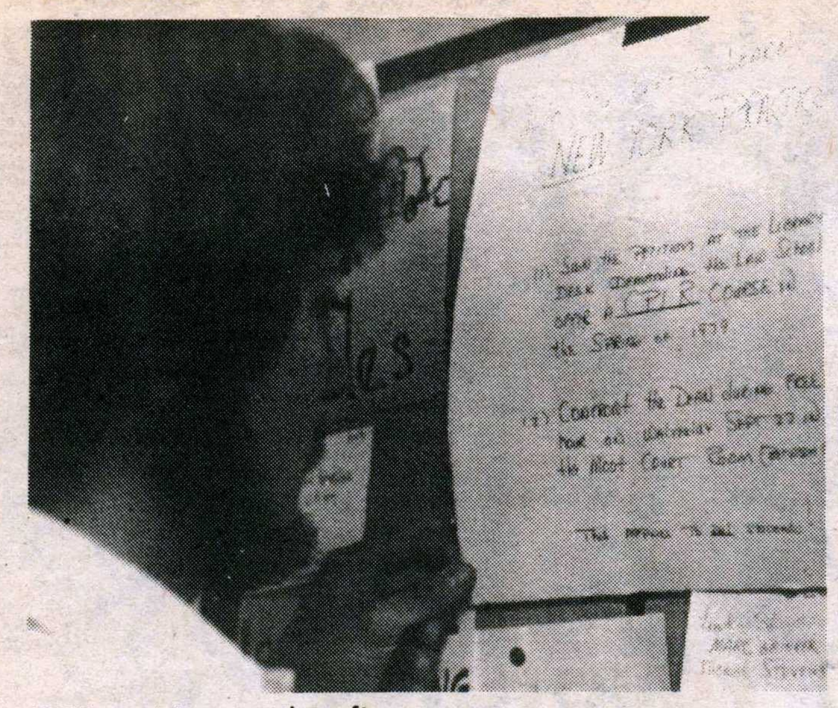
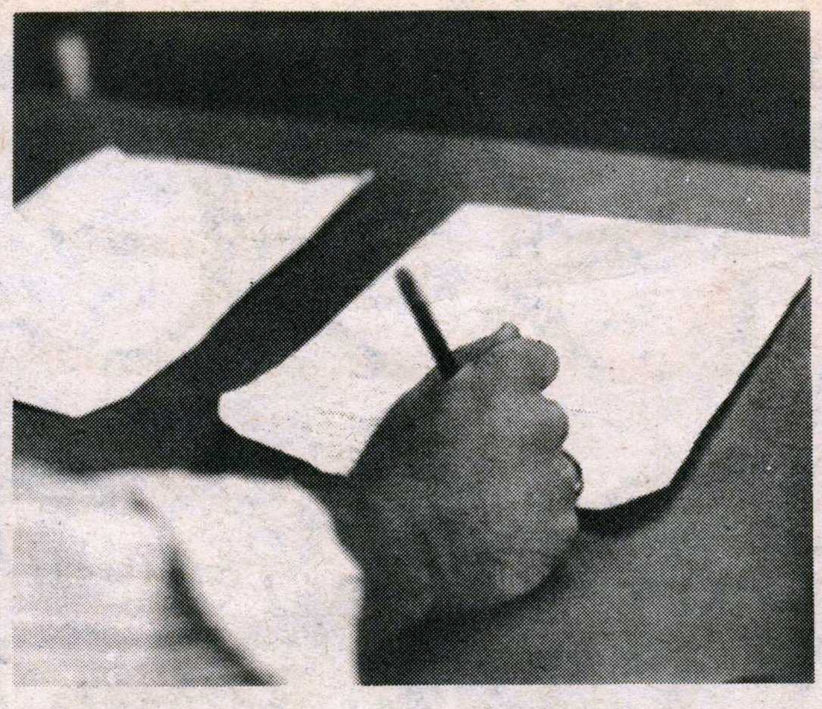
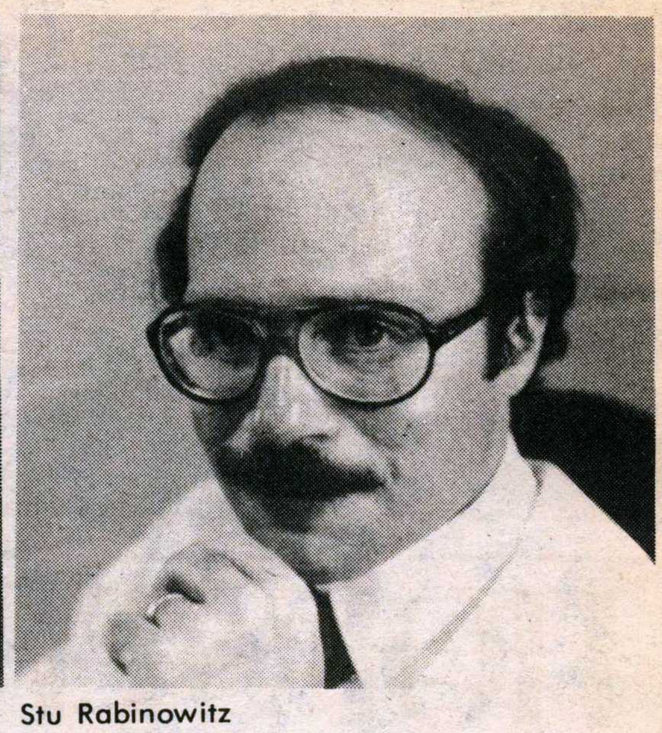


CPLR petition catches fire . . .





Stu Rabinowitz

Conscience photos by Joan Genchi

conscience

CURRENTS

No more diversity?

Diversity jurisdiction, it seems, is here to stay. At least for another year.

Only last month the abolition of diversity seemed to be a certainty. Now that proposed revision of the Judicial Code appears to have been a false alarm.

Last February the House of Representatives passed legislation by a 2-1 margin which would have eliminated diversity of citizenship as a basis for access to the federal courts in all cases except those involving aliens. The Senate version of that bill, however, has been stalled in a Judiciary subcommittee since early this year.

Neither of two Hofstra law professors whose courses would be drastically affected by the change expect the bill to emerge from the committee and be voted upon by the Senate during this session of Congress.

Prof. Stuart Rabinowitz, who has been keeping a close watch on the legislation, recently announced in his course on Federal Courts that "chances of getting the bill through before Congress adjourns on October 14 are practically nil." Prof. Linda Champlin agreed, saying she expects the bill to die in committee.

Proponents of abolition argue that the rationale upon which diversity jursidiction was based no longer applies. They claim that out-of-state litigants are not subjected to the prejudice they once were in forums outside their home state. Beneath this reasoning lies more more pragmatic considerations, and they have joined such unlikely bedfellows as Chief Justice Warren Burger and the ACLU.

Burger cites the current overload of cases that crowd the federal docket as a prime reason for supporting the measure. Diversity cases amount for 25 percent of the civil suits pending in the federal courts.

But it does not necessarily follow that by eliminating diversity the federal caseload will be cut by a quarter. In fact, the ACLU sees the abolition of diversity jurisdiction as clearing the way for the federal courts to take on more civil rights-civil liberties suits under federal question jurisdiction. The House proposal, if enacted, would facilitate the ACLU's objectives, as the bill calls for dispensing with the jurisdictional amount requirement in federal question cases.

The opponents of abolition include the American Bar Association, the American Trial Lawyers Association, and over half of the state bars. They too cite pragmatic reasons for

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First-year NLO: coping with clients

As the summer wore down and October rolled in, the new first year class got a head start on lawyering and began interviewing real, live clients.

With the help of NLO instructors Chuck McEvily, Alice Morey, Richard Neumann and Susan Bryant, these aspiring advocates, bedecked in pleasant prints and moth-balled jackets finally got to meet the subjects of this semester's study—clients seeking an uncontested divorce.

The feeling of most first-year students is that the new clinical program is demanding, time-consuming, but generally, rewarding.

The schedule for the two-credit, graded course was rigorous, especially at first, and some started to burn out early.' As a result the last two assignments were eliminated in an effort to "ease the burden," according to McEvily.

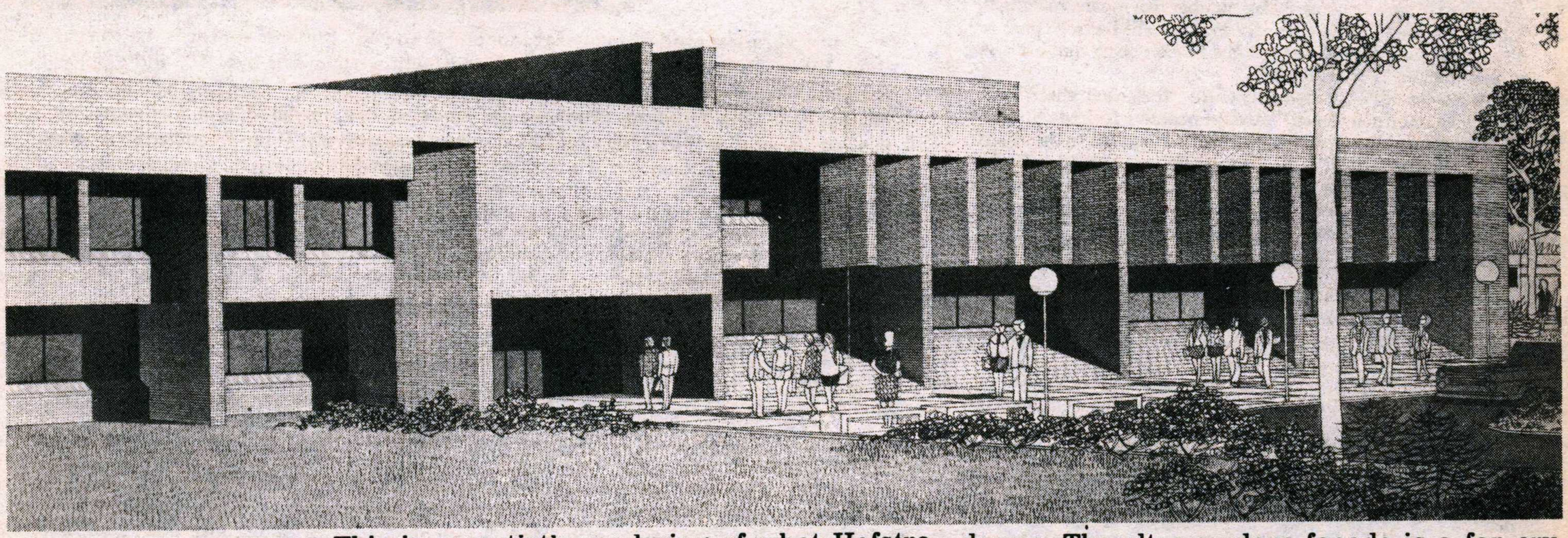
"Students were warned about devoting too much time to the course," McEvily said, adding that he has yet to receive any complaints from other first year professors. A random sample of first year participants told **CONSCIENCE** that NLO required full weekends and some all-nighters. Abra Levine of Section C said, "Thery are giving us too much first semester. . . six graded courses is an awful lot."

McEvily defended grading the course. "All other courses in the first year are graded, so why not legal research?" He added that he would like to see the advanced clinical program, NLO II, graded also. As for the pressure, McEvily said that the program was tailored so that the bulk of the assignments were due at the beginning of the semester, when the reading load was light.

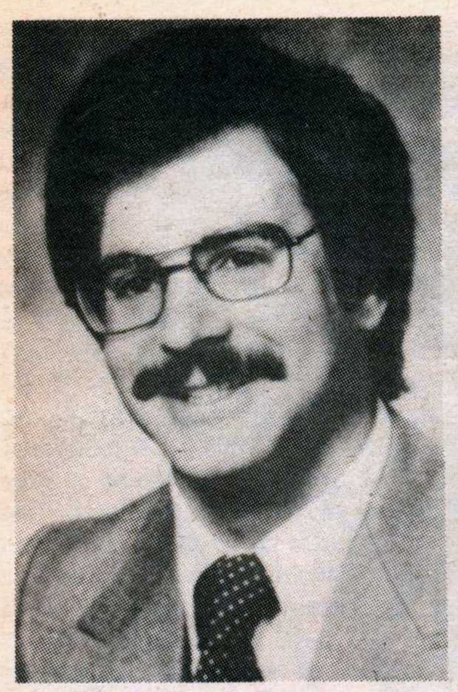
Assignments included a Pre-Interview memo (which was followed by a half-hour conference between each student and instructor), a Post-Interview memo, a complaint and pleadings. In addition, there was a traditional, research-type "*findings assignment.*" *Unlike* last year, the first year class has worked almost exclusively with New York law and has familiarity with the New York Civil Practice Rules (CPLR).

McEvily noted that the program has generated a great deal of nationwide interest, as it is a first. Markin said, "It's good to work with live cases, not just hypotheticals. . . you can really identify with clients."

Levine added, "unlike our other courses, we get feedback, so naturally you are going to work harder." The fruits of all this energy are to be evaluated, McEvily said, and this year's class will have its writing samples compared to last year's.



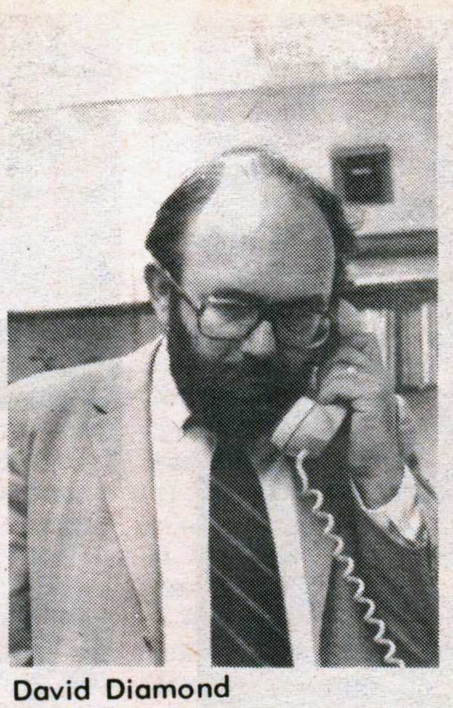
What happened?! **This is an artist's rendering of what Hofstra Law School was supposed to look like. Taken from the school's founding brochure, entitled, Of Human Wisdom, published in 1969, the new structure was to have been on an eight-acre site on Hofstra's North Campus, near the dorms. The ultra-modern facade is a far cry from today's building which some say resembles a prison. Well, it just goes to show you — you need more than students and professors to run a railroad. You need money . . . and lots of it.**



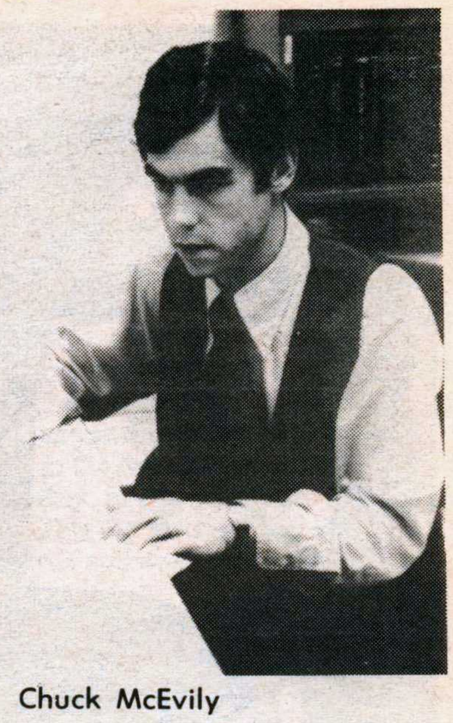
Jon Falk

David Kadane

Marina Angel



David Diamond



Chuck McEvily

Conscience photos by Lorraine Cusick

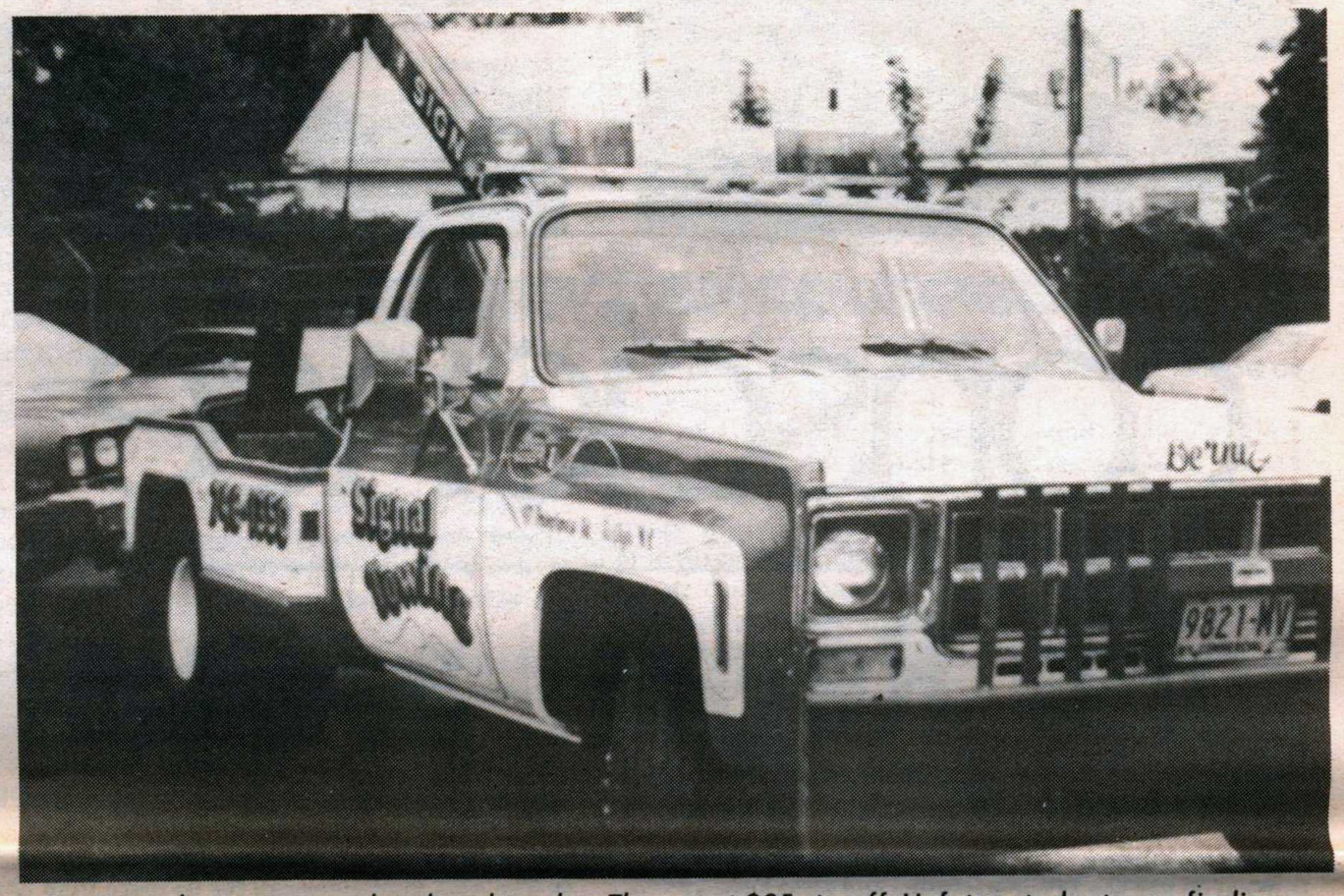
Jon Falk, '77 dies in crash

The law school was jolted earlier this month at the news of Jonathan Falk's death. Falk, 25, who graduated last year, was on board the fatal San Diego flight which claimed 150 lives in the nation's worst air disaster.

Falk was a lawyer with the New York firm of Jackson, Lewis, Schnitzler and Krupman. He was assigned to the firm's west coast branch and was on the way to visit clients when the crash claimed his life.

The former Valley Stream resident was mourned by his law school friends and professors in a memorial ceremony held in Monroe Lecture Hall. Cars lined the otherwise desolate California Ave.

While a law student, Falk was Research Editor of the Law Review, a legal research advisor, a member of the admissions committee and an editor of **CONSCIENCE**. He did undergraduate work at Syracuse University where he was an honor student in history. While at college, Falk tutored indigent students in the ghettos of Syracuse.



Now playing in your local parking lot: The great $35 rip-off. Hofstra students are finding themselves prey to the winch. Signal Towing of Roslyn has been hired to do the honors. Hofstra is paying the firm $150 a day. With more than 250 tows so far, at $35 a clip, that means the University has bagged upwards of $6000 in less than a month. Not bad, eh? See page 9.

Conscience photo by Mike Mermer

March of Dimes grants $10,000

Funded by a $10,000 grant from the Long Island Division of the March of Dimes, the Law School is planning an annual symposium on the legal rights of persons handicapped by birth defects.

The first of these programs will be presented on Tuesday, October 24, at 8 P.M., in the Moot Court Room. It will feature Professors Robert and Marcia Burgdorf of the University of Maryland Law School. The Burgdorfs are co-directors of the Developmental Disabilities Law Project at the University of Maryland, which provides legal services for handicapped persons and conducts a clinical education program.

Prof. David Diamond, organizing the symposium for Hofstra, stressed the importance of these issues, particularly for the legal profession. "The rights of handicapped persons to access to the institutions of our society," he said, "is the frontier equal rights issue of our decade." Diamond predicted that the movement for recognition of handicapped persons' rights may have the same impact on the American consciousness as did the civil rights movement of the 1960's.

It is probably fitting that Hofstra was selected as the Symposium's sponsor. The University has for years been at the forefront of accommodating the handicapped. Long before it was popular, the University was accessible to disabled students, having earned international acclaim.

Marina resigning

Prof. Marina Angel has resigned from Hofstra Law School. Her resignation is effective in January, when she will assume teaching responsibilities as Associate Professor at Temple University School of Law in Philadelphia, Pa.

"I taught Comparative Criminal Justice for Temple in Athens, Greece, this summer. I had a long talk with their dean, Pete Liacouris, while I was there," she said. According to Angel, Liacouris made her an offer she couldn't refuse.

Marina Angel is no stranger to Philadelphia. "I lived down in Phillie for two years while I was studying for my LL.M. in the University of Pennsylvania's graduate program in Criminal Law and Litigation. I've also continued paying dues to the Pennsylvania Bar Association, so I'm still a member," she said.

Angel, an Associate Professor at Hofstra, would have been considered for tenure this year. Before coming to Hofstra, she taught at Rutgers Law School (Camden) and worked with the Defender Association in Philadelphia.

Angel will treat Temple students to her dulcet tones in courses in Labor Law and Juvenile Courts next semester. In succeeding summers, Angel plans to teach courses in Comparative Criminal Justice in Temple's other international programs in Jerusalem, Rome and Accre (Ghana). "Now I have three more places to go," she said.

New arrivals dept.

A placement director!

The long-vacant post of Placement Director is now filled by Kathleen Kennedy, former Assistant Director of Career Services at Barnard College. Although Kennedy is only twenty-five, and has no legal placement experience, she feels that she doesn't lack what it takes to do the job effectively. "I've been exposed to law through my husband's family and through his own experience as a law student at Brooklyn Law," she said.

Kennedy is a graduate of Eastern Connecticut State College, where she majored in Applied Social Relations with minors in Art and Psychology. She also holds both an Ed.M and an M.A. in Counseling Psychology from Columbia University. While in college, Kennedy decided to either become a travel agent or attend graduate school. Having opted for the latter, she did an internship at Barnard where a full-time position was subsequently created for her. In addition, Kennedy has done a great deal of volunteer work in her field.

When asked about her feelings concerning the negative undercurrent surrounding the placement situation at Hofstra Law and students' dissatisfaction with the concept of having to accept on-the-job training for a placement director, Kennedy said: "I'm not afraid of accepting challenges and I'm an extremely hard worker. I think that I'm personable and can deal with the law firms and I can exude an enthusiasm and attract employers to the school more so than they have been in the past. And I think my counseling skills are very strong. I can talk to students and relieve them of the anxiety that they're working under."

When asked what her duties will include, Kennedy said, "I'm not quite sure, but hope to find out soon." Kennedy's goal is to teach students what she calls the "fundamental aspects" of job hunting. She feels that students can't rely solely on the Placement Office and hopes to prepare students to be prime candidates

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LSAT-based tutorial

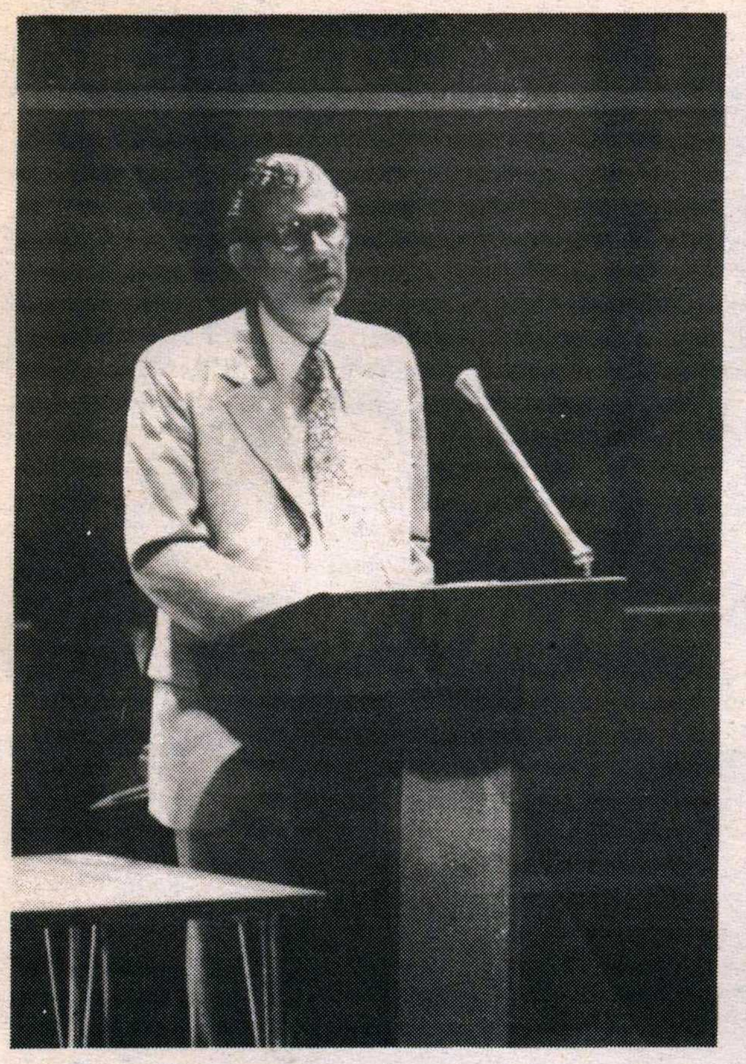
Thirty-five first-year students came to Hofstra with LSAT scores below 500. Twenty-four of them are now enrolled in an optional, fall semester tutorial designed to head-off learning problems.

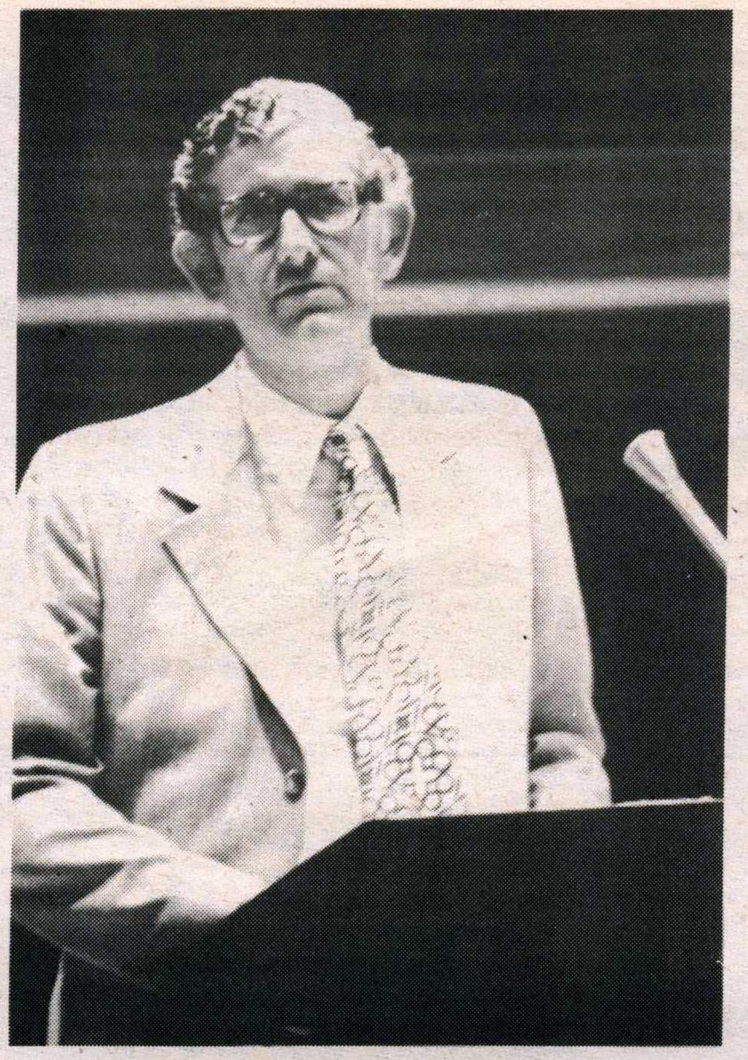
The new remedial program replaces last-year's spring semester tutorial which was based on practice-exam performance. Those who failed to achieve a 2.0 index on those exams were given the option of participating in the tutorial and foregoing Moot Court.

The new tutorial was adopted by the faculty earlier this month, after consideration of a report prepared by Prof. David Kadane. Assisting Kadane on the report were Profs. Alan Resnick, Sheilia Rush and Ron Silverman.

Kadane will offer ten lectures on law school techniques and legal method. Weekly group sessions with a student-teacher ratio of eight to one, will be administered by Profs. Kadane, Twerski, Rush and Champlin and discussion will concern, for example, analysis of torts problems.

According to Rush, "it is important to note that the students who are in the program are not all minority students who were admitted through the Minority Admissions Committee."





Conscience photos by Mike Mermer

conscience INTERVIEW

John Regan: a quiet style

Q. What are your first impressions of the Law School?
A. Very good. I am really enthusiastic about Hofstra's present and future.
Q. What do you see as our strengths and weaknesses?
A. Strengths. I think we have a very strong faculty. I think we have a student body that to my observation is bright, alert, anxious to work and interested in the school. We have a good library with a physical plant limited in size but adequate in terms of what it has.

As far as weaknesses are concerned, we can start at curriculum. I think we need more electives for second and third year students. Students have to do something to break up some of the extraordinarily large classes. I think there are gaps in the curriculum that need to be filled. I'd like to develop a greater outside income for the school to ease the heavy reliance on tuition. Examples are outside contributions and grants, or at least something like grants.

Another weakness to date is our placement operations. I am hoping that with the appointment of the Placement Director we will be in a position to move to strengthen that area.

New Building?

Q. You mentioned the physical plant as a strength. However, at the moment there is not even enough space for new faculty or student organizations.
A. That is not really what I was trying to say. What I am trying to say is that (putting aside the question of how much space we have) the quality of the space we have for what we do, it seems to me, is good. I've seen law schools where a moot courtroom isn't anything like the moot courtroom is here in terms of quality, where there is no student lounge to speak of. That is what I meant. At least we have the facilities, putting aside the question of size. Without question I would like to see the student activities all under one roof in the law school and a host of other physical needs. As we add faculty for example, we are going to need space for offices and the secretaries. I don't like the idea that the administrators in this school are spread out throughout the building.
Q. Do you have plans for us to expand physically?
A. We are going to have to get more space it seems to me next year.
Q. Eventually are you talking about a new building?
A. We need more space, whether it is new space, new building space, or renovated building space is somewhat immaterial to me as long as the space is of the quality and quantity that meets our needs.
Q. I think we have 16 second and third year courses that have over 50 students and eight with over 100. What are you planning to do about the overcrowding situation?
A. My goal next year is not only to fill the vacant slots on the faculty but also to expand the faculty by a couple more persons. The rationale is not to expand the student body, but rather to offer additional courses and cut the overload. And we obviously have to start with the classes that are in the hundreds.

Revenue Rakeoff

Q. The ABA guidelines call for no more than 22 per cent of law students tuition monies to be contributed to the university as indirect expenses.
A. They do?
Q. Oh, yes.
A. Can you document that?
Q. Yes.
A. I would be interested in seeing it because I have not found that.
Q. You are not familiar with the 22 per cent figure at all?
A. I have heard it attributed to the ABA but I have not seen it in writing from the ABA.

I've heard that figure maybe reported through you. I am not sure, but I have never seen it, and I have not heard it directly. What I have heard is a discussion within the last couple of weeks amongst people associated with the AALS (the Association of American Law Schools) and law school administrators at a workshop in Manhattan in September. We discussed this general area and talked about the wide range of indirect expense that prevails in law schools. The range is anywhere from something like 10 per cent (which is very rare) on up to 50 per cent. The particular topic occupied three hours of discussion, but no one mentioned the 22 per cent ABA guideline.

Without question, I think it would be desirable for the indirect expense amount (or the formula or call it what you will) to be reduced so that there is less of an impact on the law school and more money, in effect, available for law school uses.
Q. In the 1976-77 school year, law students were contributing a little bit over 33 per cent of their tuition monies to the university and this year I believe that this figure is over 37 per cent. You talk about reducing that amount. How are you planning to do that?
A. Well, in a couple of ways. The first would be to attempt to get the formula changed. Now this is a complex area, you know. There are three components of indirect expenses. The one is debt service, which is a constant really. You have to pay back the money that was borrowed to construct the building. There is no flexibility there. The second area is the allocation for services in the building—anywhere from security on through maintenance and utilities. That is computed on a square footage basis.

The third area of indirect expense is that the law school, like other schools on the campus, picks up a share of the central administration's overhead. The central administration and the services connected with it do not themselves generate income, generally speaking. Yet they do provide a service that the other schools all draw on.

Now it is in this area that I hope that we can do two things. The first is try to negotiate a different formula that would produce less of an impact or less of a drain on law school funds. The other is to review the items which go into the make-up of that central administration budget for which we are charged and to see whether in fact, all of those items ought to be charged according to the formula. There are some items which on their face do not appear to service the law school to the same extent as other items. I feel those are matters for discussion and review with the central administration, and this issue has already been raised.

Another way of coming at this is to say that the bottom line, by whatever formula, ought not to increase proportionately as income increases. Therefore, the current levels might either be frozen or rolled back (regardless of the formula), and any additional income generated by law school would remain here, by and large. That is also an area that I have raised, but it is in the earliest stages of discussion.

There is a meeting, a workshop, which the Board of Trustees is conducting for two days next week, among its own members and with members of the administration, to try to develop some guidelines for the future directions of the university. My hope is to start a dialogue with the central administration on the indirect expense issue through the vehicle of the workshop and see where the negotiations can lead us.
Q. Are those figures correct—the 33 per cent and the 37 per cent figures?
A. I don't know for sure, Tom. I think they are close enough. It may be right on target. It may be very close. I'm not sure.

Tuition Increases

Q. Do you believe that a tuition increase is necessary?
A. I think tuition increases are a fact of life for two reasons. One reason is inflation. There is no need to elaborate on that. The other is that our tuition, by and large, is below that of comparable schools in the New York area. In terms of the quality of the education being offered, I think it is a bargain. It is still very expensive, a very expensive bargain—if that is not a contradiction.
Q. An increase in tuition will have a disproportionate impact not only on those minority students who are already here, but also on those whom we hope to attract. With the tuition increases, will there also be increased financial aid?
A. It seems to me that the two have to go together. I do not want the law school, whatever our other goals, to become the preserve of only the well-to-do. No way.
Q. In the past, demonstrated commitment to social justice and a strong affirmative action policy have been the hallmarks of our admission policy at Hofstra. However, last year, we placed a greater emphasis on LSAT scores. I think the median LSAT scores for the class of 1981 is somewhere around 620, compared with a 543, median

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Regan...

From page 4

LSAT score for the class of 1980. That is a jump of 80 points. Do you plan to emphasize demonstrated social commitment and a strong affirmative action policy, or do you plan to continue putting added emphasis on LSAT scores and grades?

A. I plan to continue the directions that were used last year which gives, as you say, increased emphasis to the LSAT and grade point index, without necessarily precluding the other factors that go into the make-up of the student. However, I think a broad range of factors have to be considered. I am, for example, concerned not only about social awareness but I think we should also be concerned that people of a wide variety of experiences, age and backgrounds, have access to the legal profession. It seems to me that diversity is a very important factor, and I would look for what has happened in the life experience of the person as being a very important component, assuming that person has passed initial qualifying standards on the basis of the traditional predictors of grade point index and LSAT.

To narrow the concern to social awareness, it seems to me, is to overemphasize one of many factors that ought to be considered. In fact, I find it frankly somewhat inconsistent to admit students on the basis of their supposed proven social awareness and then not to design the curriculum which builds on that demonstrated awareness and to make them even more socially aware.

What I find particularly ironic is that the very students who supposedly had demonstrated such a great interest in social awareness in their college days are scrambling for the law firm jobs to the same extent as any non-socially aware student might. This is not to pass judgment on it as being right or wrong. It is just an observation that having picketed as a undergraduate is not necessarily an indication that you have a commitment to social justice any deeper than the fellow or girl next to you who did nothing.

Q. Well that could say something about the values that are communicated in classrooms.

A. Well it says something about the values of age groups, particular age groups in our society at the moment. I think it is fair to say that students in your generation are returning to more traditional interests and outlooks, and they are seeking the same goals as the students of the 50's that were so radically condemned because they were so uptight. American society has changed without question since the 60's. I have been in education all through that period, and it was so exciting, and I have seen the change occur. You can almost pin-point it to Cambodia and to a moment in time. People threw up their hands in disgust in 1970.

All I am saying is that there have been enormous changes. Our values in other areas of life, in dress, or sexual mores and all of that have loosened up considerably. You know a lot of this is for the good, but some of our values have not changed. Or at least we have reverted to a more traditional set of values. I think one of them is the desire to establish a meaningful career and profession and to make money. For better or worse, I think that is what a student would want to do. I don't see that one has to be a dinosaur in social awareness to pursue goals of that sort. What you don't find in the same degree today as say eight or nine years ago is the student who was quite prepared to reject all of the traditional avenues to success and strike out in new directions and do different things and did not particularly care whether he or she made a lot of bucks in the process. There is less of that around, although it has not completely died.

Clinic Programs

Q: Would you favor an expansion of the clinical programs, and if so, in what areas?

A: A very hard question. I have to know far more about the clinical programs to advocate any expansion of them. They are very costly. They seem to be well done, as far as I can determine, but their funding to date is a mixed bag from law school and outside sources. If somebody came along with a half-million dollar grant and said run a clinical program for the next five years with it, then great, I would move in tomorrow.

Who pays for the expansion? There is something like a 4 or 5 to 1 student-faculty ratio there. That is incredibly expensive as opposed to something like 28 to 1 in the traditional classroom setting here. I just have to see all the sources of funding before I could ever advocate expansion.

Q. Would you favor tenure tracking the clinical faculty?

A. We are looking at that issue right now. I see no reason myself, on the level of principle, why persons who teach in the clinic ought not enjoy the same faculty status as persons who teach in the classroom.

I think parity is a desirable goal so long as the funding for the positions is what we call hard money and not grant money. It would be, I think, foolhardy to consider a person on a two-year grant as on a tenure track and then say, when the grant runs out and the tenure grant given, that he or she then has a lifetime claim against the university for an annual salary when there has been no money budgeted for that salary.

Where there is a hard money basis for the app9intment, as I think there ought to be for a lot of the clinical operation, it seems entirely appropriate to aim for parity. What has to be developed, though, are criteria for appointment, promotion and tenure which take into account the special problems of working in a clinic. For example, to say that a person teaching in a clinic is held to the same level of scholarship as a person teaching in a classroom ignores the fact that in clinics you may have a very heavy caseload and not a moment in the day, day in and day out, 11 months in the year possibly, to call your own. And so when are you going to do all this big writing? You won't do it, and it is an illusory criteria and would work only to the detriment of the clinical faculty.

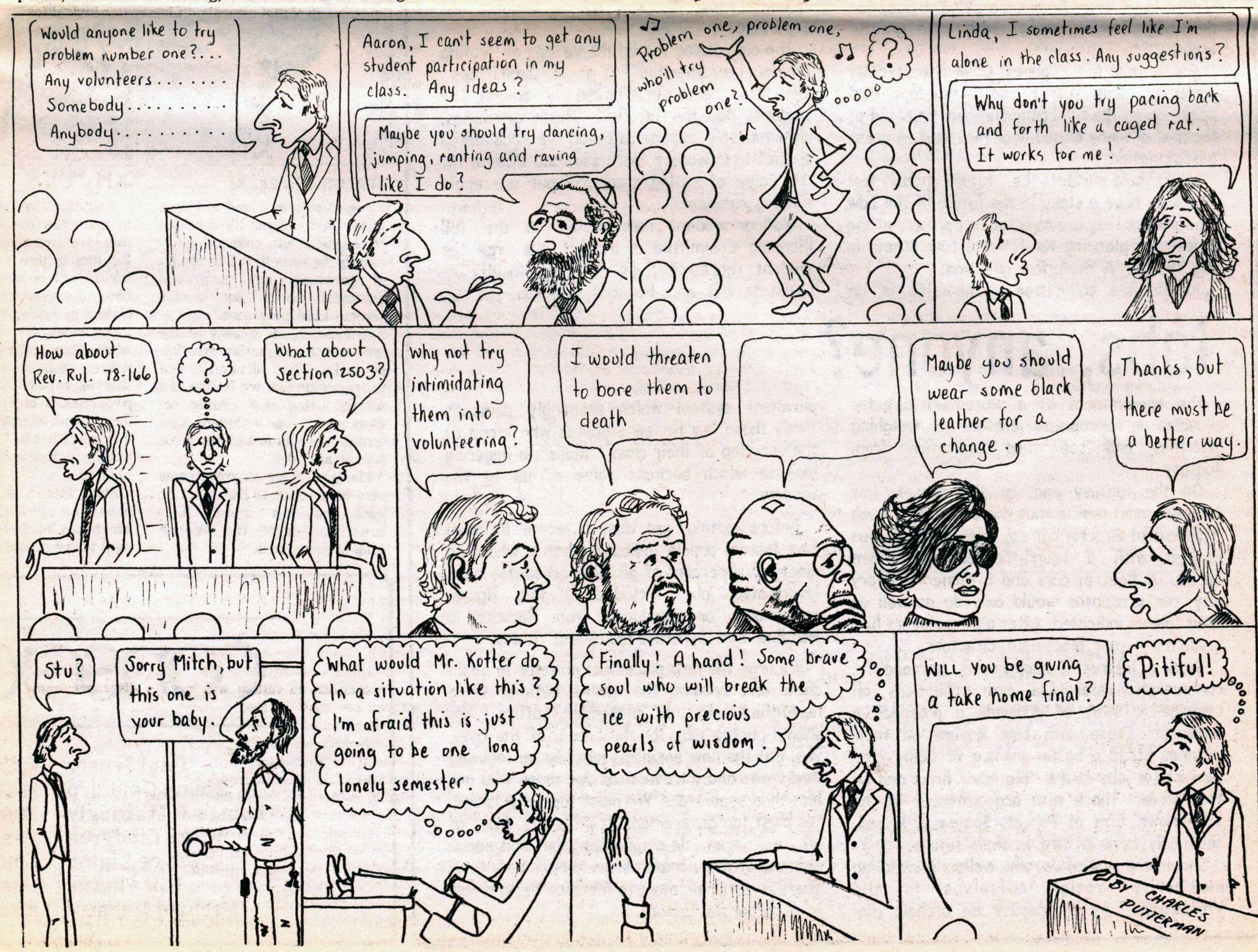
What has to be worked out instead seems to me is some ability to identify persons who can move back and forth from the clinics to the classroom, or the classroom to the clinics and have breathing space. Maybe one semester they do nothing but teach in the classroom, or they teach one course and work in the clinic half-time.

Again what is scholarship for a person in a clinic? Is it the traditional law review article or is it something else? Is a brief in a Supreme Court or the U.S. Supreme Court comparable to a law review article?

Q. I know people who say one good appellate brief is worth a law review article.

A. Well, I know others who do not feel that way. You know you can argue, as I have heard it, that it is true that the amount of work that goes into a brief may be the same, but it does not expose one to the views of one's peers in the profession. It only exposes you to one judge or three judges or whatever who will rule on your case. So how do you measure success?

We went through this round and round in Maryland last year, but we went for parity. We were able to recruit people who can do both. We had some people on the faculty who did both. The fellow who was head of the clinic there, much like NLO, had been a regular peer, a regular faculty member. He had been an attorney at Legal Aid. He taught for a couple of years, and then when the money became available to start this office, he did that. So he went back and forth. Now he is on leave and planning to go back to classroom work. You know you have the burn-out factor that comes in again. You can only handle that kind of life for a couple of years and then you have to have some relief from it.



OPINION

Jon Falk

Many of us knew Jon Falk, but even those who didn't were shocked and saddened to learn of his death. As an editor of Law Review and **Conscience**, Jon distinguished himself as an involved, committed law student. He was truly one of our better graduates and, having landed an impressive job, seemed well on the way to a rewarding career.

Speaking for all Hofstra students, the editors of Conscience convey to Jon's family sincere sorrow at this unfortunate, untimely loss.

On the fritz

During the summer, the Law Library was a veritable inferno because the air-conditioning was broken.

Well, here we are — the end of October, and Dante would be pleased. Not only wasn't the air-conditioning ever fixed, but it seems the ventilation system is "on the fritz" also. The heat goes on when it needn't. On humid days, it is literally impossible to work in the main room.

Why must a little matter like this drag on for the better part of a year? Query also why rooms 308 and 205 sometime approximate the ambient air temperature of an igloo.

For pete's sake — can't someone take care of the matter?

Poor planning

In an editorial last month, we asked: "If today's miscalculations lead to tomorrow's alumni having little affinity for Hofstra Law School, then what kind of development effort can we hope for in future years?" The question now begs for an answer with even greater urgency.

For reasons that Planning Committee faculty prefer to keep secret, voting student participation on the full committee was rejected at the first of many closed-door meetings. A gross miscalculation.

Why should students (i.e., future alumni) feel that they have a stake in the future of the Law School when they are rejected as partners in the process of planning for Hofstra Law School in the 1980's? A rhetorical question.

Responsible committee membership is an excellent educational exercise. Students and alumni are more likely to accept the resultant plans if they are fully a part of the process. And it is an understatement to say that many students have valuable planning insights and experience to offer.

The old catalog touted the virtues of "voting (student) membership . . . on all committees" and the "sense of community among the students and the faculty." These attributes, unfortunately, appear to be on the endangered species list. Secrecy, paranoia, and disdain for the value of voting student input are again running rampant.

Voting student membership on the full Planning Committee is a must. We urge the student representatives and the faculty to reinstate this once-honored tradition.

Jobs, anyone?

The appointment of a placement director provides an appropriate juncture for weighing priorities and separating aspiration from fantasy.

On the fantasy end, at the outset, law students must realize that there's only so much a placement director can do. If Hofstra Law was staffed with a round-the-clock placement bureau, a fleet of cars and a runner in every city, our graduates would only do as well as their talents indicated. After all, employers hire students — not placement directors.

Grades, interests, background, personality, connections, references and affiliations all combine to sway or dissuade a prospective employer. Those with **Law Review** on their resumes stand a better chance of being contenders for jobs at the "big boy" firms and on Wall Street. Those with acquaintances in the well-known firm of **Parent, Spouse & Friend,** seemingly have a Ford in their future.

Should the rest of us, who wallow in middling mediocrity, resign ourselves to the Volkswagen? As we peruse an archaic employment system which seemingly demands "only those law review students who stand at the very top of their class" there's a lingering malaise which beckons some of us to the window.

Before exiting, get this: A recent **National Law Journal** article indicates that a whopping ninety-four percent of all 1977 graduates have law-related jobs. Included in this figure, presumably, are graduates from Harvard to Hamline and Syracuse to South Texas.

We urge the new placement director to begin anew and revamp the entire outlook of a heretofore abysmal placement office. We should pursue jobs for the cream of the crop, yes. But the new emphasis must be on securing interviews and introductions for those who are less than superstars. We must tap Long Island. We must tap government at all levels. Most of all, we must de-emphasize the misplaced glamour of the monster firms in New York City. There is, after all, more to life than being a tool in a corporate factory.

Dumping o

New Yorkers have a unique electoral opportunity this November. We can retire Perry Duryea.

If Hugh Carey has given us little to cheer about, Perry Duryea offers even less. His campaign tactics and his record indicate the lack of substance behind the Duryea style.

New Yorkers are concerned, and rightfully so, about crime. Duryea has leapt upon the crime problem with an appeal to our fears. He has taken the simplistic route, making vague references to "toughening our crime laws." He speaks of reinstating the death penalty, as though capital punishment were a panacea. This is the easy approach, encouraging a reflex reaction ("Hang the bastards!") instead of attempting a thoughtful analysis of the problems of crime and punishment.

Furthermore, whatever one thinks of the death penalty, Carey should be applauded for his veto. The politically expedient move, according to the opinion polls, would have been to sign the capital punishment legislation. Carey's veto was a rare act for a politician, an act of conscience.

But, rather than commend Carey, or at least attempt to offer a rational opposing position, the Duryea campaign resorts to viciousness. Duryea's top Assembly lieutenant, Dominick DiCarlo of Brooklyn, recently went so far as to call Carey a "lobbyist for criminals."

QUERYIN

Query: How has

Aaron Twerski

I went to law school in Paper Chase days. I think the learning atmosphere has changed enormously for the better. The quality of teaching has improved markedly, partly due to Ivy League LLM programs.

In general, the quality of the law school community has improved. The diversity of backgrounds that we find in law schools today was simply not there when I was a student. Law schools were almost totally male when I attended.

Many of these improvements may be peculiar to Hofstra. I do think that law schools have benefitted from the overall student movement.

Kris Glen

Well, there were only 20 in my class out of 280 makes an enormous diffe the atmosphere in scho sexism experienced in th dominated universe w blatant and offensive. Th to have special "ladies when they called on women such as when w studying rape cases. Wo powerless to object to a they found offensive—I this would not be true no women no longer have to isolated.

Also, there's a healt phasis on clinical expe which was totally lacking went to law school.

conscien

Paul Senzer — Editor-
Stuart Goldfarb — Managi
Thomas J. Mattingly — Managi
Vicki Lindgren — Contrib
Joyce Lipton — Copy E
Bill Cherno — Busines
Michael Mermer — Photogr

n Duryea

by Lou Evans, '80

recent Duryea commercial shows the candidate ng to a group of senior citizens on a Queens street er. Duryea attacks Carey for sponsoring a piece of lation that called for issuing police whistles to the rly. The idea behind the whistles was that the user d signal for help if attacked. In the commercial, yea terms the bill ridiculous. He fails to note that, n the bill came before the Assembly, he voted ."

espite Duryea's emphasis on crime, his record as ker of the Assembly contains little in this area. only major "achievement" was shepherding the Rockefeller Drug Law through the Assembly, a that proved to be expensive and coun- roductive.

uryea likes to create issues out of thin air. He has trying to attract the normally Democratic Jewish by deploring the Carter Administration's Middle policies. Regardless of the merits of Carter's cies, this is an offensive campaign tactic.

indicates a belief on Duryea's part that Jewish rs are concerned about Israel, and nothing else. It cates a belief on Duryea's part that Jewish voters incapable of distinguishing between Albany-made e policy and Washington-made foreign policy. yea seeks to appeal to Jewish voters, but, in effect, vs little regard for them. Furthermore, this tactic serves to divert attention away from state issues and toward a matter in which the Governor of New York has little or no say.

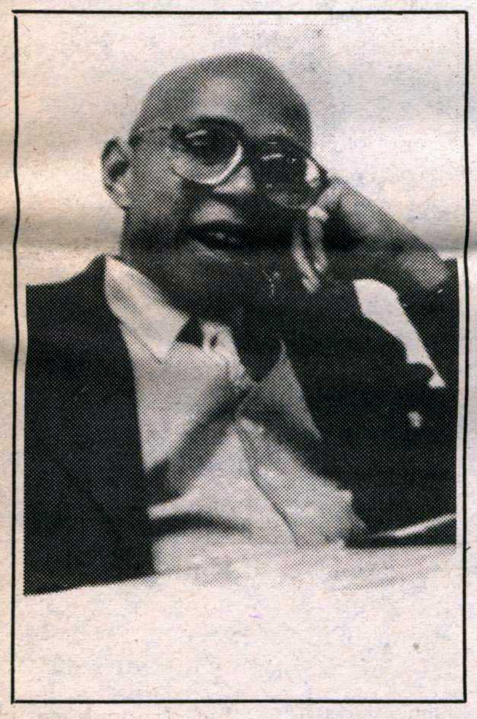
Not surprisingly, Duryea has plenty to say about taxes. In his ads, he advocates a measure akin to Proposition 13 for New York. Again, Duryea takes the simplistic route. Again, he appeals to the "We're as mad as hell and we're not gonna take it anymore" sentiment. That's much easier than asking us to think about the long-term effects of a Proposition 13-type tax reduction.

Duryea's new-found populism masks his past record. In the Assembly, he has indicated a fondness for "moral obligation" borrowing as a means of financing government projects. Moral obligation borrowing was invented by John Mitchell (of Watergate fame) for the Rockefeller Administration. The technique was employed so that the state could avoid putting a bond issue before the voters. As Assemblyman and Speaker, Duryea voted in favor of twenty-six projects financed by moral obligation borrowing (until the technique was abandoned in 1976). So much for Duryea, the defender of the public's rights.

Perry Duryea is running a slick, well-financed, well-organized campaign. But, the closer one looks at him, the more apparent it is that he should not be Governor.

G PHOTOGRAPHER

w school changed since you were a student?



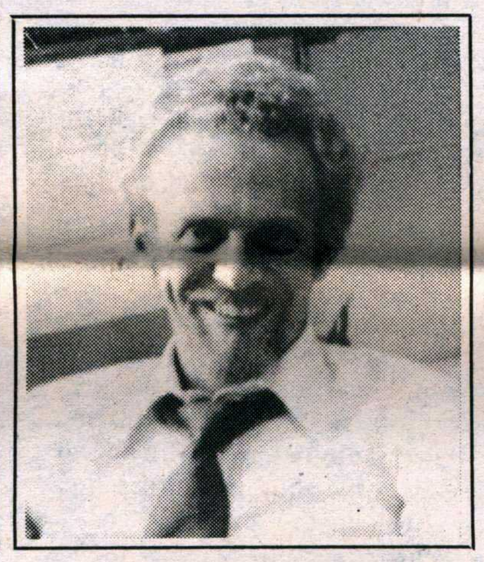
John DeWitt Gregory

Students appear to be much more relaxed and laid back than when I went to law school. Also students worked much harder in terms of time and intensity.

David Kadane

When I went to law school in 1933, it was a highly impersonal place, especially for a first year student. There was no system under which the problems of students could be unearthed and discussed, and very little attempt made to reduce the first year panic. The system at my law school was to admit 150 percent of the number of students which the school expected to graduate and then flunk out the rest.

There were very few electives. The first year courses were mostly full year courses with no exams until the end of the second semester, much less practice exams.



Larry Kessler

From my point of view, law school has changed only in terms of student body and the attitude of faculty toward the students. The accessibility of faculty to students and concern for students' comprehending the legal analysis and process is so great in comparison to the disinterest evidenced by my teachers that it perhaps results in a different type of education.

The classroom experience itself however, is remarkably the same.

MAILBOX

Fuhrman attacks us as "selfish"

I feel compelled to respond to the editorial criticizing me for "indiscretion" in the recent relocation of the student activities offices. I am disturbed not only by the unjustified remarks about me, but also by the implicitly selfish nature of the editorial.

As is apparent to all of us, space in the law school building is becoming tight. When the First Year Legal Research & Writing Program was adopted, the decision was made to house it in the former Law Review office. This, in turn, required relocating the Law Review to the former Student Activities offices and relocating the Student Activities to the formerly vacant Barton House. This was the best solution to the space problem that could be found at the time, and it rightfully put the highest priority on having the First Year Program's office ready before the beginning of the fall semester.

Unfortunately, for a variety of reasons we received approvals for the necessary alterations later than we had hoped. Furthermore, we had to coordinate with both the teamsters and the custodians, each of whom was rushing to complete other assignments around the University before the start of classes. This included the installation of additional handicap facilities. They simply could not give me a time commitment for our move, although I called them repeatedly. I passed along the little information that I knew to those students who were involved.

Needless to say, I was astounded on Friday, August 19, at 2:00 p.m. when I was informed that unexpectedly the teamsters were available to begin the move at 6:00 a.m. the following morning, and that if I declined the offer they might not have been able to reschedule us in time. As a result (while coping with bulletin and placement deadlines) I made a reasonable attempt under the circumstances to notify those who were involved. Given that a summer weekend was upon us, I was unsuccessful. As a result, I personally worked alone until 8 p.m. writing instructions for the movers and "tagging" furniture. I also spent most of Sunday at the law school checking preparations for Monday's First Year Student Orientation.

I have not recounted these facts merely to defend my own actions in this instance. I am making the point that when things don't go well at the law school—and I agree, for example, that this move did not go well—that we have to be a little understanding of the conflicting demands on each other.

Although the law school administration and faculty should never be above criticism for their mistakes, I believe that students must have faith that most of us have chosen to work here because of a genuine concern for their legal education. That faith will not be disappointed.

As a former business manager of **Pocket Part**, member of the Academic Standards Committee, and class representative to the Dean Search Committee, I identify with those students who have chosen to take an active role in the law school community, and I will continue to give them my full support. This is why I resent the implication that I don't care about the needs of students. Furthermore, this is why I am dismayed that although I explained the circumstances of the relocation to most of the student activities leaders, apologized for its shortcomings, and promised to press for the resolution of remaining problems outside of my control, the editors of **CONSCIENCE** have chosen to use the student newspaper to make the cause of their personal annoyance a public issue.

There is an old saying that the squeakiest wheel gets the most grease, even if it doesn't deserve it. Unfortunately, important needs get shortchanged as a result. I hope that some of our "prime movers" and "politicos" learn that their personal priorities are not always the right ones for the law school, and that my obligation as an administrator is to consider the welfare of the entire student body in pursuit of the quality legal education for which they have come.

Hillary Light Fuhrman

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CONSCIENCE is published on a monthly basis from August to May by the students of Hofstra University's School of Law, Hempstead, New York 11550.

The editorial board is committed to bringing Hofstra Law a competent, informative, lively newspaper which adheres to professional standards. Accordingly, we'll strive to meet the responsibility that derives from first amendment guarantees.

All of you—students, faculty and staff—are encouraged to make editorial suggestions, submit articles for consideration and, of course, write letters to the editor. Regarding submissions: please type (triple space) and include name and phone number. Submissions may be dropped off in our admissions office mailbox.

CONSCIENCE is distributed free of charge to members of the law school community. Funding comes from advertising revenue and the student activity fee. Subscriptions for all others: $5 per year.

Howard Blatchford
Lorraine Cusick
Lou Evans
Marc Fleisher
Sam Felberbaum
Joan Genchi
Robert Hodge
Charles Putterman
Jeffrey Sunshine
Walter Schlonge

NEXT STAFF MEETING:
Wednesday, October 25, at 1 pm
in Barton House. All welcome.

Teamsters dump on Conscience

I am deeply dismayed and very much insulted by your editorial titled, "Stormtroopers." You reported that, "Without notice on a Saturday morning, teamsters with all the delicacy of Nazi stormtroopers . . ." moved the furniture of various student organizations from the School of Law Building to Barton House across California Avenue.

I vehemently deplore any comparison of my work to that of "Nazi stormtroopers." The Nazis have always stood for everything repugnant in life. Moreover, I personally experienced their brutality as a prisoner-of-war in Germany during World War II. I think you can understand why I deeply resent the wording of your editorial.

Later in the same editorial, you indicate that there was a notice given to some students about the move. We certainly did not arbitrarily decide to move furniture from one building to another. We received a work order and we responded to the request for our services. If that is brutality or insensitivity in the Nazi fashion, I think that you have no understanding of what dealing with Nazi stormtroopers was really like.

There are several other inaccuracies in your editorial. One in particular is that you state that all of the furniture was placed in one room. My colleagues and I placed the furniture in three rooms. There just wasn't enough space in one room to contain all the pieces that we moved.

We are teamsters and we are employees of Hofstra University. I have devoted fourteen years of my life to this campus. Its welfare and its people are of deep concern to me. I would certainly not perform my work in a way to cause anxiety and anger for any member of the University community.

This summer, we employees of the Plant Department devoted endless hours to improving the appearance and the livability of the entire campus. We worked beyond the call of duty to complete all of our assignments in time for the beginning of the fall semester. We were pleased to be thanked personally by the President and the Executive Dean of Operational Services.

In conclusion, I want to say that your publication descended to libel in comparing my work to that of Nazi stormtroopers. I sincerely hope that you will apologize in a subsequent issue.

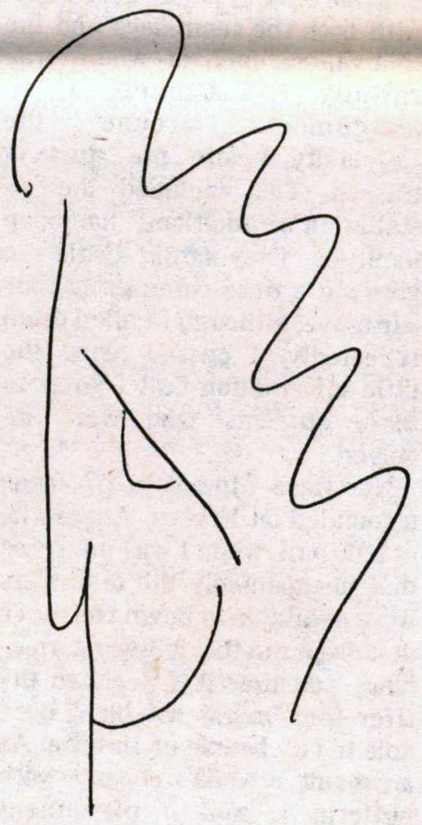
Sincerely yours,
Alvin Pasternak
Plant Department

Ed. note: There's no question that Hofstra's plant department is devoted and competent. Unfortunately, its services had to be used in what was an eleventh hour rush-job. As such, the law school is to blame—not plant employees.

Freedman's face

I enjoy Mr. Putterman's caricatures (especially of my colleagues). But I think the enclosed portrait of me, by Ralph J. Temple, is more flattering and, therefore, more accurate.

Regards—
Monroe Freedman



Denials of "dormlord"

The article on page 3 of the September issue of CONSCIENCE, "Hofstra hails as "dormlord," is blatantly untrue.

I cannot speak for Mr. Kenneth R. Murphy, manager of University Gardens, but I can unequivocally state that Hofstra is not "reaping a substantial profit from its Fulton Avenue dorms."

If a non-Hofstra person occupies a one bedroom apartment as noted in your article, he pays for utilities, must sign a two year lease, and put up a security fee. In addition, there is no furniture in the apartment.

Hofstra is not paying $150 per month. We are paying $500 per semester per student. Additional costs are:

1) $6500 staffing cost for a Director and two Resident Assistants.

b) $60,000+ for new furniture

c) An evening shuttle bus—the cost of which has not been fully established. Costs accrued will be wages for drivers, gas, and repairs of a H.E.L.P. van.

It has never been the University's position to make a profit on housing. If all goes well, if there are no unusual repairs for the apartments, the Towers, or South Hall, and if the investment of furniture is amortized over a five year period, the University will barely break even.

I hope in the future your articles will be supportive of our massive efforts to resolve the housing crisis. Please call me or the Director of Residential Life, Carolyn Smith, if you want further information.

Patricia Simmons Giardini
Dean of Students

Consumer

Avoiding lemons: a layman's guide

by Sam Felberbaum

Uncertainty can exist in other things besides law school; buying and owning a used car for one. The biggest problem about buying a car is that you are required to judge its reliability and performance in a very short period of time. Even if the car appears to be a good buy, there's no guarantee that it will hold together since cars are literal time bombs. However, you can reasonably minimize the chances of getting a lemon by listening to a few tips from someone who has had his share of lemons and good cars.

First of all, even if you are very knowledgeable about cars, bring another person with you. Sometimes when there is an immediate need for a car, even the most obvious lemons will seem to be attractive. It's preferable that this person be at least somewhat familiar with cars, especially if you are not.

Look in the **Buy-Lines** or the **Pennysaver** for a car that is within your price range. You may also want to check used car dealers. Buying from a used car dealer may be preferable sometimes if you can get a warranty for the car. However, many times the dealer will refuse to honor the warranty by telling you that the car is not in need of repairs when this is not so.

Once you have found a candidate, open the hood of the car and check all the fluid levels: engine oil, automatic transmission fluid, power steering, brake fluid, battery and radiator levels. If any are low, there may be a leak. Look under the car on the ground and on the parts of the car for wet spots. Also look under the hood for leaks around the engine. Leaks usually cost a lot to fix. Next, start the engine. If the car starts very slowly (slow "cranking speed"), it may have a bad starter, alternator or battery. Figure on a cost of between $50-$75. Once the engine starts, allow it a few minutes to warm up. Then have someone stand behind the car while you race the engine by pushing on and off the gas a few times. If blue-black smoke is seen from the exhaust, you are probably burning oil. At this point I would look for another car since this repair can run well over $250.

Now check the automatic transmission fluid while the engine is running. The fluid should look pink or red, but never brown. Also check to see if it smells burnt. Brown or burnt fluid usually indicates that the transmission is damaged, especially in older cars. However, it could just need to be changed.

Listen to the engine while the car is standing still and while driving on local and highway roads. Listen with your foot on and off the gas. A slight tapping or ticking noise is probably not too serious. However, a hard metallic knocking means you have a pile of junk on your hands. If you're in doubt as to the type of sound coming from the engine, try to bring it to a mechanic or if not then just look for another car.

While riding in the car, listen for excessive noises and notice if the car bounces too much or veers off to the side as you go over bumps (you can find plenty of bumps on campus). Swing the wheel from side to side a few times. The car should respond immediately and not go out of control.

Now step lightly on the brake pedal. If the pedal sinks without stopping the car, then you will definitely need a repair job costing about $60-$100 as well as possible medical care. Step hard on the brakes as well to check how quickly the car stops from low and high speeds.

Again with the car standing still, push down hard on each corner of the car several times so that you will rock it. Then let go. If the car continues to bounce more than once, you probably have bad shock absorbers, especially if the car bounced excessively when you drove it before. This will cost about $45 to repair. Now check all electrical devices such as the heater, headlights, brakelights, signals, wipers, etc. A non-functioning device may indicate only a simple fuse or bulb problem. However, the problem can be more serious. For example, if the heater blows only cold air, repairs can cost anywhere from $5 for a thermostat to more than $80 for a heater core.

Check all the tires for bald spots. Also look at the rear wheels to see if the body of the car covers any part of them. If it does then the suspension of the car is sagging. Repairs will be about $60.

The shape of the body of the car and the mileage are not necessarily determining factors in buying a car. Cars that have damaged bodies may be mechanically sound. In fact, the owners will be more willing to part with it for less. As far as high mileage cars are concerned, if it still runs well, it can be good for many more years.

If you are looking for a small car to save on gas, you may want to consider the fact that larger cars sell for less. The money you save on gas with a small car may not be as much as that saved on the selling price by purchasing a large car. Additionally, since small cars run hotter, the engines do not last as long as eight cylinder engines.

Once you have bought the car of your dreams, the idea is to keep it out of the hands of the mechanic as much as possible. *The most important part of* automobile maintenance is lubrication. Check all fluid levels about once every week. Have your rear axle fluid checked about once every six months. Change your oil and filter and have the front end lubricated every 3,000 to 4,000 miles, especially on old cars. Use 10W-30 oil for the winter and 10W-40 for the summer. Changing your engine oil at these recommended intervals is vital no matter what the auto manufacturers say. They have an obvious interest in your grinding your engine to pieces.

Be sure to tune your car every year or 12,000 miles. This keeps your engine from overworking. Keep your tires inflated properly (28 lbs. for most cars) to insure long tire life. Stay away from honey-like oil additives which gum up oil passages. Watery additives such as Marvel Mystery Oil can be just as bad since they dilute the oil. The result will be engine failure and you will be left with one huge paperweight on your hands.

Finally, drive your car easily. Not only is it safe and sane to do so, but it will reduce the likelihood of costly repairs. For example, for those of you who like to accelerate suddenly from a stop, you are needlessly straining your engine and transmission as well as wasting gas. If you're a little bit more careful, you can be putting money into your own pocket instead of into the mechanic's.

Sam Felberbaum is a second-year student at Hofstra Law. He has worked for the New York City Department of Consumer Affairs and does one hell of a Ron Silverman imitation.

Students denied planning vote

On October 5, the Law School's new Planning Committee held its inaugural meeting. First order of business: exclude students.

Not only was student attendance barred, but the Committee later voted, according to Dean John J. Regan, "not to invite students to participate in a decision-making role as members of the Committee." Committee members (including the Chairperson) confirmed the student exclusions, but refused to state reasons for the Committee's actions.

Students will, however, have a limited role as members of subcommittees.

Regan, who was not present during the student-role discussions, refused to meddle with the Committee's exclusionary policies. "If the (full) faculty wants to countermand the decision, I assume that it has the authority to do so."

The actions of the Planning Committee in excluding students from both attendance and membership are in apparent contravention of the policies of former deans Twerski and Freedman.

The Planning Committee was first suggested at a November 3, 1977 Faculty Meeting. Interim Dean Twerski decided to refer the matter to the new dean (who had not yet been selected) so that he or she might make the appointments and give the charge to the Committee.

Regan took the initiative and announced plans for such a committee soon after he was selected as dean. He has appointed professors Agata, Kadane, Mahon, Ordover, Posin, Rabinowitz, Rush, Silverman, and Wypyski to the committee, with Rabinowitz to serve as Chairperson.

Towing the mark? — blame Shuart

Since September 18, over 250 errant autos have been towed from illegal parking spaces. According to Robert Crowley, Securities Operations Manager, University President James Shuart authorized the new procedure.

Actually, towing isn't so new. The latest purge is merely a reinstatement of an old custom, *after a four* year hiatus. And according to Crowley, it's working very well.

"Last winter during the bad weather, abuses restricted the flow of travel and the ability to park," said Crowley. "The handicapped students were hit hardest by students AND faculty illegally parking their cars on walkways and in restricted areas."

Crowley didn't have a breakdown of who's being towed from where, but as any casual observer will tell you, law students aren't being passed over. He added that the victims fall in any of ten "towing categories" and so far "there has been only one claim of damage to a car." Crowley added, "the entire operation is insured against all liabilities."

In order to protect the operation from unfounded claims, Crowley has his men take polaroid snapshots of each *illegally parked car. Upon* returning to the scene of the crime and experiencing an attack of retroactive mens rea, the car's owner must go to the police station in Weller, pay a summons fee of $10 and a towing fee of $25 before repossession.

"Fire lanes, handicapped and tower areas, and gateways are our focal points," concluded Crowley, "and we hope for more compliance with the parking rules by everyone in the coming weeks as the winter season approaches."

Placement

From page 3

for jobs. "It doesn't matter how many interviewers come to school if students can't conduct themselves on interviews," she said. "I'd like to teach them how to utilize their skills, and mobilize them to begin working on their own job hunt. The job world and the world of work is a lot different from academic life."

When asked whether she would be paid "upwards of $35,000," Kennedy said, "No way. I have no idea what the administrators make, but being a person in my position, without legal placement experience, it wouldn't be fair for me to command that kind of salary."

Kennedy feels that what the school needs right now is someone to start a program of placement that will begin working. Having done "homework" by visiting other law school placement offices, Kennedy concluded that it takes at least four years to get a placement program that is fully functioning and generating its own jobs.

"I'm in a very funny position here right now, because I don't know what's gone on in the past and I've heard only the worst. But, I'm coming in at a very good time, because whatever I do will be something different."

LSD symposia this weekend

Placement and law student power will be the premier programs of the ABA Law Student Division Fall Conference at NYU Law School this weekend, October 20 to 22.

The National Association of Law Placement (NALP) will give a repeat performance of their very popular and highly successful program from the LSD's Annual Meeting this summer. Some of the Northeast's most experienced law placement directors will instruct you on interviewing techniques, resume and cover letter writing, and carrying out a realistic job search.

Donald Ross, Esq., Director of the New York Public Interest Research Group, and Doug Phelps, Esq., Acting Executive Director of the Equal Justice Foundation, will be among the many participants in a Symposium on Law Student Activism.

In addition to speakers and a panel, there will also be problem-solving workshops that will concentrate on actual problems from the 15 area law schools in the LSD's Second Circuit. Some of these are: placement problems, skyrocketing and misallocated tuition and fees, curriculum and grading process reforms, financing public interest law, affirmative action programs, increasing the quantity and quality of clinical programs, and faculty hiring, tenure, and promotion.

Beer, wine, and munchies will flow and crunch (respectively) at the informal parties on Friday and Saturday evenings at NYU's Hayden Hall. Reduced theater and concert tickets will also be available.

The price for Fall Conference tickets is $3. Tickets can be obtained at the conference or from Second Circuit Governor and Hofstra student Tom Mattingly.

Self-respect comes first

October 6, 1978

I am writing to you both in response to the "Dean's Forum" of September 27, and because today my car was towed from the Law School parking lot.

During the "Dean's Forum" Dean Regan addressed the issue of parking at the Law School. No proposal was made to improve the situation. Today, in desperation, and following the good example of one of our faculty members I parked along side a valid parking spot. This position is taken every day and does not block traffic. Admittedly it is not marked with yellow lines. Further, there is no sign indicating that this is a tow-away zone. The penalty was a $10 fine, a $25 towing fee, and the inconvenience of tracking down the car behind Monroe Hall after paying the fee in Weller Hall. I believe that this is uncalled for because it is excessive, because I was not "obstructing traffic," and because there was no sign designating this as a tow-away zone. Hence, I have stopped the $25 check and am enclosing the $10 ticket which I do not intend to pay.

While I was chasding down my car this afternoon I recalled some of the ideas that were expressed during the "Dean's Forum." It occurred to me that the desire we all have in making Hofstra a prestige law school has little to do with whether or not we offer a N.Y. Civil Practice course but might have more to do with how we treat our students and faculty on a day to day basis. If we want our school to be respected we just might have to treat ourselves with some degree of respect first.

This reflects in the parking facilities, the lack of adequate placement, the oppressive heat in the library, the quality of coffee in the lounge and the filth throughout the school.

As a second year student I have no doubt that the students and the faculty at Hofstra are of the highest quality. If the facilities and tone of the school could reflect that quality we would not have to waste our time at "Dean's Forum" discussing what will or will not make for a prestigeous image. I believe that self-respect comes first.

Respectfully,
S. Zimmerman

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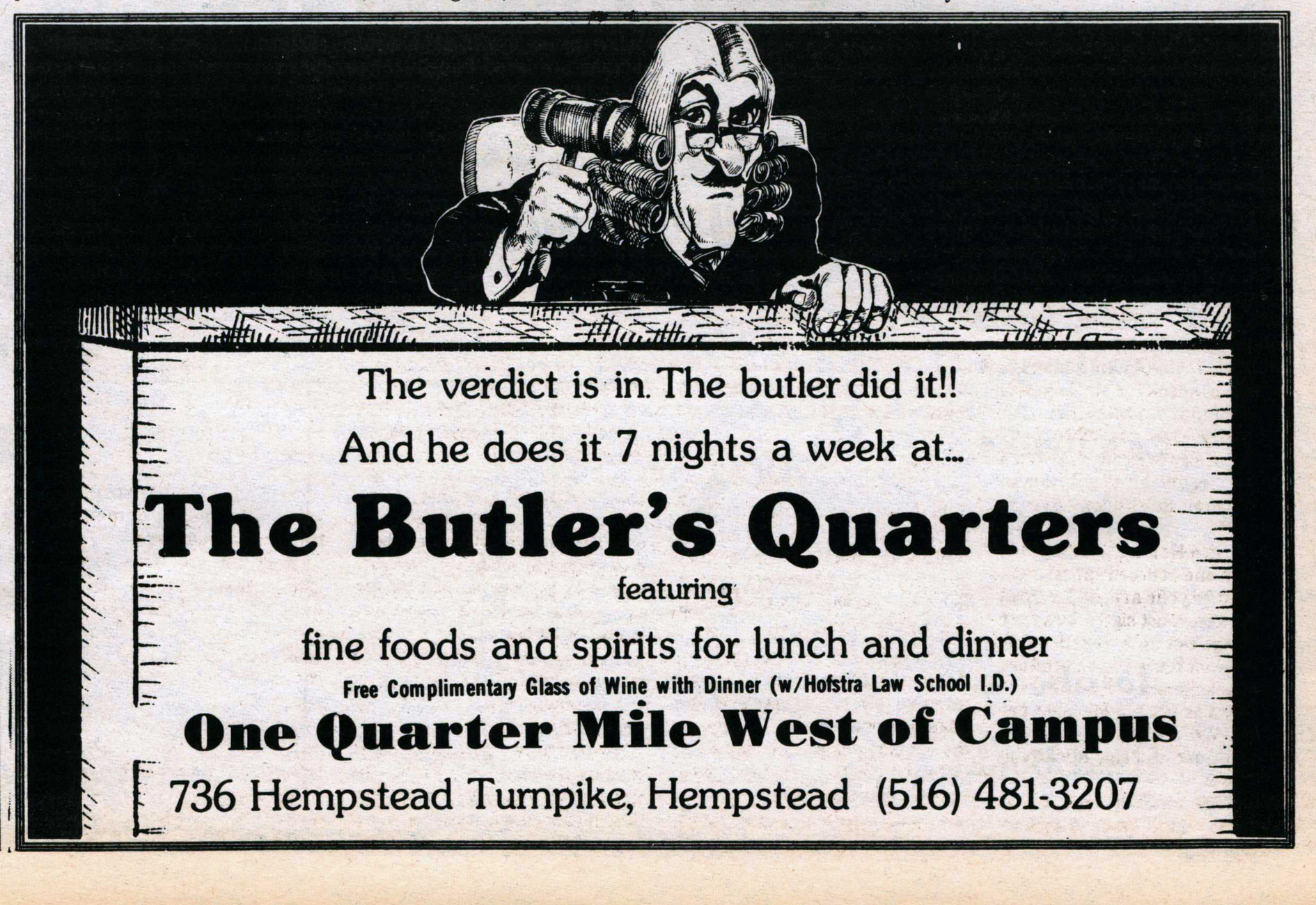

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Diversity

From page 2

retaining diversity, claiming that federal courts empanel better juries and award higher judgements. These considerations, however, have nothing to do with the prejudice rationale, and therefore, are not considered persuasive.

Should an eleventh hour compromise be reached, it may take the form of a less drastic revision of the law of federal jurisdiction. One such proposal has emerged, having received the backing of Attorney General Griffin Bell. It would entail denying plaintiffs access to the federal courts of their own state on diversity grounds when the action could be commenced in a state court. This measure is consistent with the rationale underlying diversity jurisdiction, as the plaintiff cannot claim that he is seeking to avoid bias when filing suit in a federal forum located in his home state.

Another consideration that Congress may take into account when deciding the fate of diversity is the recent agreement by a House-Senate conference committee to create 152 new positions on the federal bench. This could remove some of the situation's urgency because additional judges could cut into the backlog of federal cases.

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CPLR revolt

From page 1

equally to a New York torts or contracts course.

What bothers Regan and many professors this year is the anti-intellectual nature of a parochial "cram course" which caters to third-year paranoia. One faculty member Rosoff spoke with registered opposition with succinct incredulity: "You want a cram course for the bar!?"

Rosoff has managed to outflank charges of "bar-cram" by sharpening his demands. "The course we're asking for is not a cut and dried recitation of the rules. We don't want to be spoon-fed." Instead, Rosoff wants a traditional, "socratic" lecture-type course modeled after one taught at NYU for more than twenty years.

At the Dean's Forum, Regan told students that CPLR is best suited to bar review cram courses. "It is a hornbook kind of course, not appropriate to the third year," he added.

Regan was interrupted by laughter when he tried to explain the merits of the first year civil procedure course.

Rosoff added, "A bar review course is one of the worst experiences imaginable. You're in a time-cramped, pressure-cooker situation." Moreover, he said, Hofstra students face employment disadvantages having little or no feel for the practical application of CPLR. "This school is so far behind in placement, it's pathetic. Even if a law firm doesn't specifically ask if you had a CPLR course, certainly you're more marketable if you have a background."

Regan said that major employers are concerned with general performance—not the CPLR. "My guess is that they won't give a damn, by and large."

Rosoff noted that every law school in New York state offers a CPLR course, with two exceptions—Hofstra and Columbia. NYU Prof. Oscar Chase, an authority on the CPLR, told **CONSCIENCE** that "those law schools in New York that don't give it are more concerned with image than service to the students and the public."

He noted that the NYU course is offered year-round and has a "tremendous" attendance—more than 300. At Fordham, he said, CPLR is a "very intellectually oriented" six-hour course. Chase said that anyone who doubts the intellectual nature of a comparative CPLR course should regard the casebook he uses (Peter, Freund & McLaughlin)—one of its co-authors is the dean of Fordham Law School.

He explained that the New York CPLR "is substantially different from the Federal Rules of Civil Procedure in many respects." First year procedure courses, he noted, "do not succeed in developing a high level of sophistication. It doesn't attempt to be more than an introductory course."

The Hofstra faculty, he said, "has an obligation" to approve a CPLR offering because "mistakes in litigation can be fatal to a client." Bar courses alone "are inadequate to prepare students to be practicing attorneys or go into court." Chase admitted that memorization courses may prepare students for the bar, "but that's absurd. You can do that with every single subject."

Rosoff said that Regan's objections to the course "are not rational ones." Second year student Beth Scharfman suggested to Regan that the faculty should bend a little, especially in light of the petition. "We're not children. We're paying a lot of money to come here."

Rosoff said that some students have resigned themselves to defeat because they feel the school "is going to remain as inflexible as it has been in the past.

The matter will be considered by the curriculum committee later this month, under its new chairman, Prof. Abe Ordover. Ordover told Rosoff that while the concept of a cram-type CPLR course is "politically dead" other options remain to be analyzed.

Rosoff is exploring the feasibility of having the law school's Advanced Procedure course assume the format of a comparative course, much like NYU's. At present, the Advanced Procedure course doesn't deal with New York practice, despite description to the contrary in the course catalog.

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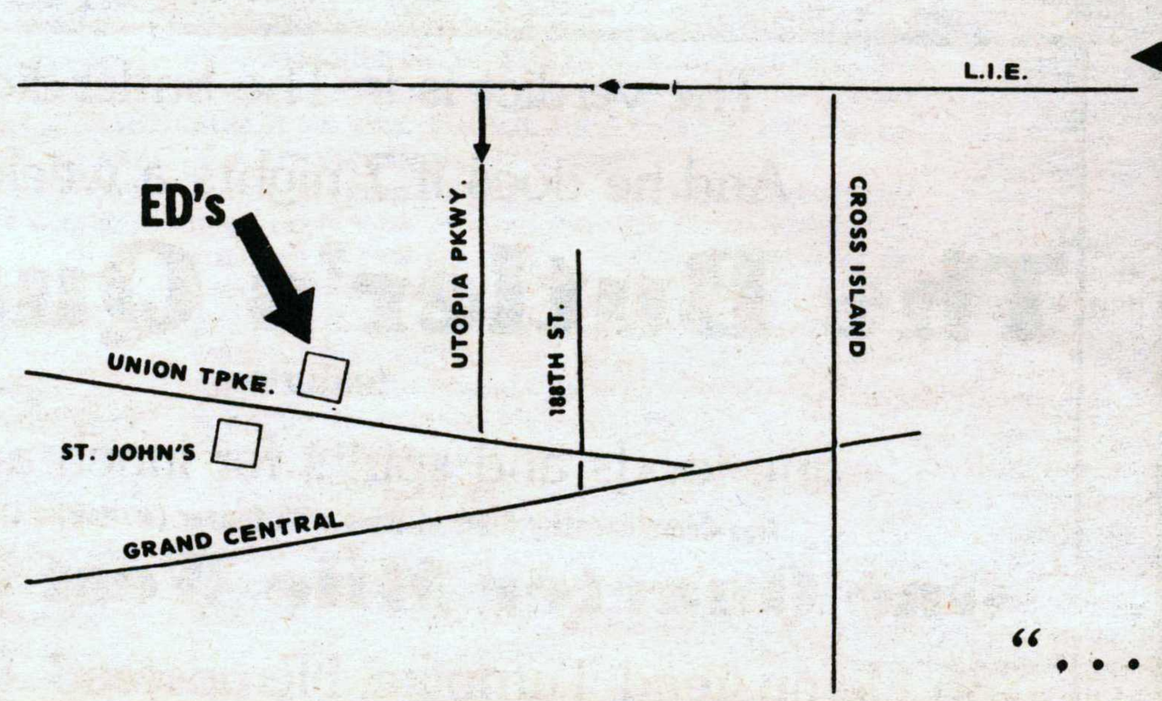

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". . . Worth The Ride"

Law Review

From page 1

elitist, it's due to the long hours they spend in the library, which sets them apart from other students. "However," he said, "on a social level, I cannot believe that Law Review has in any way made me a social snob."

Pete Bariso, a former Hofstra Law student (who transferred to Rutgers at the end of his second year) made Law Review on grades, and quit after approximately two months. He said that he had a negative attitude from the outset, but wanted to give it "a fair shot." Having initially decided to accept the invitation to join, he quit for two main reasons. First, because the work he was doing (cite checking, galley poofing, etc.) could have, in his mind, been done by a secretary or a paralegal. ("It was as stupid as I thought it would be," he said).

Secondly, Bariso quit because he did not like the people with whom he was working. "They were egotistical, selfish and elitist — and underline egotistical and elitist," he remarked. Bariso also said that his negative prior contact with Law Review students was reinforced by his stay, and that the caliber of students on Law Review is "not what it's chalked up to be."

Bariso also indicated that he "seriously doubts" the question on anonymity concerning the writing competition. "I guess you never have a system where you can honestly say no connections are involved, although I doubt whether anyone would like to admit that," he said, "And, by connections I mean knowledge of older members of the staff as to who wrote the article. In theory you're not supposed to know who's article you're reading — that's why they give out fictitious names. But, in reality, I seriously question that."

According to Bariso, the concept of being on Law Review, and its importance to legal interviewers is "a hazard of the profession." He feels that, "Interviews hinge on two magic words—Law Review. It shouldn't be that way, but it's a buyer's market, and it will stay that way for a long time. Law Review is really a miniature of the system that it's encompassed by. If you take the legal system as a whole, and lawyers as a whole, Law Review is a natural consequence." Bariso also said that his experiences working at NLO, as well as involvement with other Hofstra Law programs, were far more meaningful for him than being on Law Review ever could have been.

Alan Koslow, a second year student who made Law Review on grades, had a T-shirt printed during his first year of law school which said, **Make Love and Law Review.** He said that his entire goal, right from the start of law school, was to "get to the top." It should be the motivating factor behind every first year student," Koslow said, "competition makes people work harder, and only those who make a sincere effort to work hard get there."

Koslow feels that in his experience, the "elitist attitude" is a myth. "*Personally, the friends I had before Law Review are* still my friends now, even more so," he said. When asked whether the fact that his academic standing was so high made him feel somewhat superior to other students, Koslow responded that, "I don't feel that I have an advantage because I made Law Review—it's something I felt all along, because I had the advantage of good legal training before coming to law school. I worked in a firm for almost a year."

Koslow indicated that he is aware that the reality of the situation is that only Law Review students get a chance to be interviewed for the "top positions," but that if other students are willing to be flexible, they will find jobs. "Even having made Law Review, I still consider doing some form of government work a possibility for me. Working for the Justice Department or the SEC can be valuable experience. Often," Koslow said, "working in a 'big firm' may entail working on one case for a number of years, and gaining little insight or experience into the legal system. Koslow concluded that being on Law Review would be an added dimension to his legal training, but that there are burdens and benefits that run with being on Law Review. "There's a lot of time pressure," he said.

John Fausti, former **CONSCIENCE** News Editor who quit to join Law Review, never expected to make it. However, for him, it has been a good experience. "It's been great for me, because it's kept the crazy intenseness of the first year alive. I like that feeling of working harder than you thought possible and being totally involved in the law by helping to put out a magazine that we have a lot of pride in," he said.

Fausti feels, however, that the **Review** reflects problems of the law school here, and that students who don't make it lose out a great deal. "Law school becomes a drag," he remarked. Fausti stated, "Our poor Placement Department here only gets job interviews for Law Review students. What happens to the other students? They lose some of their drive and they lose interest in law school. The challenge to Dean Regan is to get the non-Review students back interested in the school." Fausti feels that placement should be the number one priority.

A third-year student who asked to remain anonymous said that she felt that the Law Review system is poorly run. She feels that other students who are not on Law Review should be given a fair chance to write articles and have a real shot at getting them published, after having them edited by members of Law Review. "It's almost impossible to have an article published unless you are on Law Review," she said. She also feels that there is already too much competitiveness at Hofstra Law, which the race to make Law Review only reinforces.

"You wouldn't believe some of the unethical things that go on among students during Moot Court, Pre-trial, and other similar programs. Everyone here has to be somewhat competitive—they have to have been number one at something in order to have made it into law school to begin with. It's sad that there

Rake-off

From page 1

Dean John J. Regan. The Law School pays for utilities, maintenance, and security costs proportionate to its fractional share of the total building square footage in the University.

One of the biggest bones of contention between the Law School and the University is the central administration overhead expense item. We share the costs of this item based on the ratio of our personnel salaries and fringe benefits to the total salaries and fringe benefits of the University.

Since Law School faculty salaries are generally higher than those of other University faculty, we pay a greater proportionate share of this item than do other schools in the University. Regan believes "it would be desirable that the indirect expense item be reduced so that there is less of an impact on the Law School.

"I hope to try to negotiate a different formula which would produce less of an impact or drain on Law School funds and to review the items that go into the make-up of the central administration budget for which we are being charged," he said.

The other drain on Law School revenues is in the area of fundraising. The University takes 50 percent of the at least $250,000 that it expects the Law School to raise each year.

Law School administrators discussed the Law School revenue siphoning issue for over three hours at an Association of American Law Schools workshop last month, according to Regan. Millard Ruud, Executive Director of AALS, concurred with White and Regan in the judgment that the issue is an extremely complex one.

"How do you compute the percentage? What is a reasonable range? What if there is a substantial good faith demand by the university? If a law school has good programs, can the school reasonably turn over a greater percentage to the university?" asked Ruud.

According to an October 29, 1975 **Wall Street Journal** article, Harvard Law School was contributing only two percent of its revenues to its University at that time. Other figures were: Boston College (10-15 percent), Gonzaga University (20 percent), and University of San Francisco (22 percent).

Gonzaga and USF did not always have it so good. Gonzaga law students had to put $109,000 of their tuition money into escrow before the University reduced the indirect expense bite from 50 percent to 20 percent.

USF law students sued their University for not maintaining ABA standards as promised in the catalog. After the ABA urged a cut in the percentage, USF reduced its take from 37 percent to 22 percent.

When Freedman resigned as dean, Hofstra law students consulted counsel in preparation for actions similar to those at USF and Gonzaga. However, an agreement between Law School faculty and University administrators put a damper on those actions at that time.

Syracuse Dean Judith Younger resigned in 1974 over what she termed "the rake-off issue—we make it; they take it." At the time of her resignation, Syracuse University was siphoning off 48 percent and wanted more.

Regan discussed the issue with the Hofstra Board of Trustees at a workshop last Friday and Saturday. The "dialogue", he said, will be a continuing one.

Law students will raise the issue of "a dollar's worth of education for every dollar in tuition" at the ABA-LSD Fall Conference at NYU this weekend.

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