# conscience

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# A Brilliant Revue!

Photo by Todd Natkin

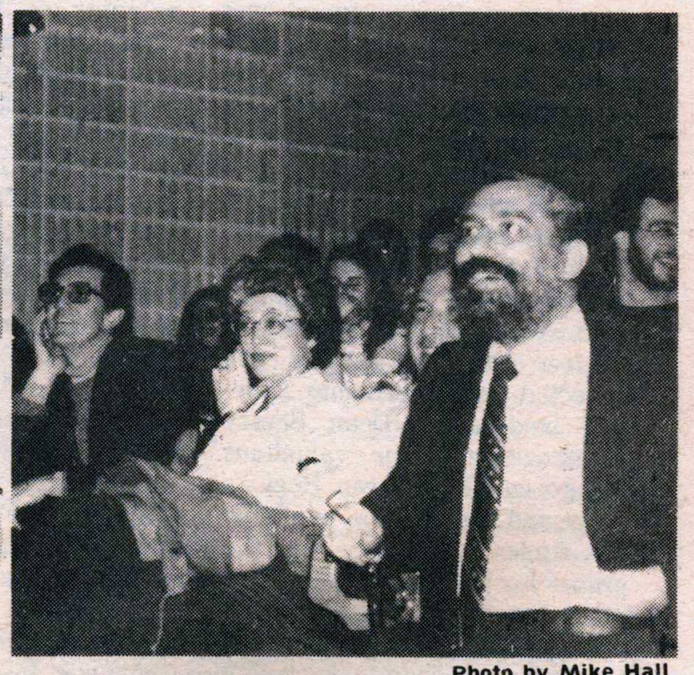

Photo by Mike Hall

**Will the real Aaron Twerski please stand up?**

**by Michael Bachner**

Every law student remembers the horrifying stories recounted to them about the "Kingsfieldian" experiences to be endured in law school. Admittedly, many of the tales were not so far from the truth. However, most would agree that without those unadulterated moments of total embarrassment and dumbfoundedness, law school just wouldn't be the same.

(The Scene) X hasn't prepared for Contracts class. He sits there nervously swiveling in his broken chair, attempting to read his sixty-page assignment in the five minutes before class. The perspiration begins to flow, slowly trickling down to the textbook, mixing with the highlighting, causing the pages to acquire a jaundice-like look.

"Please don't call on me, please don't call on me," he *repeats silently to himself. As if* the Professor had Kreskin-like powers, he shouts (it sounds like a shout, anyhow), "Is Mr. X here?" Daring to brave a response, X answers, "Here, but can I pass?" The Professor, awaiting that foreseeable response, retorts with sagacious sarcasm, "We'll see in December." (General class laughter, albeit nervous.)

Indeed, there may even be a method to this madness. But despite all of this, Hofstra Law School is unique because a certain type of camaraderie exists between professor and student. At the Hofstra Law Revue, this attribute was clearly displayed. In case you missed it, you really did miss it. The Revue lucidly illustrated the old Candid Camera adage about "our ability to laugh at ourselves." Believe me, we were all laughing.

At the Revue, it was a good feeling to sit in the back with the rest of the standing-room-only crowd, and take a balcony view of law school, seeing our beloved profs see themselves as we see them, however hyperbolic it may be.

The students who participated in the show probably put more effort into the performance than into their studies—it was that good. Listening and watching John Fausti mimic Abe Ordover was truly an experience. At times you found yourself so caught up in the impersonation, that subconsciously your hands began searching for a pen and paper in order not to miss any of the lecture. Only when you saw the "Real Thing" sitting in the back of the hall, red-in-the-face with laughter, did everything come back into focus.

One professor, for some inexplicable reason, was more easily impersonated than were the others. In one sketch, fashioned after "To Tell The Truth" (sometimes), the Twerski - trio appeared, simultaneously playing with their "pious" (pronounced pay-us). (Portrayed by Sal Russo, Mark Kalmanowitz and Milan Gregory.) Indeed, you didn't have to be Jewish or even Hassidic to appreciate this one. After the announcer (Ken Mollins) instroduced the Three Cisco Kids, the questions followed:

Q: Aaron Twerski No. 2, what did you eat for breakfast this morning?

A: Bacon and eggs.

or,

Witnessing Twerski No. 3 "innocently" absconding with Twerski No. 2's chair, a la Brian Daily, knowing that he would sit where the chair was not. This skit was a real "Simcha" (joy) (pronounced Sim-cha; gutteral on the "ch," like "Chanuka," but not like "chair.")

When Leon Friedman came skipping in, you weren't really sure if it wasn't the real Leon in the flesh. After the impersonation (Lou Evans), you really didn't know. I never had a better lecture. It was so good, I was really confused by the information. "I think I have that cite; could you wait a couple of hours?"

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# CAMBODIA: At What Point Does Starvation Become Genocide?

**by Corey B. Bearak**

Last March, Senator Edward M. Kennedy said: "There are few greater tests of democratic and humanitarian ideals for which we stand than how we respond to the needs of the world's displaced peoples. And there is no more basic human rights issue than the protection of refugees." President Jimmy Carter, on more than one occasion, has stated that human rights is the cornerstone of American foreign policy.

Both the incumbent President and his leading challenger agree on the importance of human rights. In the past, human rights was primarily articulated as an issue that concerned Soviet Jews and Soviet dissidents and their respective rights to emigrate, as well as the plight of political prisoners throughout the world. Today, the cry of human rights has been raised against the plight of many international refugees, particularly the Vietnamese boat people and the Cambodians fleeing from Pol Pot, and later, from the Vietnamese-imposed Heng Samrin regime. The Cambodian situation has another additional grave dimension — that of a nation's inhabitants being forced to starve while rival regimes struggle for control of Cambodia.

This past June, 161,000 Cambodians and an additional 100,000 Khmer Rouge (Pol Pot followers) sought refuge in Thailand. Another 40,000 Cambodians were returned and 30,000 others forced back into Cambodia. It is estimated that over the last ten years three million Cambodians, out of a total population of eight million, have died due to wars, repression and starvation. Nearly the same number are in imminent danger of death from hunger and related illnesses.

The continuing Cambodian civil war and the use of food as a political weapon by both sides, in addition to Soviet and Chinese involvement, have all resulted in a restriction of relief efforts. The U.N. agencies, the International Red Cross and other private organizations, as well as Western nations have been unable to provide meaningful aid to the Cambodians; a great tragedy, the magnitude of which only first became evident in March.

Dick Clark, until recently chief architect of American refugee and relief policy, told the **New York Times** that American policy is to "encourage Thailand to give asylum to the (Cambodian) refugees. (America) will be taking out some 15,000 Cambodians over the next 14 months." He added that "Thailand has a unique problem because the war is going on right across their border (and) it is hard to determine if the people who come across are soldiers, soldiers' families, or real refugees. It's difficult and they're inundated." As early as last year, the Thais attempted the difficult task of preparing camps and detention centers in the hope of sorting out combatants and non-combatants. Whether the refugees are soldiers or innocent victims of war is not important. What is crucial is that the rest of the world recognize that the Cambodians are a people who face mass starvation and, possibly, annihilation.

In August, Thailand's Prime Minister Kriangsak Chamand promised a visiting United States Congressional delegation that his country would offer asylum to the refugees and never again force the repatriation of Cambodians. It was up to the rest of the international community to provide for the balance of relief needed, not only for those refugees, but for the starving millions who remain in Cambodia as well.

Political problems have complicated, if not delayed, international aid efforts. Ample supplies can reach the camps in Thailand, but the bulk of Cambodians are not there. The civil war between Pol Pot's Khmer Rouge and the Vietnamese-backed Heng Samrin regime has prevented any substantial quantities of aid from reaching those who are most in need of help.

There is some question as to which group legally represents the Cambodian people. The UN and most of its member nations continue to recognize the ousted Pol Pot government. Vietnam, the Soviet Union, Cuba, and most of Eastern Europe have recognized the newer Heng Samrin regime.

Analysts suggest that Moscow and Hanoi are using the plight of the Cambodians to force the UN

*(Continued on page 13)*

# *Trial Techniques: An Open and Shut Case*

**by Debra Murray**

Each January the National Institute for Trial Advocacy (NITA) offers an intensive two-week program in Trial Techniques at Hofstra Law School. The program, run by Professor Abraham Ordover (NITA's regional director and teacher of Evidence at Hofstra), offers a limited number of Hofstra students the opportunity to try a case from voir-dire to summation. Unfortunately, more students sign up for Trial Techniques than the program can accommodate, and as a result, many students must be shut out of the popular course.

Professor Ordover must control the student-staff ratio in order to maintain the high quality for which NITA programs are known. Despite the requirement that all applicants complete a course in Evidence before Trial Techniques begins (January 2), the number of eligible students far exceeds the spaces available. Ordover is obliged, by school policy, to give third year students priority over second year students. Once the third year applicants were admitted, only 17 spaces were left. On November 20, Ordover announced the names of 17 second year students who were chosen by lottery to fill the remaining spaces.

Several students who signed up for the course but who were not among the 17 winners commented on the lottery. (They prefer that their names be withheld.) One student sarcastically noted, "Yeah, sure he had a lottery. And he just happened to pick (names of students believed to be Ordover's personal favorites) . . . " Another student said, "I don't mind if he chooses who he wants, but he shouldn't say that it's a lottery." While several students have called the lottery a sham, one woman confidently asserted, "I know

(Continued on page 14)

# Students Evaluate Teacher Performance

by Robert Rosenbloom

Three major changes have been made in this year's teacher evaluation procedure as compared with last year's. First, the evaluation form itself is different. Many circle-response questions have been replaced with blank spaces for narrative answers. Second, professors have agreed to leave the classroom and permit students a full twenty minutes to consider their replies, an enormous improvement over last year's five minute hit-and-run approach. And, third, the evaluations will have been administered three weeks prior to exams rather than in the last week of classes when teachers rush to complete two weeks' worth of assignments and students attempt to review fifteen weeks' worth of courses.

After the evaluations are collected and placed into loose-leaf binders by Dean Sherry Friedman's staff, the evaluations will go on file in Dean Regan's office and they will be available for student use once all the grades for December exams are recorded. Dean Regan stated that the reason for the delay is to avoid any suspicion that grading has been influenced by unfavorable evaluations.

Dean Regan said that he will read every evaluation and that the evaluations will play an important role in the consideration of faculty for reappointment, promotion and tenure by the Committee on Reappointment, Promotion and Tenure — a group of tenured faculty members. Evaluations will be reviewed along with teacher performance in the classroom and the teacher's published writings. Dean Regan also said that student evaluations can affect the salaries of professors appointed on a year-to-year basis as well as the salaries of tenured faculty. Although there appears to be no exact formula, Dean Regan emphasized that promotional decisions are not automatic at Hofstra and that student input will not be taken lightly.

In response to this writer's question concerning the use of the evaluations as a source of ideas in teaching methodology, Dean Regan noted that the school, quite simply, does not regulate or suggest teaching regimens for faculty. However, professors will undoubtedly consult the evaluations to consider changes in their techniques as they have done in the past.

The Dean's Office will announce an opening day for the files at a later time. Students should be able to review the evaluations before Spring Registration but this can generate some suspicion that word is getting back to teachers through favorite students before all grades are in.

# Republican Law Students

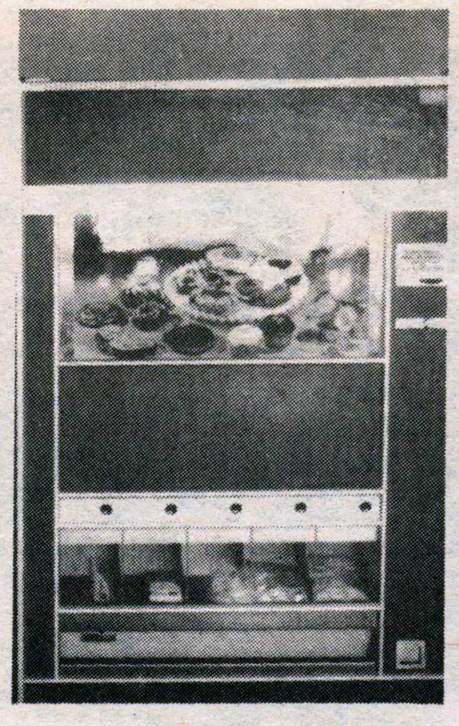
The Republican Law Students Association of New York has just established a chapter here at Hofstra. Eric Goidel has been elected Chapter President.

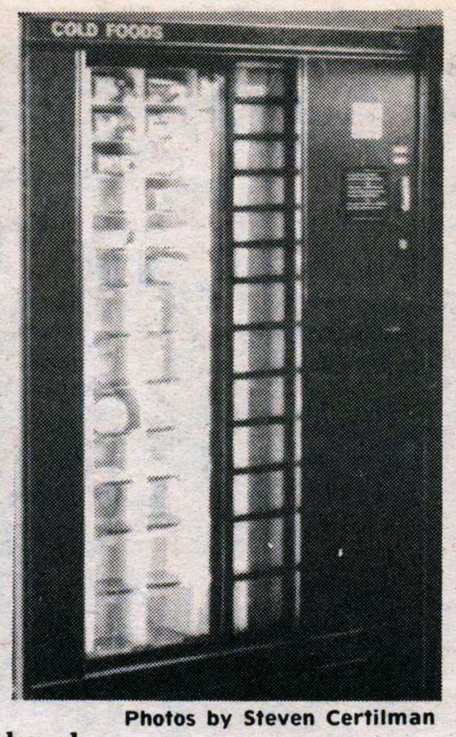
The goals of the Chapter will be to aid its members with outlines of various courses and provide invaluable contacts with prominent Republican attorneys from New York State. A wine and cheese cocktail party is planned for the early Spring at which time this chapter's Board of Advisors will be invited to Hofstra to socialize and talk on a one-to-one basis with the Chapter's members.

The Repubican Law Students Association of New York is a state-wide Association primarily aimed at providing a venicle through which law students can have their voices heard. Its active placement service provides contacts through which its members can obtain summer and permanent employment. Anyone interested in joining the Chapter or becoming active in the State Association can write to P.O. Box 52, Fresh Meadows, New York 11365 or call (212) 357-8848 and leave your name and number.

Photo by Steven Certilman

**University finally plows money back into the law school. 200 spaces are expected to be completed shortly.**






Photos by Steven Certilman

**Our daily bread . . .**

# Agora

Agora would like to thank those members of the Hofstra Law community who contributed to our fund-raising drive to collect money to buy food for the people starving in Cambodia. On November 21, the $457 collected was mailed to Oxfam, a well-respected international food relief organization which has been successful in reaching the Cambodian people with food shipments. The food bought with the money collected should arrive in Cambodia before Christmas-time.

# MONTHLY BUSINESS

by Chuck Faillace

## "Eurodollars"

**Quick. Name a trillion dollar capital market that few people know and even fewer understand. ("Capital markets" is a shorthand way of referring to supplies of money.) Give up? Try Eurodollars, those pesky, elusive creatures that live as bookkeeping entries in banks in such places as London, Luxembourg and the Cayman Islands. They are not special dollars in any sense except that they are deposited outside the U.S., beyond the reach of government and Fed regulation. Any currency deposited outside the issuing country falls in this category; Euro-Francs, Euro-Marks, etc. Throughout this article Eurodollars are the point of reference; they comprise some 70 percent of the market and are by far the most important component of it. (Markets also exist in Euro-bonds, but discussion of these is beyond the scope of this article.) Eurocurrencies have been described as "colorless, odorless, tasteless, unspendable money that passes in hieroglyphics through computers from one part of the globe to another." While certainly not all-inclusive, the basic truth of the statement is undeniable.**

**Eurocurrencies are a relatively new idea, pinpointed in origin to London, 1957. After the Hungarian revolt in 1956, Russian officials feared U.S. reprisal in the form of seizure of their U.S. bound deposits. (This should seem familiar: Iran today is in much the same position.) Accordingly, they transferred the cash to accounts in London which the European banks quickly began lending out. Prior to this, banks would not accept deposits in foreign currencies. If you went to a London bank, you had to deposit or borrow sterling. Now you could borrow dollars, marks or whatever. One of the first banks to handle these accounts was the Soviet Banque Commerciale pour l'Europe du Nord, telex addressed Eurbank. Thus, a misnomer was born, Eurodollars, shortened from Eurbank dollars, corrupted from the Soviet telex name.**

**The importance of these monies rests in the broadness of the international money market created. Never before had there been a structure of international interest rates, distinct from, and often independent of, national interest rates. While national interest rates (and the ability of national governments to control them, for example, in the U.S. the Fed) certainly play a role, the rate structure of this new market is beyond the control of any single government. A world order of monetary supply and demand dictates rather than any particular national policy manipulation.**

Having a separate structure of interest rates opens up a whole new set of costs which borrowers can compare. If a U.S. corporation needs to borrow $10 million, it now has the option of going either to its commercial bank in the U.S. or of tapping the Eurodollar market. Interest, a true summarizing label, is like the rent you pay for using other people's money. The rate reflects how much is borrowed, your ability to pay back the loan, time of repayment, Fed regulations, what the money is to be used for and a whole slew of other factors. (Note that risk is at the heart of all these factors.) Each of these adds to the interest cost. If any one risk is lessened, that should be reflected in a lowered rate. In the Eurodollar market, banks are exempt from nationalist policies, which seek to regulate the money supply. Thus, for example, the London bank dealing in dollars need not obey Fed Regulation Q, which fixes maximum interest rates payable or any Fed reserve requirement. In fact, European branches of U.S. banks need not comply. (This is why, in 1957, U.S. banks rushed to open European branches.) These London Bank's cost structure have changed (tying up money in non-interest paying reserves costs money), which enables them not only to offer higher interest rates for deposits, but also to lower rates on loans. The "spread" (spread being a term used to show differential, used here to compare domestic interest rates with Eurodollar rates; used in general to denote any comparable difference) is over 1 percent on both interest paid and interest charged. While this many seem insignificant, in the context of a multi-million dollar loan with a long repayment period, the cost difference is substantial.

**Large multinational corporations, domestic and international banks are the prime users of this successful capital market. Because of their size such institutions are able to work in the perspective of world markets and global investment schemes that know no national boundaries. Often they can borrow more in the Eurodollar market than they could at home. Domestic money supply regulations make the costs of money (interest rates) move artificially, because they are controlled by the government and the central bank. Often, it is easier to obtain large amounts of capital available through Eurodollars at lower interest rates. Flexibility in the selection of what currency to borrow necessitates constant and careful attention to the foreign exchange markets (where currencies are valued in relation to each other). It may be cheaper to pay for a construction project by, say, borrowing German marks and swapping for dollars, than by borrowing dollars directly. This last point is not available to domestic borrowers due to the nature of the market in which he is borrowing.**

**The system of Eurodollar banks accepts deposits from individuals, firms, governments, central banks (each country has a counterpart to the Fed) and commercial banks outside the system; the last two being, by far, the largest depositors. It loans to all the above except individuals and central banks. Depositor risk is minimal because of the high quality loans that are made with the monies. Liquidity, the ability to turn your investment into cash, is high. (For example, stocks are less liquid than your checking account. To get cash from the checking account, you need only write a check and get the money. To get cash from stocks, you need to call the broker, confirm the selling price, wait for her or him to complete the transaction and send**

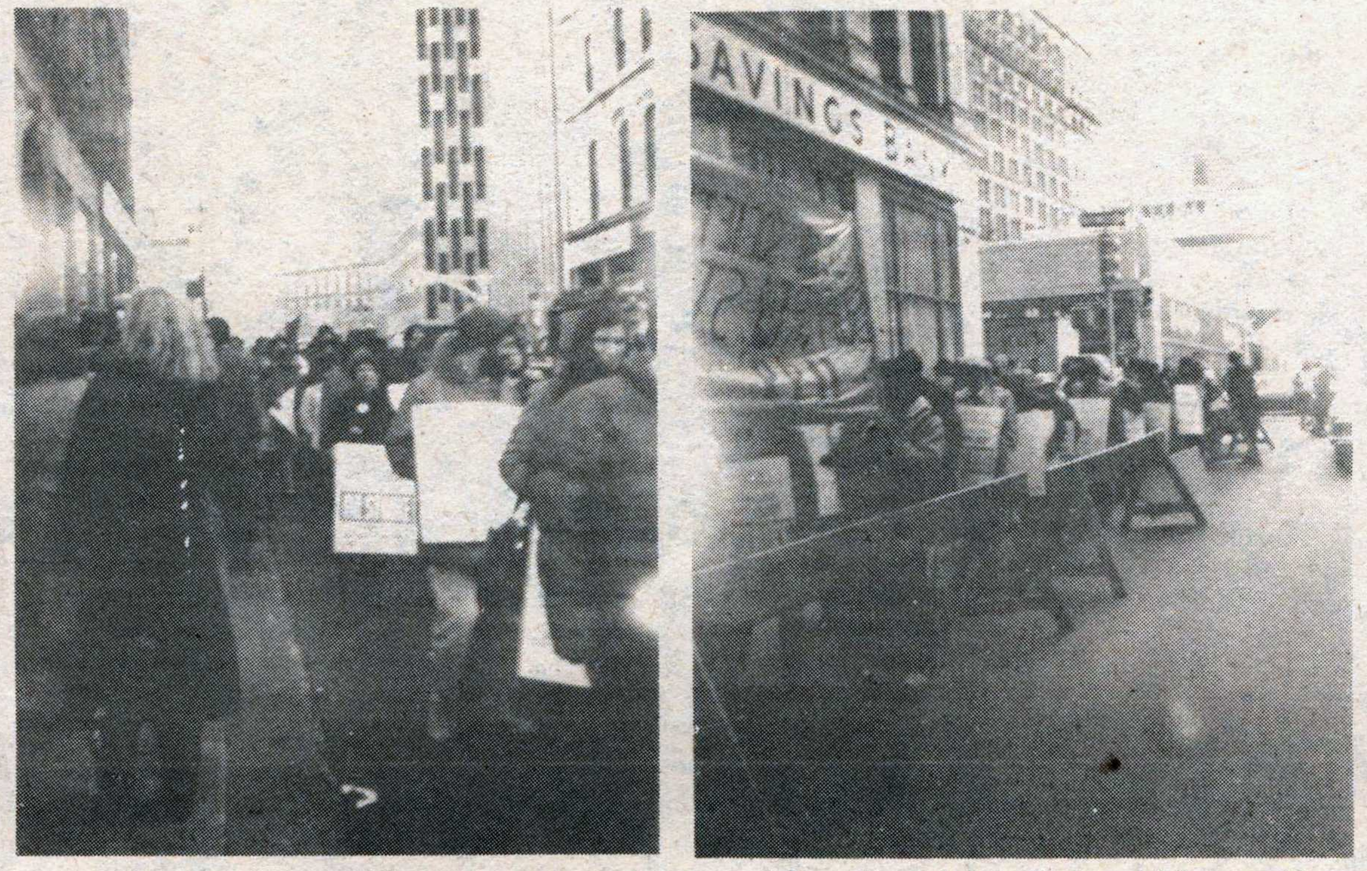
*(Continued on page 5)*

# Legal Services Workers on Strike in N.Y.C.

by Alan B. Fischler

On Tuesday, November 13, 1979, members of the Legal Services Staff Association (L.S.S.A.), the recognized bargaining unit for Legal Services workers throughout New York City, voted overwhelmingly to go out on strike after they failed to reach an acceptable contract with their employer, Community Action for Legal Services (C.A.L.S.). The staff of attorneys, paralegals, receptionists, and other legal workers within CALS' eight delegate corporations provides representation for the City's poor in civil matters such as landlord-tenant disputes, welfare problems, matrimonial cases, unemployment compensation claims, and immigration and discrimination suits.

CALS is the umbrella organization for the nineteen Legal Services offices in New York City. It receives federal funding from the congressionally created Legal Services Corporation. The Legal Services Corporation (L.S.C.) came into existence as a federally funded non-profit corporation in 1975, in a transformation of the national Legal Services program which was originally enacted into law in 1966 by Sec. 222(a)(3) of the Economic Opportunity Act.




**Legal Services workers joined by members of the Association of Legal Aid Attorneys picket outside CALS' central headquarters at 335 Broadway, Manhattan.**

### Good Faith Bargaining in Doubt

The 150 attorneys and 175 legal workers comprise the first union of legal persons in the country to include all legal workers in the same "wall to wall" unit. The 325 LSSA members which make up nearly the entire work force of Legal Services in New York City, had been working without a contract since September 30, 1979. The Union became infuriated when, on September 17th, at the first meeting to negotiate the new contract, Robert Batterman, who has been retained by CALS as counsel and chief negotiator, set the date of the next meeting for ten days later, September 27, three days before the existing contract would terminate. At the September 17 meeting, LSSA had offered to negotiate non-stop to resolve the contract dispute. Therefore, the members claim that CALS' delay signified a refusal to bargain in good faith from the outset. CALS' General Counsel, Catherine P. Mitchell, has made similar charges against the Union.

LSSA further charges the management of CALS with attempting to "bust" the Union, and is prepared for the possibility of a long strike. Such claims rest, not only on CALS' current negotiating posture but also on CALS having retained outside counsel to bargain with the employees for the first time in its twelve year history. While this development might not appear significant on its face, LSSA finds it representative of CALS' intentions that management retained counsel and negotiator, Robert Batterman, comes from the firm of Proskauer Rose Goetz and Mendelson, whose previous clients in labor disputes include, New York Telephone, Citibank, and J.P. Stevens. (J.P. Stevens is the reknowned manufacturing company which has been brought before the N.L.R.B. for unfair labor practices probably more times than any other employer in the nation's history.)

### Overall Goals of L.S.S.A.

The Legal Services Staff Association, organized in 1972 and certified in 1973 by the Office of Collective Bargaining, considers itself not only dedicated to the bread and butter concerns of its members but also to the continuing struggle for the rights of their clients. In 1977, LSSA led the struggle against a massive computerized Washington-based data gathering system, which was to be instituted by the Legal Services Corporation. This would have seriously violated the indigent clients' right to privacy, while effectively destroying the confidential attorney-client relationship within Legal Services offices across the nation. In that year, LSSA also initiated a drive which brought together, from all parts of the country, non-managerial staff from Legal Services, Legal Aid, and other representatives of the poor, to a June conference held in New York City. Those attending the conference found that there was a wide variety of common complaints within Legal Services, and other programs which represent the indigent throughout the country. A starting point of discussion was that Legal Services attorneys and legal workers are traditionally the most underpaid in the field. Legal workers in certain parts of the country revealed their need to receive public assistance due to abysmally low salaries. In some instances, black female workers were being paid less than white male workers for similar job duties.

Other grievances seemed to run across the board. Poor working conditions, unheated offices, lack of private office space in which to interview clients, overloaded caseloads, and lack of staff input into decisions made by management personnel (disassociated from the actual rendering of services), were but a few of the common complaints aired. Such conditions lead to high turnover of personnel and thereby, a depreciation in the quality of legal services offered the poor. This is the articulation of a reality well known to the attorneys and legal workers in Legal Services programs.

### National Organization Created

The 1977 New York conference led to the scheduling of another

*(Continued on page 6)*

# Iran: *Carter's ill-conceived response...*

by Roy H. Landy

One of President Jimmy Carter's responses to the Iranian seizure of the U.S. Embassy in Tehran stands out as being both ill-considered and ineffectual. The action in question is his order to the Naturalization and Immigration Service to verify the validity of Iranian visas, and where appropriate, to initiate deportation proceedings.

That a significant number of Iranians currently residing in this country have succeeded in making themselves obnoxious to Americans by supporting the atrocious Ayatollah cannot be doubted. That a great many people feel both a deep resentment, and an abiding desire to retaliate against those Iranian residents is equally true. They, like "The Man Who Came to Dinner," have outlasted their welcome. Americans feel that even the most scrupulous observer of hospitality and protocol would be justified in evicting those who so deviated from the behavior expected of invited guests.

Unfortunately, the President has taken this consensus to heart, and in the process has failed to distinguish the emotionally satisfying from that which is proper governmental behavior. The real effect of this executive order will not be a superior enforcement of our laws, but the creation of a persecuted refugee class whose human requirements will be ignored and whose very lives will be put to risk. Not since the heyday of the Know-Nothing Party has a president virtually endorsed the mindless xenophobia rampant among the least rational elements of our society.

There are a great many people in this nation who suffer from tremendous frustration over the palpable decline in U.S. power since the end of the Vietnam War. The unwillingness or inability of our government to act decisively in a series of international situations has fed this feeling to the point where a desperate search for emotional release—an acute desire to find an approved object of violent attack—has overcome many people's sense of justice and propriety.

By officially identifying a class of scapegoats, President Carter has invited a bloody catharsis. His actions signify either abysmal irresponsibility or the most reprehensible sort of demogoguery. Mr. Carter should be reminded that the last president to pander so blatantly to popular prejudice against foreign residents was Millard Fillmore, a man whose term in office is one of the great, unguarded secrets of American history.

Ironically, many of those most seriously threatened by deportation are opponents of the present Iranian regime. In fleeing persecution, possible imprisonment or execution, they quite understandably were cavalier in their regard for the bureaucratic formalities. To many of these people, a forced return to Iran is tantamount to a death sentence. This seems a harsh punishment for a failure to conform to U.S. immigration statutes.

Another group which is eligible for deportation is comprised largely of students who have violated their visa agreements by dropping out of school and working illegally. If these acts had been totally voluntary, a deportation proceeding would be appropriate. However, a great number of Iranian students in this country were being supported by either payments from home or stipends administered through the Washington embassy. When the revolutionary eruption occurred, all bank transfers from Iran were halted for an extended period and the embassy ceased forwarding stipends. Those who received their livelihood through these channels were put in the position of either violating the terms of their visas by seeking full-time employment or submitting to repatriation. That they should choose to find work is neither surprising nor reprehensible; this is hardly the sort of act which justifies draconian measures of retribution.

A third category of Iranians who will be unnecessarily harmed by the President's directive are the religious and ethnic minority groups who entered this country on tourist visas as soon as the nature of the Khomeini regime became manifest. Their flight is considered prima facie proof of treason by those currently in control of the Iranian legal system. Most have already suffered the confiscation of their possessions. Additionally, that the President should add to their troubles seems contrary to American ideas of tolerance and compassion.

It is clear to this writer that the President should take some action to accentuate the friendly feelings that so many educated Iranians have toward the United States. A quiet word to the Immigration and Naturalization Services to forget his directive would be a good start. He might invite some pro-American Iranians to the White House for dinner. This might help make clear to the President that only a small number of Iranians presently in this country support the Ayatollah's terrorist tactics.

A strong statement condemning attacks upon Iranians must be made; there have already been several serious assaults on both persons and property. Such a statement would probably fail to prevent additional attacks, but the President must at least attempt to rectify the perilous and inequitable situation he has done so much to create.

# Poetry Corner

THE COMING OF LAW SCHOOL EXAMS
by Elizabeth A. Pratt
Class of 1980

*The leaves have all fallen. A chill's in the air.*
*Thanksgiving's over and I start to care.*
*Final exams, two "short" weeks away,*
*Outlines and study's routine for each day.*

*Children play football, don't notice the cold.*
*Inside I'm shaking. Guess I'm getting old.*
*Or, maybe just nervous so few weeks to go.*
*Worry and trauma only law students know.*

*Some birds flew south, and those still around*
*Hungrily search for scraps on the ground.*
*Unlike those migrating I must stay here*
*Preparing for weeks. I've little to cheer.*

*I simply loath taking tests at law school.*
*They leave me feeling like, well . . . like a fool.*
*It seems that I study and learn, oh so much,*
*And yet it is difficult to get in touch,*
*With issues and pointers that would yield an A,*
*A grade I would like to see once before May.*

*So as the frost forms on my windowsill*
*I regretfully study and drill.*
*When finals are over, relaxation appears.*
*But only till law school finals next year.*

*Our apologies to Monroe Freedman for omitting an integral part of his excellent article in last month's CONSCIENCE. A complete copy of that article can be obtained at Professor Freedman's office.*

# THE QUERYING

*by Bob*

**What action, if any should the United States take to secure**

**CHRIS ANTONE '81 — "Economically, we should cut off all agricultural and technological exports to Iran. Militarily, we should be ready to use whatever force is necessary to protect innocent American lives. Ideologically, we should all unite behind our leaders and show the world that as Americans, we will NOT tolerate any violation of our civil liberties. Spiritually, we should pray for the safe return of all the hostages.."**

**RANDY GLASSER '81—"I agree with the way President Carter is dealing with the situation, using diplomatic means rather than military intervention. If Khomeini does put the hostages on trial for espionage, force may be a necessity. The problem is, however, what kind of force would not threaten the lives of the hostages and yet be effective? Unfortunately, the only thing the U.S. can do at this point is hope that diplomatic actions together with a meeting of the U.N. Security Council will lead to a viable solution for all involved."**

**MARK KALMANOWITZ '80—"I believe the U.S. should take firm action against Iran by first instituting a total blockade of Iran. We should also nationalize all Iranian assets in the United States, embark on a program of mass deportation of Iranian "students" and make sure no food, military or other supplies are allowed to enter Iran."**


# Ed's Book Store

**proudly announces the opening of its new annex book store**

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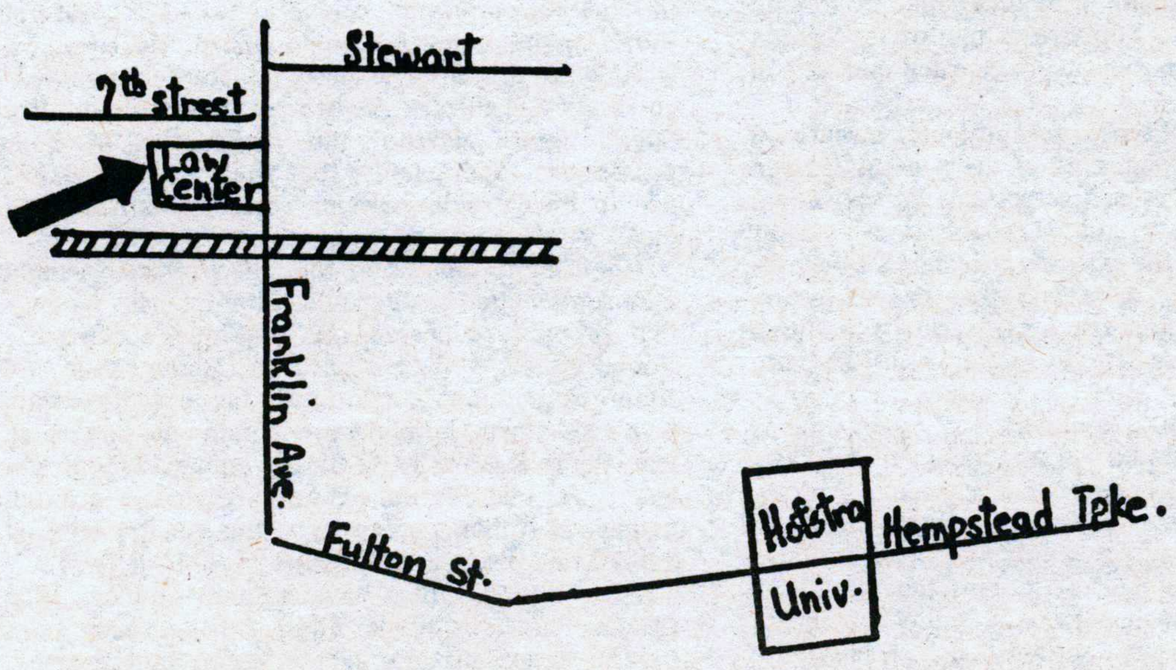


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# PHOTOGRAPHER

*Rediger*

**the release of the remaining American hostages in Iran?**

**VICTOR MEVORKH '82—"First, the United States should withhold all wheat which is exported to Iran. Second, if any hostages are killed we should blow up their oil fields and third, we should attack Iran for I feel that if a single American diplomat or citizen is killed, such action should be viewed as a declaration of war against the U.S."**

**MARION ALTMAN '81— "Political and religious fanaticism in partnership with self-righteous violence continue to be the enemy of all men. In the Middle East, like-kind measures are expected. Iranian students in America used as an exchange commodity is a moderate measure, total economic boycott - less moderate. Ultimately, all-out violence may be required."**

**CRAIG NISNEWITZ '81— "The U.S. should continue its use of diplomacy until such time as it determines that such measures will fail. If necessary, the matter should be brought before the U.N. Security Council for action as the holding of diplomats as hostages violates international law and American sovereignty. Military intervention should be considered as a last resort in view of the dangers to the hostages."**

# *Eurodollars...*

*(Continued from page 2)*

**you the check. Liquidity is higher where it is easier to turn your investment into cold, hard cash).**

**Many OPEC cartel members place their petro-dollars in Euro-dollar accounts; their deposits now standing at nearly $74 billion. They are fearful of placing such large amounts of money in any one nationalist system. Eurodollar banks offer security from seizure, high short-term interest rates and greater liquidity. Business in the market is transacted in large round amounts, usually $1 million, although amounts as small as $100,000 or as large as $100 million are not unheard of. For this reason the individual borrower has little place in the system.**

**A Eurodollar deposit may take several different forms. Regular time deposits and certificates of deposit, similar to those offered in U.S. banks, are available. They do not offer demand deposits (checking accounts, so called as reference to their absolute liquidity) as do commercial banks here. Regular time deposits require you to keep your money on deposit for a stated period of time. The degree of restriction depends on your objectives in regard to liquidity and return (interest rates vary with the time period). Time deposits are available overnight, for seven days and from one to six months. By negotiating with the bank, it is possible to obtain almost any maturity date up to twelve months.**

Usually, if longer periods are desired, (over six months) a certificate of deposit (CD) is used. These are, in content, basically the same as time deposits in different form, with different rights and duties for the respective parties. Liquidity is low, as you are locked into a longer time period, but the rate is guaranteed for its life. (There are special types of CDs that operate on "floating rates" which allow the interest rate to vary with the prevailing interbank rates, but these are too complex for full discussion.) CD maturities are available for up to five years, though the usual length in this market is much shorter.

**The usual manner of deposit or loan in the system is via telex or cable order. The romantic image of an illegal currency smuggler clandestinely climbing the Alps to deposit a secret satchel of cash is swiftly giving way to the impersonal information contained in the telex message. The funds are transferred from a domestic bank to a Eurodollar bank through bookkeeping entries made at each bank. Physical transfer of cash is less important than the accounting transfer since in most cases, everything is done by check. Speed is important, as a several day delay in confirmation of the transaction (of, say, a $30 million deposit) would cost thousands in lost interest income. That would not make the depositor very happy at all! The system is fast and efficient, so that delays of this sort rarely occur. It is possible to move vast amounts of money without a lot of complex machinery to slow you down; nearly instantaneous currency trade is possible.**

**Many of the advantages of the system have been pointed out; efficiency, high liquidity, low risk, centralization of funds and the overriding advantage that makes all else possible, freedom from government regulation. The system's existence increases money supply (the physical number of dollars available — remember it is finite) through a process known as the "multiple expansion of money." This process is used any time loans are made (and was eluded to in the "Fed" article). Simply put, when Bank 1 loans to John, John spends the money on (say) building a house. The contractors take the money and deposit it in Bank 2. Bank 2 lends the full amount to Sally who behaves similarly and builds. And so on. Without the Fed reserve requirement pulling a portion of each deposit out of circulation, the full amount of money gets to be used by an indeterminate number of people. The reserve acts as a brake on the process, limiting how much the money is allowed to expand from its original position. Eurodollars however, are subject to no such regulation.**

**Therein lies the major criticism of the system (which is also its primary reason for being) most often leveled by central banks: how do you expect us (central banks) to control inflation when Eurodollars are inherently inflationary on a world scale? When money supply can not be controlled, inflation must necessarily rise as more dollars chase an equivilent amount of goods. Since dollars are the primary Eurocurrency, they are affected by these inflationary pressures more than any other currency. This decidedly unstabilizing effect is one of the prices U.S. currency pays for being the world standard. Eventually, these pressures can serve to drive the value of the buck downward, which places pressure on every industrial**

*(Continued on page 6)*

# CHEF'S BLEND

## *by Chef Glen*

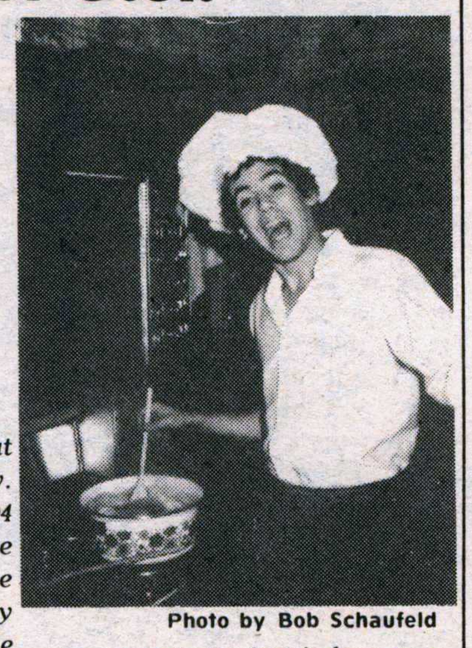

Photo by Bob Schaufeld

I told you in my first column that my recipes were tried and true and now many of you are believers after having tried my famous Fettucine a la Chef Glen. Responses were tremendous (all positive) and I would like to relate one of the many thousands to you (for the benefit of those who still have the nerve to doubt my ability).

*"They ask where the great chefs are coming from today. Well, if you've eaten at 404 California Avenue, you know the answer because that is where Chef Glen whips up his culinary delights. I recently had the rare opportunity to eat at this Uniondale landmark (reservations must be made weeks in advance), and I was not disappointed. The Chef's special dinner that night was Fettucine a la Chef Glen. Mere words cannot sufficiently describe this culinary masterpiece, which I predict will be voted into the Mueller's Hall of Fame. It was pure ambrosia! Bravo, Chef Glen! You've got my vote for Chef of the Year!"*

B.G.
Well Known,
Noted & Famous
Food Critic

Yet, after giving you starving students, professors and administrators one of my famous recipes, some of you have come to Chef Glen and said, "Chef Glen, I now know how you do it, that is how you make your scrumptious Fettucine. But, it alone is not enough to serve me and my guests at dinner. I need something more. If you, Chef Glen, are truly the great Chef you claim you are, then you will give me another recipe — one which will go with the Fettucine."

I, Chef Glen, never shy away from a challenge! I do indeed have another recipe. One which will go very nicely with Fettucine a la Chef Glen. It is like all my recipes—tried and true, passed on through the ages to me alone, Chef Glen. And, the few who have had the privilege of tasting this meal have asked me "Chef Glen, how do you do it?" So now I reveal to you, my public, my recipe for

*CLIP AND SAVE*

**VEAL SCALOPPINE A LA CHEF GLEN**

1½ lbs. veal cutlet
2 tblsp flour
2 tblsp season-all
½ tsp garlic powder
¼ tsp black pepper
¼ tsp nutmeg
1 tblsp instant minced onion
1 4-oz. can sliced mushrooms
2 tblsp chopped green pepper
3 tblsp lemon juice
¾ cup water

1. Cover veal with flour
2. Fry on both sides in hot oil until well browned. (If you have an electric frypan set at 350 degrees.)
3. Pour off grease from pan
4. Add remaining ingredients, including liquid from mushrooms
5. Cover and simmer for 15 minutes.
6. Serve. Will make 4 hearty servings

It is simple as usual. Good luck and enjoy.

(Send all comments to Chef's Blend c-o **CONSCIENCE.**)

# *Coming Soon!!!*

**Chef's Blend Recipe Contest**

**SEE NEXT ISSUE FOR DETAILS.**

# *Proposed*

# Code of Student Conduct

**This draft of the proposed Code of Student Conduct is scheduled to be voted on by the faculty and student representatives, today, 3 P.M. in the faculty lounge. The meeting is open to the entire law school community and we urge that the proposal be carefully considered and any objects be aired at the meeting. UNLESS STRONG OBJECTION IS SHOWN, the Code is likely to be adopted and will become governing as of the spring semester 1980.**

CODE OF STUDENT CONDUCT

I. VIOLATIONS

It will be a violation of the Code of Student Conduct knowingly to aid, abet or commit any of the acts set forth below:

§A. *Examinations:*

1. To give, obtain or receive any unauthorized information concerning the content of an examination prior to the examination.

2. To communicate with anyone, inside or outside the examination room, in any manner during the examination except the Dean in charge of examinations, the person administering the examination and any faculty member.

3. To have in the examination room, or to consult outside the examination room during the course of the exam, any unauthorized material.

4. To commence an examination before the stipulated time or to continue working on an exam after the announced conclusion of the examination period without proper authorization.

5. To remove bluebooks or examination questions from the examination room except when necessary for the purpose of "signing out."

6. To fail to submit all bluebooks and examination questions by the end of the examination.

B. *Plagiarism:*

7. To represent the work of any other person as one's own work.

C. *Library:*

8. To injure, deface, or destroy any property belonging to or deposited in the Law School library.

9. To remove library materials from the Law School library and adjacent lounge, without following proper library procedures regarding circulation of library materials.

D. *Moot Court:*

10. To violate any rule of the Moot Court Governing Board.

E. *Other:*

11. To violate any rule or regulation of Hofstra University or any school or unit of Hofstra University.

12. To harass, abuse, intimidate, coerce or injure any member of or visitor to the Law School or any other school or unit of Hofstra University. (For purposes of this Code, N.L.O. and all clinical programs are deemed part of the Hofstra University School of Law.)

13. To use physical force or violence to cause damage to, or loss of property owned by or in custody of the Law School or another school or unit of Hofstra University or any member or visitor thereof without authorization.

14. To take property owned by or in the custody of the Law School or any other school or unit of Hofstra University or any member or visitor thereof without authorization.

15. To commit an act which constitutes a felony pursuant to the laws of the United States, of the State of New York or the laws of the State in which said act is committed.

16. To fail to cooperate in the process of investigation or adjudication of an alleged violation of this Code, including, but not limited to the making of a false statement with the intention of deceiving the Disciplinary Committee and the failure to appear before the Disciplinary Committee after due notice and without good cause shown.

II. PROCEDURE

F. There shall be a Disciplinary Committee which shall be appointed by the Dean and shall be composed of three faculty members and two student members unless the accused requests exclusion of students. The student members shall not vote but otherwise shall have full rights of participation on the Committee. The Dean shall also appoint a person or persons to present the charges and evidence in support of the charges to the Disciplinary Committee.

G. *Complaints:* Any person may make a complaint of a violation of this Code by filing a written complaint with the Associate Dean. Every such complaint must be signed by the party filing it and must contain a statement of the facts and circumstances involved in the alleged violation. A complaint must be filed within a reasonable time after the event complained of takes place, in view of all the surrounding circumstances.

H. *Notice:* Upon receipt of the complaint, the Associate Dean shall notify the accused that a complaint has been filed, and the nature of the charge.

I. *Investigation:* Upon receipt of the complaint, the Associate Dean shall make an investigation of the charge.

J. *Administrative Dismissal:* If, upon investigation, the Associate Dean determines that there is no probable cause for the complaint or that the infraction is *de minimis*, he must dismiss the complaint without further proceedings, and no record of said complaint shall be retained in the student's personal file.

If the Associate Dean determines there is probable cause and that the violation is not *de minimis*, he may dismiss the complaint on terms satisfactory to himself and the accused.

When a complaint is dismissed as *de minimis*, the Associate Dean shall inform the party filing the complaint and the accused of his decision and the reasons for the decision in writing.

K. *Administrative Decision:* The Associate Dean shall have ten Law School days from the filing of the complaint to notify the accused in writing either (1) that he dismissed the complaint, or (2) that he has determined that there is probable cause to proceed, that the charge alleged is not *de minimis*, and that the matter cannot be settled administratively. The ten day limit can be extended only by agreement of the Associate Dean and the accused. The Associate Dean shall furnish the accused with a copy of the notification of the pending charge that the Associate Dean transmits to the person or persons designated by the Dean to present the charge of violation provided for in Sec. F of Part II of the Code. The notification shall contain a copy of the original complaint. The Associate Dean shall also inform the accused in writing that he may request in writing within five days of receipt of the notification by the accused that students not be appointed to the Disciplinary Committee. Two Law School days after the last day the accused is allowed to request exclusion of students from the Disciplinary Committee, the Associate Dean shall inform the Dean of the pending charge and whether the accused has requested exclusion of students. The Dean shall immediately appoint (1) a person or persons to present the charge and evidence supporting the charge to the Disciplinary Committee and (2) appoint the members of the Disciplinary Committee, designating one faculty member as Chair.

L. *Hearing:* The Chair of the Disciplinary Committee shall convene the Committee and set a date for a hearing of the matter. The accused shall be notified in writing of the hearing at least ten Law School days before the hearing.

The accused may be represented by any person of his choosing.

A verbatim record of the proceeding shall be taken.

Matters of procedure and evidence will be in the discretion of the Disciplinary Committee. The hearing shall be closed, unless the accused requests that it be open to the public.

The Disciplinary Committee shall make findings on the basis of clear and convincing evidence and a disposition, which shall be by a majority of the voting members of the Committee.

The Disciplinary Committee shall upon finding a violation of any provision of this Code impose one or more of the following penalties:

1. Expulsion from Hofstra Law School;
2. Suspension from Hofstra Law School for a stated period of time;
3. Probation for a stated period of time on specified conditions;
4. Placement of a Disciplinary Letter in the student's personal file;
5. Oral reprimand;
6. Restitution or restoration;
7. Any other penalty to which the violator agrees.

M. *Appeal:* If a violation is found and the accused wishes to appeal to the Dean with respect to any aspect of the Committee's determination, he shall notify the Chair of the Disciplinary Committee who shall forward to the Dean a copy of the findings and disposition, and a verbatim transcript of the proceeding. The accused is entitled to a copy of the transcript. The Dean shall affirm the action of the Disciplinary Committee unless he finds it to have been arbitrary and capricious.

The Dean shall notify the accused, the complainant, the person or persons presenting the charge to the Disciplinary Committee and the members of the Disciplinary Committee of his disposition of the appeal in writing.

Faculty Reappointment, Promotion And Tenure

# A Call For Student Participation

by Marc Grinker

Hofstra Law School's greatest strength is considered by many to be its faculty. Of the twenty-seven full time members (excluding clinical instructors), sixteen are tenured full professors. These individuals can be expected to provide an influence on Hofstra's future similar to that they provided in the past.

While the law school can justifiably be proud of the quality of its academic program, Hofstra's **reputation** remains in the clouded area between the clearly superior law schools (NYU, Columbia) and those which many of us would like to consider clearly inferior. Yet, while many students complain (justifiably or otherwise) about the school's weaknesses, most do not take an active role in improving our collective **self-generating** future. This opportunity is, however, readily available.

The numbers quoted above indicate that eleven faculty members are not yet tenured. The future of these individuals will have much to do with the ultimate success of this law school. The younger professors will have at least as much influence on the direction to be taken by the law school as will their more senior colleagues. And those of us who are students today can influence our own futures by participating in the reappointment, promotion and tenure process.

There are seven candidates this year for tenure (Champlin, Diamond and Ginsberg), reappointment (Gans, Glen and Lane) or promotion (Resnick). The student body should play a major role in evaluating the past and determining the future of these individuals; there is already a process through which our input can be channeled.

In the days before Thanksgiving, faculty evaluation forms were distributed in class. These forms are collected and bound, and made available to students and faculty **after** exam grades are reported. (Thus, the impartiality of the grading process is preserved). According to Dean Regan, forms from as far back as the 1974-75 academic year are available for inspection, although only the most recent are shelved in his office. Students thus have the opportunity to evaluate past student comments in selecting courses and teachers.

More important, in my view, is the use of these forms in the reappointment process. Every second year, non-tenured faculty are reviewed by a three-person subcommittee of tenured faculty. Promotion (to associate or full professor), non-promotional reappointment, tenure or dismissal is then recommended to the full Faculty Committee on Reappointment, Promotion and Tenure. The full committee passes its decision on to the Dean, who adds his own ratification or modification, and sends the decision to the Provost of the University. The Provost's decision is final.

According to Dean Regan, teaching skill is the primary criterion used in evaluating a faculty member's performance. (Scholarship and various forms of community service are also considered). In judging teaching skills, the committees consult the evaluation forms completed by students. Indeed, according to the Dean, these forms are "scrutinized" by the subcommittee.

Professor Twerski, chairperson of the full committee, believes that "there is an element of reliability in the forms." He notes that "the seriousness with which students respond to the forms will be determinative of how much weight they are given." Professor Twerski is quick to point out that carefully written, personal evaluations are more important than dozens of responses to the scale-graded questions. As students, then, we can improve our own lot by providing the type of input, the considered, honest reflection, that is likely to be weighed by the faculty.

For those of us who did not spend time with the evaluation forms, there is another even more effective method of influence. Each subcommittee is soliciting "student opinion with regard to the performance of the various candidates" under consideration. Professor Twerski believes that these individually-initiated efforts to influence a decision may be given particular weight by a subcommittee. When a faculty member reads the well-thought out and intelligently written opinion of a student with whom he is familiar, the collective student point of view is given credibility in the decision-making process.

The greatest opportunity for students, however, lies not in one or two random viewpoints, but in a massive, yet individualized response to the process. There are literally hundreds of students in the school who have been in class with the associate professors presently eligible for tenure (Champlin, Diamond and Ginsberg). The voices of these students should be heard. Whether or not they will be is up to each of us.

Professor Twerski has personally guaranteed that signed student comments will be kept within the committee. (He feels that "an unsigned student comment is not worth much.") Just as comments by one faculty member in regard to another are kept confidential, Professor Twerski recognized that "the need for confidentiality of student comment is clear." He has also noted that in-committee student appearances would be valuable where an important contribution was first made in writing.

Whether Champlin, Diamond and Ginsberg will contribute to the school as effectively as have their tenured counterparts (e.g. Freedman, Friedman, Ordover, Schmertz and Twerski), is perhaps as important as any question the law school faces in 1979-80. The effect of these decisions will be lasting. Hofstra's reputation as a law school, and the reputation of each graduating student as an attorney, will be indelibly marked. For us, as members of a growing community, yet unfulfilled in influence and stature, the failure to contribute would be self-defeating.

# Viewpoint

by Daphne Gronich

*"And if the wine you drink, the lip you press,*
*End in the nothing all things end in — Yes —*
*Then fancy while thou art, thou art but what*
*Thou shalt be — nothing — thou shalt not be less."*
*—Omar Khayyam*

It would seem that the days of the silent majority are not yet over. Too many of us attend Hofstra Law without really participating, or even being interested in anything more than getting to school early enough to find a parking space, grumbling about things which do not meet our approval, and going home — after completing a stint in the library — without having contributed anything to help improve this institution.

How will we be effective lawyers if we do not even have the courage to express displeasure with the way classes are scheduled or if we do not dare question our professors when we do not agree with their opinions, their teaching methods, or their seeming practice of favoritism? If we do not voice our complaints or express our approval, when it is appropriate and necessary, how can we permit ourselves to criticize that which our silence has only perpetuated?

If the Hofstra Law community allows the status quo to become entrenched without seeking to eliminate mediocrity in academic, professorial, or admissions standards, we will only have ourselves to blame when we fail to meet the caliber of excellence to which we aspire.

There is an undercurrent of grumbling in the school. Some of the gripes voiced with regard to the law school include: dissatisfaction with particular teachers, their teaching methods and-or their courses; disquiet with the Dean's seeming disinterest in both the students and the school; displeasure with the apparent partisan selection of the lucky second-year participants in Trial Techniques (and other desirable courses); annoyance with the non-accountability of student representatives to their constituents and their reticence in apprising us of their doings; and, discomfort with the physical plant of the law school.

If we really would like to see these things rectified, why don't we work to accomplish that goal? Why is it that only a small number of people ever really care enough to generate active support and participation — both vocal and physical — in solving the problems of the school (and of the world, in general)? Who is the great leader for whom we all seem to be waiting to guide us along the path of recovery? I suggest that each one of us can be that person.

There is a distinct dichotomy between the students at Hofstra Law and the faculty and administration. That gap should be bridged in any and every way possible. We must stop being concerned about the possibility that criticism can be anything other than constructive. Inadequacies can be corrected only if they are pointed out; and if an individual's feelings are hurt because someone has directed attention to his-her failings — that's life. The advancement of community interests should be given priority over transient personal sensitivity.

I consider teacher-course evaluation forms to be an essential part of any school's self-evaluation process. It is crucial that we all take them seriously, if only because the form provides the many anonymous grumblers with their only means of expressing their feelings about a professor and of assessing his-her classroom performance. We certainly are not doing ourselves (or our successors at Hofstra Law) any favors if we give an ineffective teacher Brownie points because s-he's a nice person. Honesty in completing the forms is necessary; it allows the student to set forth his-her opinion on a particular professor, and it gives the latter an opportunity to "cure the defect."

Some students have come away from the Dean's Hour meetings with the impression that Dean Regan would rather be elsewhere than at Hofstra Law. If this causes perturbation, why don't these individuals confront the Dean and ask him how he feels about the school? This would be more fruitful than muttering. (Then again, when the Dean's Hour never even draws five percent of the student body, it seems rather hypocritical of us to criticize the Dean's alleged disinterest in the law school.)

Are grades so important and are students so appeasing that they choose not to question a teacher's method of running a random lottery of names when a good number of the lucky few second-year students who got into Trial Techniques just happen to be the professor's "best friends"? Seething with anger doesn't solve the problem. If an explanation is in order, it should be requested.

In this particular case, many students have expressed a desire to know exactly how the participants were picked. If a lottery was used, favoritism shouldn't have entered into the selection process; whereas, if personal factors were used, this should have been stated at the outset. If the choosing of a large number of the professor's favorites was simply a coincidence — however hard it might be for some people to believe — it is important that those who were not lucky enough to get into Trial Techniques be told how the others were chosen.

If students are disturbed at their representatives for not reporting back to them, the reps should be so informed. How difficult is it for the reps to stand up before Contracts or Constitutional Law to let their constituents know what they are doing and how they are allocating our money?

(The enumeration of the various deficiencies in the physical plant of the Law School deserves an entire article, so I will not even attempt to broach the subject at this time . . . )

The spirit of camaraderie that followed the Hofstra Law Revue should not be allowed to die. Instead, it should provide the impetus for community solidarity in the pursuit of excellence. For this we must all show concern about the things which affect the Law School community.

*CONSCIENCE welcomes your viewpoint on issues affecting the law school. All articles must be typed and triple spaced and include your name and phone number. They may be dropped off in our admissions office mailbox in care of Viewpoint.*

conscience

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# EDITORIAL

On Tuesday, December 4, 1979, the final draft of the **Code of Student Conduct**, submitted by the Governance Committee, faces probable adoption by the faculty staff and student representatives. We apologize for failing to learn of and present this information sooner, and question whether the proposed Code was appropriately publicized to promote student input. The meeting in which the vote will be taken shall be held at 3 P.M. in the Faculty Lounge. Whether or not the proposed Code is adopted, **students are urged to read it and consider it carefully** (presented herein on page 7), and forward comments to Professor Linda Champlin, chairperson of the Governance Committee.

We have taken this opportunity to express some concerns. The first provision which gives us reason to pause, Art. I, Sec. A(2), reads, that "To communicate with anyone . . . in any manner" during an examination subjects the offender to possible expulsion (See Art. II, Sec. L, for possible penalties). Art. I, Sec. A(6) provides that it is a violation, to "fail to submit all bluebooks" (emphasis ours), at the end of any exam. This does not specify, for example, whether it is to include bluebooks which have been used for scrap or left unused. Simply, is this provision a clean up requirement? As some other provisions in the proposed Code, it is ambiguous.

There are a series of requirements to conform to rules or procedures in various instances, Art. I, C(9), D(10) and E(11), without any corollary requirements that such rules or procedures be publicized in some reasonable manner. Furthermore, Sec. E(11), which discusses violation of any rule or regulation of Hofstra University or any school or unit of Hofstra University, is not only ambiguous but it leads us to question what a "unit" of Hofstra University is, and, whether this rule applies to any school. While it seems relatively clear that the phrase "any school" contemplates one within Hofstra University, the provision's scope still seems far-reaching, and potentially, quite unfair.

Sec. E(15) permits sanctions against a person who commits "an act which constitutes a felony pursuant to the laws of the United States . . . or the laws of the state in which said act is committed." There is no stated requirement that there have been a felony **conviction**, nor is there any reference to whether time of occurrence shall ever be a factor. We must also ask whether "prior crimes" information should be considered at all.

Art. II, Sec. E(16) provides that **failure to "cooperate in the process of investigation and adjudication"** subjects one to any of the sanctions enumerated in Art. II Sec. L(1-7), irrespective of that person's relation to the incident. This difficulty is compounded by the fact that possible disciplinary action is not graded according to the severity of the act in question. Rather, it is at the discretion of the Disciplinary Committee.

The Disciplinary Committee is composed of three faculty and two student members appointed by the Dean. Art. II, Sec. F. Those two student members can be excluded at the request of the alleged violator, and if included, have no right to vote. They are otherwise given "full rights of participation." The Dean selects the members of the Committee, the Committee determines "Matters of procedure and evidence." Art. II, Sec. L, the Dean selects the "person to . . . present the charges and evidence in support of the charges (simply stated, the prosecution), and the Dean is the only source of appeal. Art. II, Sec. M. This seems a rather confined circuit of personnel with maximum discretion over procedure. Additionally, we again note that the choice of sanction is also completely at the Committee's discretion.

On appeal to the Dean, the standard of reversal is confined to "arbitrary and capricious" actions by the Committee. Art. II, Sec. M. Reversal is therefore improper upon a finding of any minimal substantiating evidence. While the entire proceeding is closely analogous to an Administrative appeal, confining the grounds of reversal solely to the "arbitrary and capricious," draws on the least protective standard of that body of law.

An original Committee finding of culpability requires only a majority of votes, two of the three voting members; and we question why unanimity should not be called for. The Committee is already vested with a questionably wide range of discretionary powers: why, on appeal, should its decisions be accorded such a high degree of finality? The distinct lack of student input into the final adjudication is a prominent defect. We suggest that a committee of three faculty and two student members chosen other than by the Dean be interposed in the appeal process so that the appellant may be afforded, in some sense, a hearing by his or her peers.

We commend the effort to create a student code of conduct, and hope that the ambiguities and broad discretionary powers are appropriately reconsidered.

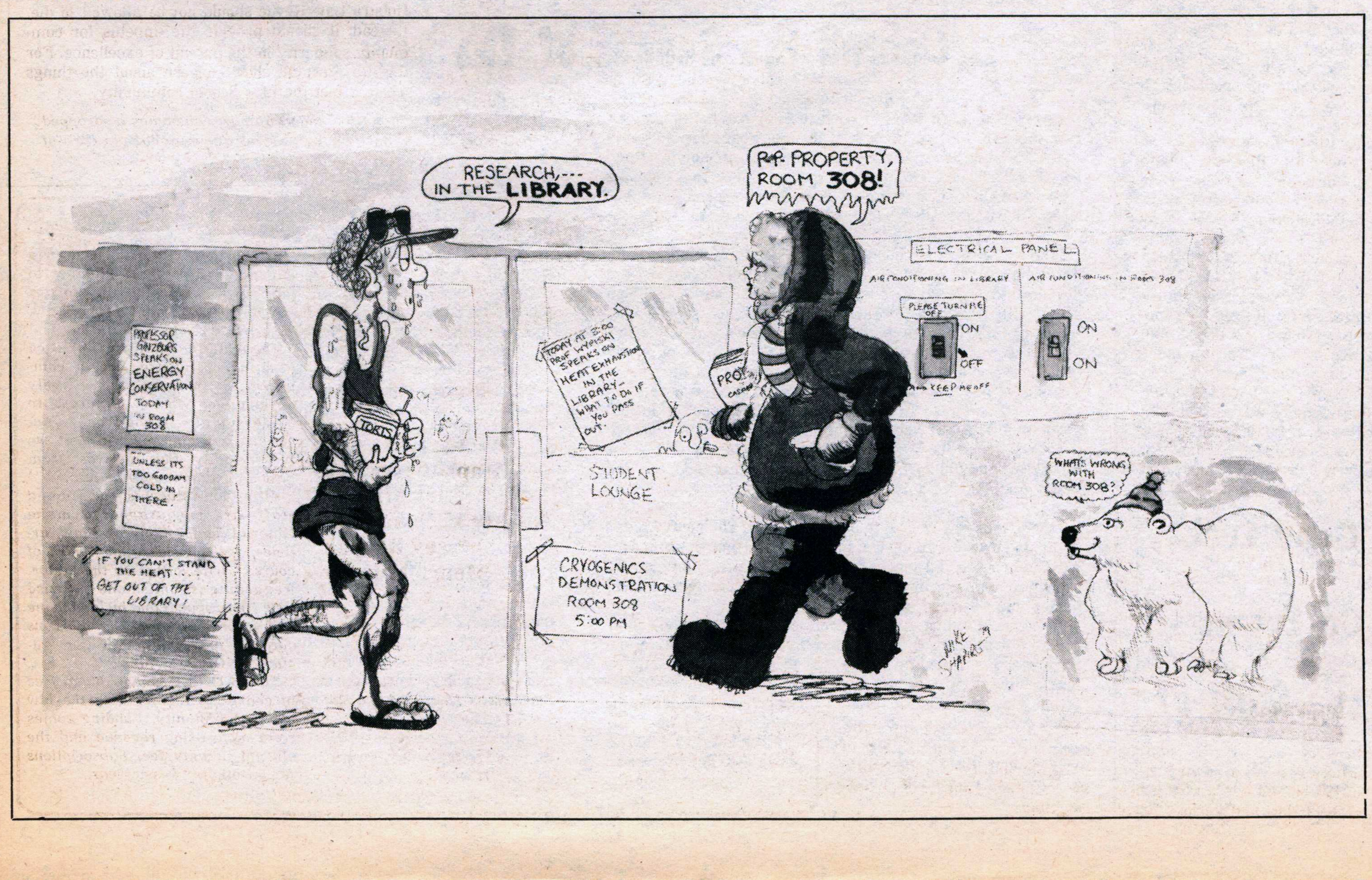
## Our Thanks to Agora and the School Community

**Many thanks to the many members of the Hofstra Law Community who supported the Agora sponsored fund-raising drive to aid the starving people of Cambodia. All who participated, from the Agora student organizer to each individual contributor, deserve praise. The instinct to give is noble. It shows the less fortunate that people care—that we as Americans care. Such caring is evidence to those less fortunate than we, and encourages all that is good in people. The world can always use more of it!**

**—The Staff of Conscience**

**Next Conscience Printing February, 1980**

**Happy Vacation!**



# Law Revue A Hit...

*(Continued from page 1)*

The impersonation of Ron Silverman (Sam Felderbaum) was pure "spoon-feeding." As was stated in **Phelps v. McQuade,** (Property text, p. 188) with slight variation for our purpose, "We could not have supposed that he was . . . any other person; his intention was to (be) the person present . . . identified by sight and hearing." We all bought the act. Bona fide purchasers.

The mimicry of Larry Kessler (Milan Gregory) was a bit "off color." Pun intended. Nevertheless, Larry was captured in all of his "redness." Nicki Barnes couldn't be happier.

Then Dave **Pennoyer v. Neff,** Diamond (Milan Gregory) appeared, then disappeared (because he had left his car running) and then reappeared. Confused? That's the point. Some say that Professor Diamond dresses like Oscar Madison. That's not true. Oscar Madison dresses like Dave Diamond.

Although I never had the opportunity of sitting in on Monroe "C" is a competent grade. Freedman's class, Sal Russo was as near as I'll come. Garbed in the attire of Ichabod Crane, Sal Monroe Russo Freedman showed why contracts can be so difficult.

Professor Posin's (Sal again) impersonation was a bit "taxing." With hands swaying and body moving, "Just look in the code, look in the regs."

Professor Schmertz (Louis Evans), who spends his free time doing "Grecian Formula" commercials, was full of "verve and panache." (Credit Felix Unger.)

On the whole, the benefits of the Revue to the law school community were tremendous. Not until the next day, during classes, was the effect best noticed. When Leon Friedman came in counting on his toes and fingers, drawing on the board, and basically imitating himself, or Professor Ordover, suavely garbed in top hat, cape, cane, and scarf, did the good feelings of the night before become apparent.

The Revue set a mood which narrowed the distance which many students feel between themselves and their professors. We, the students, owe many thanks to those involved—Alan Brenner, Louis Evans, John Fausti, Sam Felderbaum, Milan Gregory, Michael Hall, Mark Kalmanowitz, Kenny Mollins, Sue Rosenshine, Sal Russo, and Charles Walker—for the smiles and laughs they shared, and to the faculty for laughing along with us. Finally, we owe thanks to the Revue for finally proving that lawyers really are basically frustrated, albeit good, actors.

**Good Luck**

**On Exams -**

**The Staff of**

**Conscience**

Photo by Todd Natkin

**What would Charlie say?**

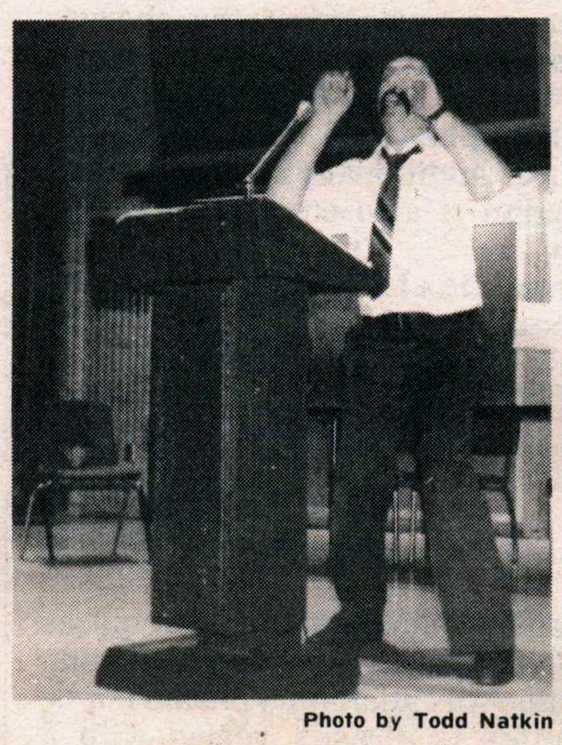


Photo by Todd Natkin

**How right you are! But prove it!**

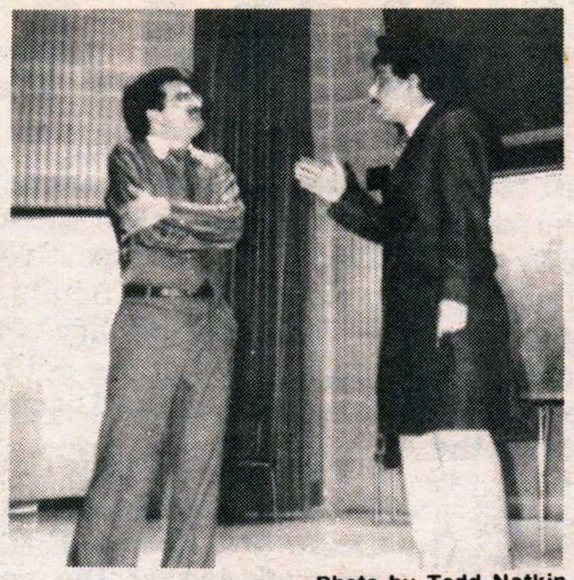


Photo by Todd Natkin

**No Abe, it tastes great . . .**

Photo by Mike Hall

**Presenting: Live from Hempstead . . .**

Photo by Todd Natkin

**Oh . . . I think I left my car in Kansas.**

Photo by Todd Natkin

**Not a model of lucidity, but the code says . . .**

Photo by Mike Hall

**Do ya think I'm sexy?**

# Impressions:

## Behind the Scenes of The Law Revue

**by Kenneth Mollins**

As I sat alone in Monroe Lecture Hall on the evening of November 15, I began to think of the long road that led to the "Law Revue Show" that was soon to be presented on the stage before me. The characters along the way — those that would be in the show, those that wanted to be in the show, and those that started down the road with us but never completed the trip.

I thought of the long hours spent in writing and editing and rewriting and re-editing the material. Visions of those members of the cast whose skits were only tested out once or twice on stage drifted through my mind. Then the rehearsals — Who wasn't coming? Who was supposed to be there and didn't show? Which skit was too long, too short, not well prepared, or overly prepared? Some nights the rehearsals were short. Other nights they lasted past midnight. Then of course, there was the last night — The Dress Rehearsal. It was O.K., but it lacked something. The cast was growing tired of hearing the material over and over again. We allowed outside spectators to view the rehearsals and although they laughed, I felt that they, too, felt that something was missing.

I thought of how we had to book the room. The confirmation that didn't arrive until the last moment. The running around for wine and cheese and snacks for the party that would follow tht show. I remembered my co-cast members sweeping the student lounge and setting it up for the party.

Thoughts of telling different professors that they were to be imitated drifted through my mind. Professors Friedman and Silverman responded by saying that they couldn't be imitated because they felt they had no peculiar distinguishing characteristics. So they said. Yesterday Professor Twerski gave us his black coats and hats. Professor Posin had a piece of one of his lectures typed up for us and Professor Freedman supplied us with some of the new lines he has used in class. The professors — they were all great in doing whatever they could to help the show.

For the two weeks prior to the presentation, all I heard was, "Good luck." "It had better be good, I'll be missing 'Soap.' " "Break a leg." "Is it funny?" "Is the faculty going to be there?" "Can you save me a seat?" "How long is it?"

As I looked around just before show time, I saw that most of the chairs in Monroe Hall had been taken. It was getting close to show time and I was supposed to be first on stage. I looked at my script and then at the program and wondered: What is the purpose of a show like this? Is it to raise the morale of the school? To bring students and faculty together in a common non-academic setting in which both groups can laugh and enjoy themselves? Is it to feed the egos and fulfill the fantasies of the cast? Or maybe it is just to show that the law school can be united as a team and that this is the way it should operate!

I shook hands with the cast and we were all ready. I was all fired up. The adrenaline seemed to be rushing through each member of the cast — flowing from one to the other and then back again. The freshness and excitement that was lacking in dress rehearsal had returned. We were all psyched and ready to go.

Once again, I thought about the history of the show. I hit the lights and walked out onto the stage. The applause felt great. I felt the audience was hungry for what we were about to serve them. And I began — "Good evening and welcome to our presentation of the Hofstra Law Revuew." From this point on, I heard nothing but laughter and saw nothing but smiles from the mass of people in front of the stage. A cue was missed but Leon Friedman raised his hand and answered the question word for word as if he were reading from the script.

I still don't know if the show served its purpose or even what its purpose was, but I want to say that I was proud to be associated with a group of outstanding people who I am proud to be able to call my friends. You all did a great job.

# Show and Tell

I got a real problem with this guy . . .

Photo by Todd Natkin

Photo by Todd Natkin

This course does have a book you know!

Photo by Todd Natkin

Who fathered this child? What? Kadane . . . No!! Ginsberg.

Photo by Todd Natkin

So do you sue the bastard? No!! You sue the bastard's father!

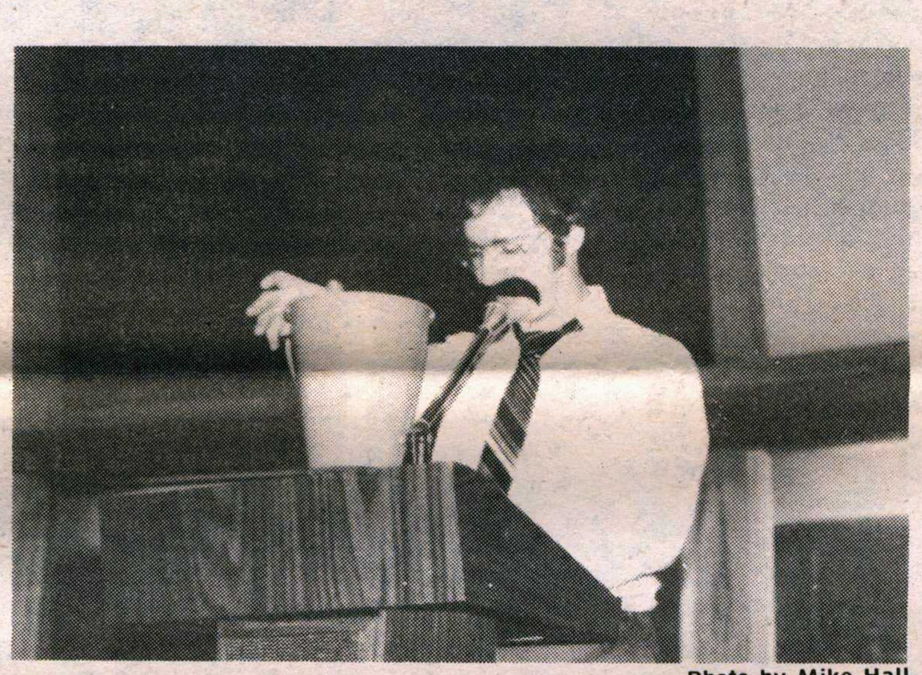
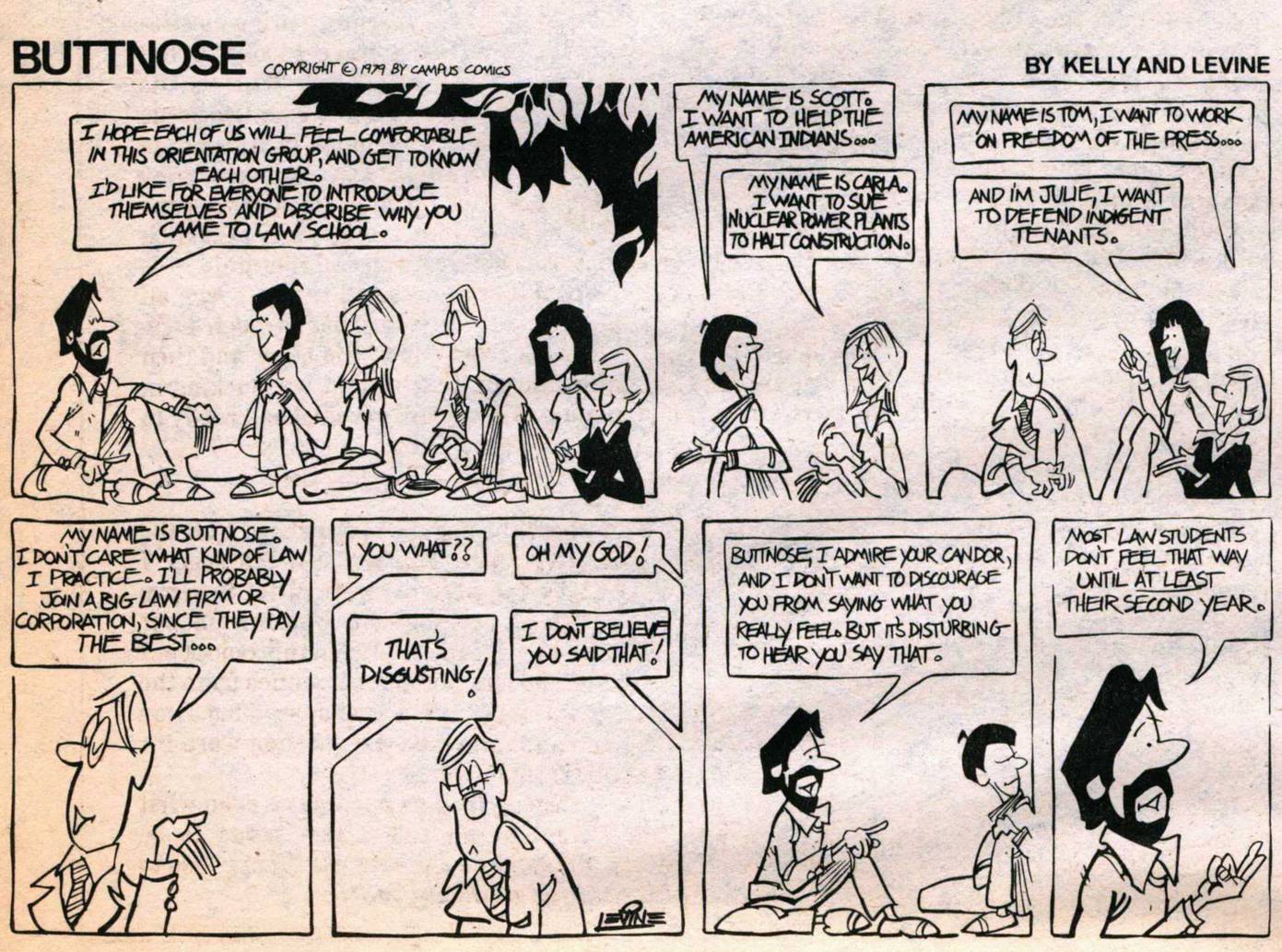


Photo by Mike Hall

Thinking like a lawyer is like a child playing in a sand box!

Compiled by Bob Schaufeld and Glen Wolther




Season's Greetings

And A

Happy New Year

From The

Conscience Staff

# ANNOUNCEMENTS

## The Bulletin Strip

***The 1980 Hofstra Law Bulletins are out, pick them up while they're hot . . .***

***Trial Advocacy program is heating up; judges are responding favorably . . .***

***Law students and their element — an eighth grade class will be in attendance for Trial Advocacy Club meeting . . . .***

***Keep off the phones from December 2-5, that's when Hofstra Law is conducting a Phonothon for donations from parents . . .***

***The annual All Day Workshops for Teamsters will be conducted on December 7th . . .***

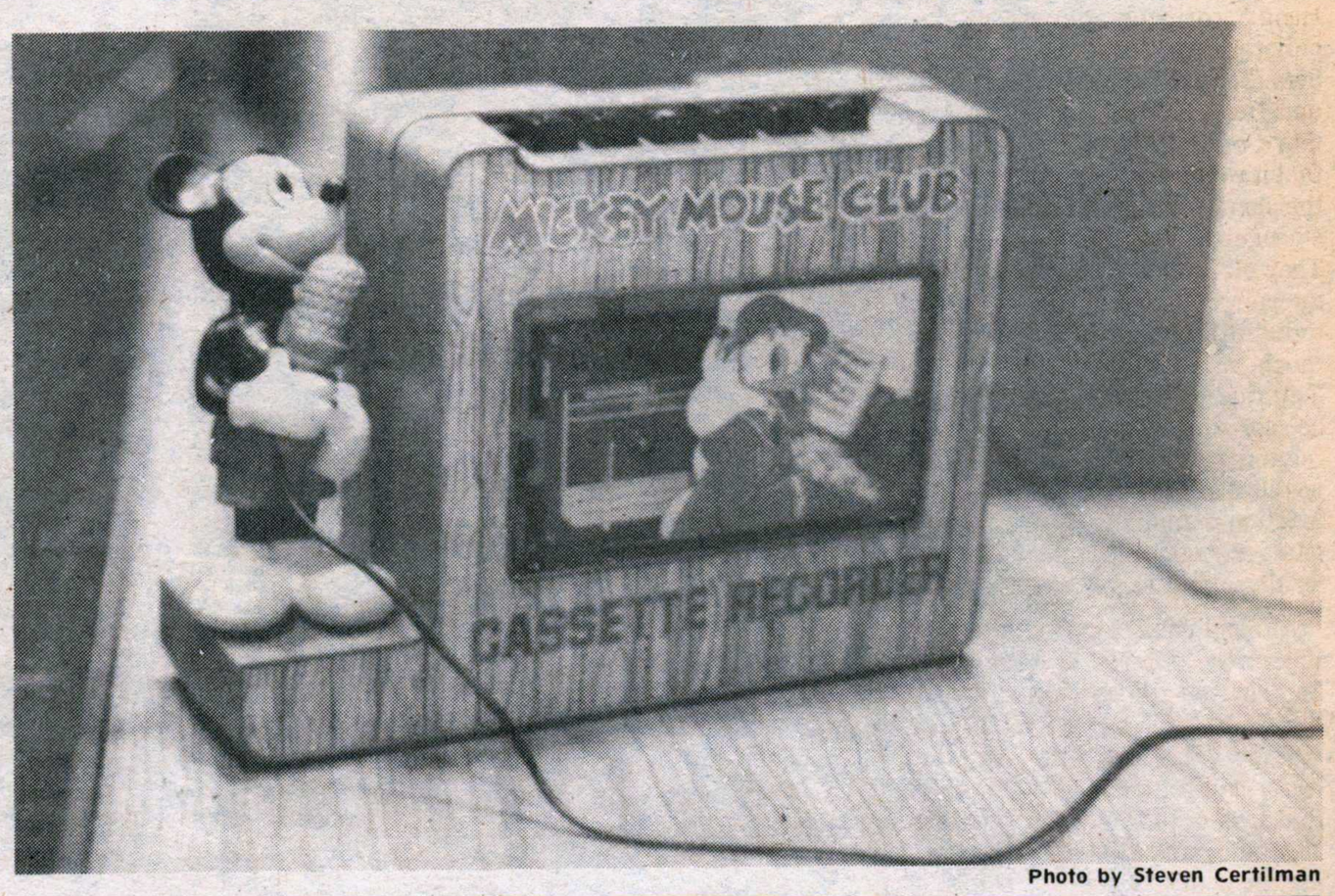



Photo by Steven Certilman

**HOFSTRA COMMUNITY**

**Please give to the CAMPBELL'S LABEL DRIVE!!**

**Your neighborhood school, Our Lady of Loretto, is having its annual Label Drive to help it get FREE gym equipment.**

**Please help if you can by depositing labels in specially marked boxes in the Office or Library Lounge.**

**For further information, contact Toni Murphy at 516-483-3417.**

**TRIAL ADVOCACY CLUB UPDATE**

**James "Jimmy" LaRossa, the noted criminal trial attorney who recently defended Anthony Scotto in the Southern District of New York, has been re-scheduled to lecture early in the Spring. Unfortunately, the Scotto trial took longer than expected and it was impossible to schedule M. LaRossa before finals this semester.**

**If anyone has suggestions for future speakers and-or events, please contact Brad Koozman or Caroline Levy or leave a note in the Trial Advocacy Club mailbox in the Admissions Office.**

## Women In The Law

In 1873, the U.S. Supreme Court held that women did not have a constitutional right to practice law, declaring that "the most paramount destiny and mission of a woman is to fulfill the noble and benign offices of wife and mother." One justice insisted that "it is against the Law of the Creator for women to practice law." As late as 1970, only 2.8 percent of American lawyers were women.

Approximately 10 percent of lawyers are women, along with nearly 30 percent of all law students. Indeed, at several schools the number of first-year women students equals or exceeds the number of men in the class.

Miller notes that these recent gains "have caused some experts to predict that the law may become the first traditionally male profession to achieve full integration of the sexes."

The changes being made at the law school level are reflected in the profession generally. Women are represented in increasing numbers at major law firms, and are becoming more visible in the public sector as well, Miller writes. In October 1971, 3.7 percent of assistant U.S. Attorneys were women. As of January 1977, that number had increased to 10.2 percent.

S. Shepherd Tate, immediate past president of the ABA, has urged women lawyers to become more involved by seeking leadership positions in bar associations, and current ABA President Leonard S. Janofsky has significantly increased the number of women appointed to ABA leadership roles this year.

Miller reports that women have been somewhat slow to become active in many of the ABA's sections, including INCL. Donald Haskell, INCL chairman, attributes this to the fact that women have only recently begun to practice law in areas that would lead to involvement in INCL. "Only in the last few years has there been a significant increase in the numbers of women practicing in areas like products liability or fidelity and surety," Haskell explained.

## Salaries Soar

Two Wall Street law firms have offered 1980 graduates $33,000 to start and firms in Houston and Washington, D.C. may soon follow suit, according to the fifth annual salary survey in **Student Lawyer.**

James Kilmer of the executive search firm of Kilmer and Associates, who conducts the annual salary surveys says, "In these markets there continues to be tremendous competition for the so-called Brahmins (super stars). It is much like a salary poker game in which the firms constantly raise the ante for the Michigan coif or the Harvard cum laude."

However, all is not rosy for other new graduates or for young associates, Kilmer found. First, the inflated salaries of the new associates are not being passed along to associates hired in the last few years, causing high turnover and morale problems.

Second, inflation has outpaced the salary gains of 85 percent of the legal community. Third, there is a growing gap in the wages between the few top lawyers and the other 85 percent hired. "This salary gap is widening steadily, and the legal caste system is becoming more and more entrenched," Kilmer writes.

Kilmer says that the price paid for the high wages by the individuals who receive them is also high. "Lawyers from prominent law firms are enjoying almost obscene wages, but in many cases are working six to seven days a week for this money. They are also earning it by depriving themselves of sleep, social and family life, exercise, and, sometimes, even their peace of mind."

He offers this advice to new graduates: "The way to beat the system is still to establish a legal name for yourself in your community. Set up shop yourself or in partnership with others and 'make rain'—bring on the business. More and more firms consider 'rainmaking' the major criterion for choosing managing or senior partners."

The article includes a rundown of salaries paid recent graduates and first, second, and third year associates in Atlanta, Boston, Chicago, Cincinnati, Cleveland, Dallas, Detroit, Houston, Los Angeles, Miami-Orlando-Tampa, Milwaukee, Minneapolis, New York, Philadelphia, Phoenix, Pittsburgh, Saint Louis, San Francisco, and Washington, D.C.

**CAMPING NEWS**

The Long Island State Park and Recreation Commission will initiate a new system for drawings for 1980 summer camping reservations. Drawings will be held in mid-January and mid-March for the 1980 camping season. (In past years, drawings were held in March only). "We hope that the expanded drawing procedure will allow people to plan summer vacations well in advance," said Sheridan.

Completed camping applications for reservations at Heckscher State Park (East Islip), Hither Hills State Park (Montauk), and Wildwood State Park (Wading River), will be accepted anytime after January 1 and must be accompanied by full advance payment for the reservation period requested. The minimum reservation period is one full week and all reservations will start on a Saturday or Sunday ONLY.

All applications hand-delivered or postmarked after January 1 through January 15, inclusive, will be assigned by lottery beginning at 10 a.m. on Monday, January 21.

After all previously received requests have been processed, all applications hand-delivered or postmarked January 16 through March 14, inclusive, will be assigned by lottery beginning at 10 a.m. on Monday, March 17.

On or after March 15, all assignments will be made on a first-come, first-served basis.

During the spring season (April 1 to June 8 at Hither Hills and Wildwood; May 1 to June 8 at Heckscher), reservations may be made for periods of one to two weeks at all three parks. During the summer season (June 9 to Labor Day), the camping period is limited to a maximum of two weeks to any individual family at Wildwood and one week at Hither Hills and Heckscher State Parks. No reservations may be obtained for the fall season (Labor Day to December 1). Camping during this period is on a first-come, first-served basis.

Applications may be obtained by sending a stamped, self-addressed envelope to: CAMPING, P.O. Box 247, Babylon, N.Y. 11702. Applications may also be obtained, in person, at Long Island State Park and Recreation Commission Headquarters, Belmont Lake State Park, Belmont Avenue, North Babylon. (Southern State Parkway, Exit 37 North).

Additional information may be obtained by calling (516) 669-1000, Ext. 224.

**A FUNNY THING HAPPENED**

The Hofstra University Spectrum players will celebrate their 20th Anniversary by presenting an "ancient" musical comedy, "A Funny Thing Happened On the Way To The Forum." Based on the plays of Plautus and Senes, performances will be December 1, 6 and 7 at 8:30 p.m., and Sunday matinees on December 2 and 8 at 3 p.m. in the John Cranford Adams Playhouse, Hofstra University South Campus, Hempstead.

The complex plot revolves around the comic antics of a slave, Pseudlous, and his efforts to gain his freedom from his master, Hero. Both Senex and Hero are in love with the courtesan, Philia, who has already been sold to a great war Captain. To gain his freedom, Pseudlous must find a way to get Hero and Philia together. And it's here that the fun just begins.

An all student organization, the Spectrum Players was founded in 1959 by Hofstra alumnus Francis Ford Coppola, who went on to write and direct such films as "The Godfather," "The Godfather Part II," "Patton," and, most recently, "Apocalypse Now." Mr. Coppola directed the first Spectrum production of Tennessee Williams' "A Streetcar Named Desire."

Tickets for "A Funny Thing Happened On the Way To The Forum," priced at $3 each, may be reserved by calling the Box Office at (516) 560-3283. Group sales information can also be obtained from the Box Office.

**Submit Announcements to the Conscience Mailbox**

*CONSCIENCE extends its gratitude to Bill, and all those at SENATOR PRINTING, for their patience and helpful assistance all throughout the year. To each of them, we wish a Happy Holiday Season, and all the best in the coming year!*

# Cambodian Tragedy...

(Continued from page 1)

and Western nations into dealing directly with the Heng Samrin government by allowing aid to enter only through Phnom Penh or the port at Kompong Som. Some observers suggest that the Vietnamese and Heng Samrin are not allowing truck convoys into Cambodia from Thailand because they fear that it would show that the Pol Pot forces, as well as the non-communist resistance groups, are much stronger outside the Vietnamese controlled cities. They claim that the Pol Pot forces could seriously interfere with truck movements which might bring to light the weakness of the Vietnamese hold over much of Cambodia. Heng Samrin's claim of legitimacy as the government of Cambodia could be seriously challenged because, although his regime with Vietnamese support controls the population centers, Khmer Rouge forces still function in many of the western provinces. Without total control of Cambodia, Heng Samrin cannot legally claim to govern that country.

Although six planes with food and medical supplies were allowed to land at Phnom Penh, Heng Samrin has refused, thus far, to allow a massive airlift. Even if large amounts of aid had arrived within thirty to sixty days, the Director of American refugee programs in Thailand predicted that tens of thousands of refugees would still go to Thailand, and that that figure would rise to the hundreds of thousands if no aid was received. One month after this estimate was made, ten thousand half-starved Cambodians, mostly women and children — family of Khmer Rouge soldiers, entered Thailand. Western intelligence sources at that time estimated that about one hundred thousand more are gathered at the Thai border waiting for the fighting to erupt before attempting to cross from Cambodia.

The magnitude of the sickness and disease is exemplified by a **Newsday** interview with a French doctor volunteer at a refugee camp on the Cambodian border. He reported cases of malaria and tuberculosis and complained that there were no X-rays or vaccines available. In mid-September, he had only to treat thirty patients; two weeks later, he had 250 people to try to save.

At the end of October, President Carter announced a $30 million aid program for Cambodia, but he said he expected that total to double and possibly reach $70 million. The proposal recommended an immediate expenditure of $3 million to the UN Children's Fund, in addition to $2 million previously committed for Cambodia; a grant of $20 million in commodities under the Food for Peace program, subject to "assurances" that the food would actually reach those in need; and an additional $9 million to help the Thais care for the refugees. The President also endorsed another $30 million aid package which was approved by the House Foreign Affairs Committee.

The Heng Samrin regime, as well as its Vietnamese sponsors refused, however, to accept the American plan. When it was presented by three visiting American Senators, Max Baucus (D-Mont.), John C. Danforth (R-Miss.), and James Sasser (D-Tenn.), both Hanoi and Phnom Penh went so far as to characterize it as a "maneuver by the imperialists and international reactionaries to aid Pol Pot." The Senators proposed to funnel all American aid through the International Red Cross and UNICEF. A planned overland route was rejected by Phnom Penh and Hanoi. Airlifts to the Cambodian capital, as well as shipments by barge up the Mekong River and by sea to Kompong Som in the Gulf of Siam, are underutilized, they claim. In reality, they want to funnel all supplies through the capital to prevent any food from reaching Pol Pot and other resistance forces.

Red Cross and U.N. officials, trying to persuade Heng Samrin to accept more substantial aid, point out that Cambodia has only two trucks for each of its 17 provinces and with limited airport facilities, Cambodia is unable to distribute the supplies to the outlying areas, even if it wanted to do so.

Only if the airlift is greatly expanded and the unloading and distributing processes vastly improved at Kompong Som and Phnom Penh, can the Cambodian situation improve. To provide the absolute minimum 1,500 calories per day for each Cambodian, experts say at least 10,000 tons of food must be brought in each day from the outside. The present daily flight of a single cargo plane provides only 500 tons of food for an entire month. Working together, a U.N. agency, the World Food Program and a private London-based organization, OXFAM, managed to land about 9,500 tons of food at Kompong Som, enough for about ten days. In spite of all efforts fears persist that the aid which does reach Cambodia will go to feed the Vietnamese troops rather than the starving Cambodian populace.

At a U.N. conference held in early November, $210 million was pledged by the participants to feed Cambodians; the United States pledged nearly one-third of the total. U.N. Secretary-General Kurt Waldheim estimates, however, that $310 million is needed in the next twelve months to avert mass starvation. Total pledges fell $100 million short of that goal.

Though ostensibly non-political, that meeting had an underlying purpose; to pressure Vietnam and its client Phnom Penh into allowing adequate delivery and widespread delivery of aid. A monthly total of 30,000 tons of aid supplies is needed to cope with the famine. Kompong Som can only handle 15,000 tons per month; another 6,000 tons can be shipped by barge up the Mekong River to Phnom Penh. The 9,000 difference could be made up by truck convoys and increased airlifts if the members of the Vietnamese backed Heng Samrin regime were to relinquish their control of aid-distribution instead

of forcing the U.N. and western nations to deal directly with them, in an effort to consolidate their military and political aspirations.

A **Newsday** editorial urged the President to authorize the parachuting of supplies to areas that do not receive aid through Phnom Penh. Such a move, however, would infringe on the sovereignty of the Cambodian government. Although our government has not recognized the Heng Samrin regime—the Vietnamese imposed government of Cambodia—that regime is the **de facto** government of Cambodia, at least as long as the Vietnamese remain. Even an international aid effort not sanctioned by the Cambodians would technically violate concepts of sovereignty under international law. Each state can do virtually anything it pleases within its own territory. Many states are afraid to sanction intervention in Cambodia without the agreement of Phnom Penh for fear of setting a precedent that would change notions of sovereignty under international law.

Perhaps the concept of sovereignty, of non-intervention in the affairs of another state, must be amended. As Senate Majority Leader Robert Byrd (D-W. Va.) told Soviet Ambassador Dobrynin, "We're interested in helping people, we're not interested in taking sides." Heng Samrin rejects aid because it would go to both sides. In any event, the Carter Administration believes the positive effects of a unilateral airlift would be minimal and that such an operation would risk undermining the international relief work, leaving the Cambodians in an even worse situation.

One diplomat involved in the negotiations among the Vietnamese, Cambodians and U.N. officials summed up the feeling of many of the participants when he said: "We are appalled at the prospect of sacrificing so many lives for political purposes. But from Phnom Penh's point of view, it makes no sense to allow enemy forces to receive supplies. **To them, starvation is as legitimate a weapon as a gun.**" (Emphasis added.) The Cambodians, deeply distrustful of the U.N., see aid efforts as part of a plot by the United States and China to support Pol Pot.

Chan Youran, Pol Pot's representative, blamed the deaths of thousands of Cambodians during the Pol Pot regime on the Vietnamese. He claimed that 2,000 Cambodians who were trained by the Vietnamese as agents returned to Cambodia after the American-supported Lon Nol government fell and that they were responsible for all the killings.

The Convention of the Prevention and Punishment of the Crime of Genocide, 78 U.N.T.S. 277, declares genocide to be a crime under international law. Article II of the Convention describes five acts of genocide, three of which are applicable here: a) killing members of the group; b) causing serious bodily or mental harm to the members of the group; c) deliberately inflicting on the group conditions of life calculated to bring about the group's physical destruction in whole or part. Article VI of the Convention, however, provides that persons charged with genocide shall be tried by "a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction" if the parties affected accept that body's jurisdiction. Though the regimes of Pol Pot and Heng Samrin, as well as individuals in the Vietnamese government are in all likelihood guilty of genocide, there is no forum in which justice can be done. Vietnam and Cambodia are not parties to the treaty. The Genocide Convention expresses a hope, not a matter of law — even the United States has not ratified the treaty.

Soviet aid to Cambodia is estimated to be between 40-50 thousand tons. Ten thousand have been shipped by sea to Kompong Som; the rest was transported overland through Vietnam. American officials say a sizable portion of the Soviet aid may have gone to feed the nearly 200,000 Vietnamese troops occupying Cambodia. Moscow's assertion that it would buy 50,000 tons of rice from India as well as an additional 150,000 tons was received skeptically in Washington.

America has sought to dramatize its concern for the situation in Cambodia with Rosalynn Carter's visit to refugee camps in Thailand. The First Lady's visit dramatizes the development of a constituency in the United States in support of the refugees. Absent an ethnic constituency in the U.S. to voice concern for their brethren through the traditional political process, the refugees have benefited from ever-increasing attention by the news media. This attention fostered American concern for a situation, the magnitude of which had not previously been brought to their light. American public support for the plight of the Cambodians grew. Witness the $200,000 a week in donations (an average of 500 donations daily) that the New York office of Catholic Relief Services receives to aid Cambodia.

American politicians, seeking to reap the benefit of identifying with a popular cause, have traveled to Thailand and Cambodia, newsmen in tow, further magnifying the problems. Whether the trips are politically conceived or purely fact-finding in nature, they emphasize that the American people care about the plight of needy members of the international community.

# Changing Women's Role: No Easy Solution

by Suzy Mandel

Woman's fall from grace is not wholly unremarkable. Until recently I'd never felt any sense of loss at all, raised as I was, like many other babies of the late fifties, in the milieu of pseudo-liberal thinking. Finally girls were granted the right to wear slacks to public school — if not to curse freely in the halls — and even to take the LSAT without compromising their feminity. Rather, the world was expanding, options were so bright as to be blinding.

Doffing the necessary blinkers, we chose, and continue to choose, from the ever-expanding career array. The seventies have mellowed the young, and now, more than ever, the acceptance by women of their own equality is implicit to most women and many men. Most, like myself, wouldn't have it any other way. This is all fine and good, but I regret to note a loss.

While the scars of sinking into suburban oblivion fade with each passing year, many women still choose to bask in the limelight of long-awaited nuptials and to devote their lives to the institution of marriage and to their families. The role that these women play is often underestimated and belittled. Yet, if the choice between career and family continues to be so polarized, sacrifices are inevitable. A nation strong in labor has weakened familial stability. Although the implications of this phenomenon cannot presently be entirely accounted for, it pervades most aspects of our society. As a result the arts — the mirror of society — may change.

Women's role in the traditional nuclear family has been revolutionized. Children will absorb new attitudes from their families, and learning processes; those subconscious parts of the mind that were molded by homespun advice gleaned from conversations on rainy afternoons with maternal and sibling company, will develop differently. Some women of the past may have been trapped in domestic serfdom, but at least most were secure in that tinsel glory that attaches to those who are trusted and are always there. A working woman does not have the luxury of always being able to personally assist in every problematic situation. Of course, there are compensating factors favoring working parents. Vocations outside the home are both mind-expanding and financially beneficial.

History teaches that loss accompanies all progress. Any loving figure, maternal or paternal, would serve the traditional roles, but many, if not most homes, often have no choice. In many single-parent or poorer homes, (two) working parents are necessary to support a family.

Since options seem to be shaping up, with more families relying on communal pre-school care, the experience of the Israeli kibbutz may be enlightening. Children raised in the company of their peers in communal houses independent of the habit of total dependence on their parents love their parents no less and seem to function far more independently than do youngsters raised in more typical settings. Kibbutz parents seem to be accepted by their teenage progeny more easily and with less hostility than elsewhere. Yet the trend in Israel is toward in-house sleeping for children. Somehow, the parents who voted for those changes prefer to navigate from the fulcrum of their children's existence, even at the expense of some physical security and ideals. These observations may or may not be indicative of the future trends of American society. Nevertheless, the effects of a societal swing away from a home dominated by a major personality protected from the business world, toward one where both parents are steeped in business acumen and hostilities must be considered. If corruption and inequities abound today, the prospects for the future seem unsettling. Unfortunately, this is an area with no easy solution; but perhaps the solution suggests itself in the problem. If we recognize this as a problem and make accommodations, maybe the negative implications can be avoided and the focus can shift to the benefits achieved because of the shift in what society expects of women. This is where the interest belongs.

# After Hours

by Lynda Allen

Albert Einstein spoke to Hofstra audiences November 8-10 through Ed Metzger, who performed in the one man play — ALBERT EINSTEIN: THE PRACTICAL BOHEMIAN.

While neither the acting nor the recreation of Einstein's heavily accented English successfully portrayed a truly believably image, the well researched and well written historical portrait provided an intimate journey into the life of Albert Einstein, individualist, scientist and humanitarian.

We share Einstein's life from his childhood to the atomic explosion at Hiroshima. Our distinguished character retells the circumstances of his infancy. For the first three years of his life he spoke no words. He showed little interest in schooling especially during his younger years. His mother contemplated the possibility that he was mentally retarded and most of his teachers doubted his ability to learn. Einstein, speaking quizzically through Metzger, says of his silent years: "perhaps I just had nothing to say."

In school, Albert rebelled against rote memorization and for the most part rejected the entire institution. Throughout his early school years he was primarily occupied with his own daydreams. He pondered things around him, wondering about matters such as "why does the sky appear to us as blue?" One teacher took a positive interest in Einstein and encouraged him to read Emanuel Kant. Through Kant, Einstein discovered a means by which it seemed possible to connect the world of perception with the reality of the universe. When asked the question: "About what do you think so much?" Einstein would reply: "about everything around us." We see one example of this when Einstein is shown looking into the sky and pointing to a star, turning our attention to a simple example of his interest in nature by informing us: "that star is no longer where it appears now to be!"

Metzger takes us through the life of a genius, a man once divorced and twice married. He recalls Einstein's unsuccessful first marriage to a physicist, who, after the marriage, had reverted to the more common values of fashion, status and competition. After an aside, noting the dislike for competition of any sort, (a similar distaste for nationalism and a corollary belief in a one world government, our character relates that his wife spent half of his 40,000 dollar prize money (won for his work in photon radiation), on one good thing, "a divorce!"

Humorous and intimate, gleeful, and sometimes sad, Einstein relates via Metzger the medium, his love for the beauty and infinite possibilities of music, and one overriding fear that followed him throughout his whole life—that his theory of relativity might someday result in the destruction of mankind. He speaks of the theory of his close friend, Sigmund Freud, who believed that man's instinct toward war was stronger than his instinct toward pacifism. Freud's view, that the warring instinct satisfied a more basic need in man's existence—self preservation—was something that Einstein could not comprehend. Later, he recants, human nature seemed to have proved Freud correct.

While Metzger's charicature of Einstein was not dramatically perfected, the qualities of the man himself were sensitively portrayed. Substance prevailed over form and the play reflected the actor's dedicated research and love for Einstein, his work and his views.

The play is scheduled to travel and will pass this way again (if not at Hofstra, then nearby). To playgoers with some general interest in Albert Einstein and his various humanitarian and scientific endeavors, the two hour show should prove a pleasant experience, as it reveals some genuine insight into Einstein, the world, and issues which remain extremely relevant, even today.

Photo by Steven Certilman

# *Trial Techniques Lottery Questioned*

*(Continued from page 1)*

that it wasn't fixed, because if it were, he would have picked me."

When confronted with these rumors, Ordover was not surprised that those who had been excluded would suspect foul play. He explained how he conducted the lottery on the weekend of November 16; " . . . by writing out all the names, cutting them into little strips and literally drawing them out of a hat." No one else was present at the time.

Ordover freely admits that there were three students excepted from the lottery. One student, Scott Glick, is a member of Hofstra's Trial Advocacy team and will represent our school in the regional competition this January. The other two, Layne Carlough and Ben Rubinowitz, are Ordover's research assistants. They are helping him write a book on trial advocacy. These three were accepted into the course before the other 14 were drawn from a hat.

As January 2 looms nearer, Ordover is "desperately" trying to recruit more staff members. He insists on selecting a capable staff and will not hesitate to eliminate as many students as necessary in order to maintain a "quality program." This means that those students fortunate enough to get past the prerequisite, the lottery and the cut back in enrollment, are guaranteed a Trial Techniques program which is up to NITA standards. It also means that some second and possibly third year students who have been accepted will be surprised to find themselves ousted from the course.

**Congratulations**

**January Graduates!**

**Keep in touch with the Placement Office**

**Good Luck on the Bar Exam!**

# CONSCIENCE *Sports* by Corey Bearak

## Flames Defeated in Playoffs

(North Campus, November 12) The Law School Flames were defeated 7-0 by Floor 5 in a Hofstra Intramural Flag Football Independent League playoff contest. The game was a scoreless tie until the final 26 seconds when George Rebecchi's slightly underthrown pass intended for Pete Tipograf was intercepted at the goal line and returned 60 yards for a touchdown. Rebecchi was hit as he threw. Both teams played excellent defense throughout the game.

The Flames played without two standout players. Both Running Back Russ Coniglio and Lineman Ken Henrie suffered injuries in the Flames last game and were not yet recovered. Jeff Greenberg, Rich Simon, and Harold Woods also could not play. The Flames were bolstered, however by the presence of Rebecchi. The superb lineman, who can also quarterback, had just come off an injured knee.

Neither team mounted much of an offense. The Flames fumbled away one drive. Three interceptions, two by Joe Brookings and one by Rich Burke stymied Floor 5-s attack. The Flames running game suffered with Coniglio unable to play and Floor 5 was able to concentrate on stopping the Flames' passing attack. Late in the game, the Flames suffered another severe blow when regular Quarterback Brookings was ejected for fighting. A Floor 5 defender tackled Brookings after the referee's whistle had blown. Brookings and his opponent wrestled on the ground. Brookings' ejection cooled down the Flames drive.

Then, with under 2 minutes left, Burke picked off a pass and returned to the 20 yard line. George Rebecchi, who had replaced Brookings, hit his first pass, a perfect strike to Tight End Charles Walker. A sack put the Flames back where they started. Rebecchi passed twice, both times into the end zone. The first pass was just beyond Tripograf's reach and the second was the fateful interception.

Floor 5 kicked off and the Flames failed on two pass attempts to tie the score. Floor 5's victory avenged their only regular season loss, 13-6, to the Flames on October 18.

The Flames defense played extremely well, including a goal line stand early in the game after the offense fumbled away the ball deep in their own territory. Due to injuries, the Flames exhibited a new defense to better utilize the healthy personnel. Instead of the usual 2 Linemen, one Linebacker, and Four Defensive Backs, the Flames primarily used three linemen, one Linebacker and three Backs. Bearak and Walker played the Ends, Burke played Nose-Tackle, Rebecchi played Middlelinebacker, Brookings played Safety and Bruce Gurewitz and Brian Tanenbaum played the Corners. The Flames offense, however, was plagued by an inability to pick up Floor 5 blitzes.

FLAMESTHROWERS—last game for third year vets Brookings, Henrie, Tipograf, Walker and Woods. The Flames will be hard-pressed to replace them. Steve Moss filled in admirably for Coniglio at Running Back, but did not get the same blocking to which Coniglio was accustomed. The Flames who are expected to return next year include Bearak, Burke, Coniglio, Greenberg, Gurewitz, Moss, Rebecchi, Simon and Tanenbaum.

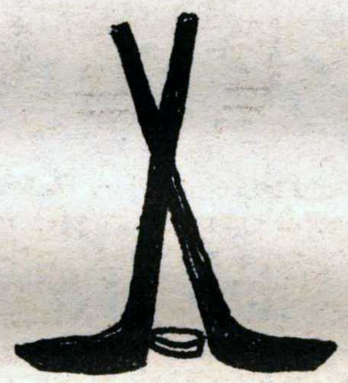


Photo by Steven Certilman

**The agony of defeat: Injured Rich Simon recovers from collision with opposing team player.**

**The Law School Floor Hockey Team (LST's) finished the regular season 2-2. Despite a mediocre record, the team still made the playoffs.**

**In the opening round of the playoffs, the LST's upset the Grand Wazoos 4-2, due to the fine goaltending of Brian "T-Bone" Tanenbaum and generally fine play of the entire team. Previously, the LST's had lost to the Grand Wazoos 8-1 and 1-0.**

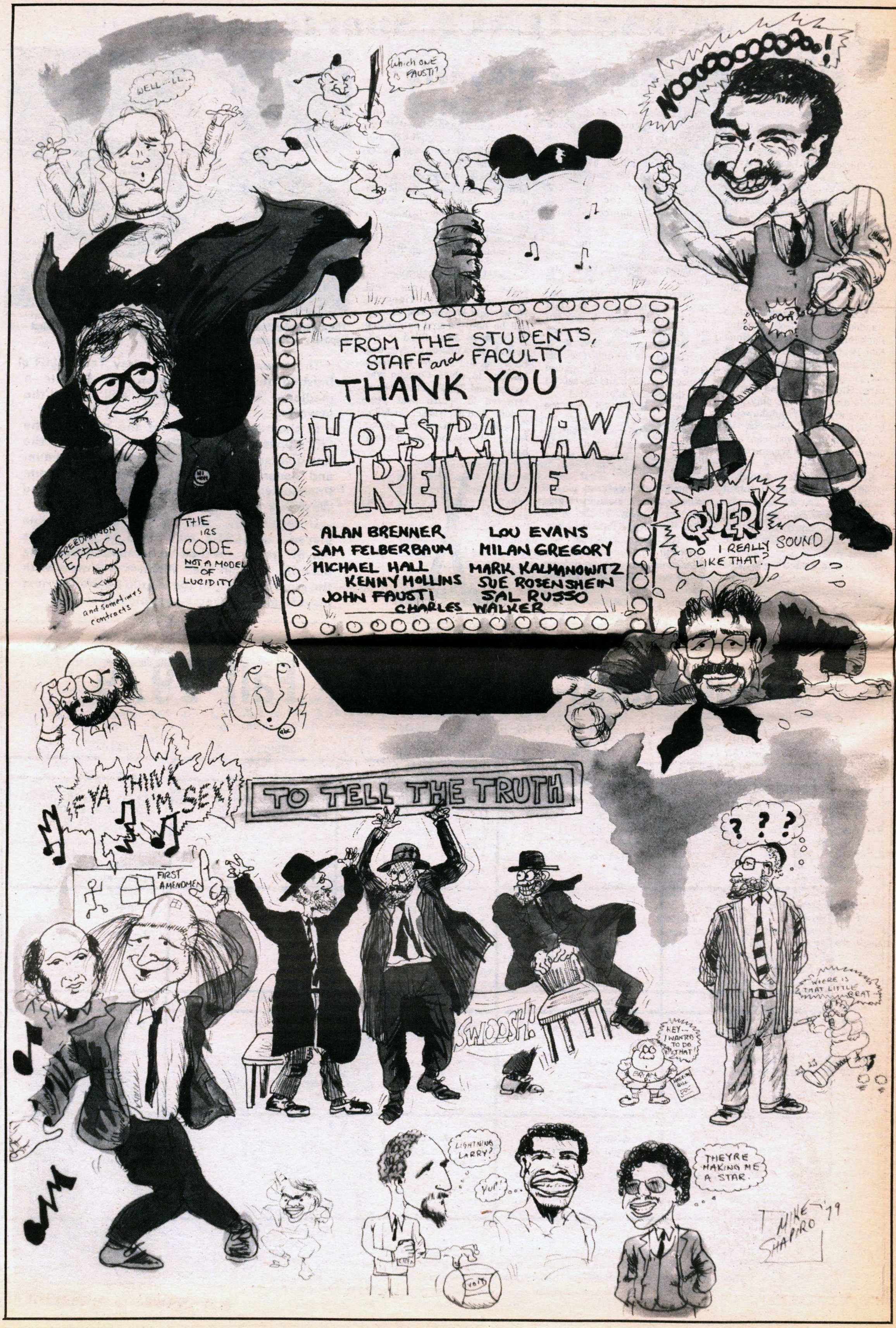
**Unfortunately, due to alleged ineligible players. the LST's may have to forfeit the playoff game and thus be eliminated from the playoffs. Captain Glen Wolther will meet with the commissioner of the league before the next playoff game on Dec. 5 to settle this matter.**

# Final Exam Schedule - Fall 1979

| | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY |
|---|---|---|---|---|---|
| | Dec. 10 | Dec. 11 | Dec. 12 | Dec. 13 | Dec. 14 |
| 9:00 am | | Bus. Org.<br>a-1 -238<br>m-z -230<br>Com'l -206<br>Int'l Law -308 | Land Use -230<br>Labor Law -206 | Antitrust -204<br>Est. & Gift -230 | Wills, Trusts, Estate<br>8:30 am a-1 308<br>m-z 238<br><br>Remedies -230<br>Products -206 |
| 1:00 pm | | | Torts<br>a-230<br>b-308<br>c-238 | | Property<br>a-230<br>b-308<br>c-238 |
| | Dec. 17 | Dec. 18 | Dec. 19 | Dec. 20 | Dec. 21 |
| 9:00 am | Ind. Inc. Tax<br>a-1 230<br>m-z238<br>Real Estate -308 | Family Law -230 | Bus. Plan -206 | SEC 206<br>Crim. Pro<br>a-1 230<br>m-z 238 | 8:30 am Evidence<br>a-1 230<br>m-z 238<br><br>Conflicts -206 |
| 1:00 pm | | Criminal Law<br>a-230<br>b-308<br>c-238 | Admiralty Law -204 | | Contracts<br>a-230<br>b-308<br>c-238<br>Insurance Take Home Due |

Please note that the Wills, Trusts and Estates and the Evidence Finals begin at 8:30 am.

The smoking room for all final exams is 205.


WELL...LL...
Which one is FAUST?
NOOOOOOOOOO!
FREEDOM OF SPEECH
THE IRS CODE NOT A MODEL OF LUCIDITY
and sometimes contracts
FROM THE STUDENTS, STAFF and FACULTY
THANK YOU
HOFSTRA LAW REVUE
ALAN BRENNER
SAM FELBERBAUM
MICHAEL HALL
KENNY MOLLINS
JOHN FAUSTI
LOU EVANS
MILAN GREGORY
MARK KALMANOWITZ
SUE ROSENSHEIN
SAL RUSSO
CHARLES WALKER
QUERY
DO I REALLY SOUND LIKE THAT?
IF YA THINK I'M SEXY
TO TELL THE TRUTH
FIRST AMENDMENT
SWOOSH
HEY... I WANNA TO DO THAT!
WHERE IS THAT LITTLE BEAT...
LIGHTNING LARRY?
YUP!...
THEY'RE MAKING ME A STAR.
MIKE SHAPIRO '79