

# conscience

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## "MAYOR" SCHMERTZ? Student Admissions Committee Threatened

by Corey B. Bearak

Hofstra Law Professor Eric J. Schmertz appears set to challenge incumbent Edward I. Koch for Mayor of New York. *Newsday* reported on Tuesday, March 3rd, that Prof. Schmertz, a "Rockefeller" Republican, wrote the City's five Democratic Party County leaders requesting permission to oppose the Mayor in this year's Democratic primary.

In the February 1980 CONSCIENCE, Suzy Mandel and Kenneth Mollins reported that Prof. Schmertz had been "approached by several groups, including the Liberal Party and various unions with high hopes of his running on their slate, or with their support." He had then told CONSCIENCE that he would seriously consider running if the right overtures were made to him by the right coalition.

Prof. Schmertz joined with Labor mediator Theodore Kheel, Village Voice writer Jack Newfield, Historian Arthur M. Schlesinger and other Democrats and Republicans several weeks ago to form the Coalition for a Mayoral Choice to find Mr. Koch an opponent, because "for an important position like Mayor (of New York City), there should be competition and meaningful debate."

Prof. Schmertz, a Bronx native, needs approval from Queens Borough President Donald Manes, Brooklyn leader Meade Esposito, Manhattan's



Eric J. Schmertz

Miriam Bockman, Bronx Chairman Stanley Friedman, and Staten Island leader James Smith, because the New York State Election Law requires their "permission" for a member of another party to run in their primary. Actually, the law calls for the approval of each County Party "Executive Committee" which is composed of the (Assembly)

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by Pete Aloe

The faculty has scheduled a meeting on Tuesday, March 10th, at which they will consider abolishing the Student Admissions Committee (SAC). SAC considers borderline law applicants and recommends those students who have distinguished themselves in ways other than the GPA-LSAT criteria. SAC is based on the philosophy that law students selected by looking at more than traditional quantitative measurements can succeed. Similar committees exist at other law schools including Northwestern and Temple. SAC admits fewer than 10 percent of Hofstra Law students admitted.

SAC came under fire at a February 19th meeting of the Academic Standings Committee. Two faculty members on that committee complained that SAC violated applicants' privacy rights. They also main-

tained that those who are admitted on SAC's recommendation have failed to make a substantial contribution to the law school community. The committee did not consider whether a similar privacy breach occurs when faculty and administrators consider applications, and the minutes point out that there is no indication whether students admitted via SAC did better or worse than other students. The Committee voted 3-2 to eliminate SAC with students John Ferreira and William Netusil voting to retain the committee. (Student Report p.4.)

John Ferreira went to the February 12 Student Reps meeting to seek the Reps support for SAC. But Representative-at-large Sal Russo said that Dean Regan had indicated to him that the program was in no imminent danger. The Reps deferred taking any action on SAC until

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## Angels, Transit Police Bring Their Case to Hofstra

Lisa Evers, representing Guardian Angels Leader Curtis Sliwa, presented the volunteer subway patrol's case to several hundred law students and guests. The Wednesday, February 18th forum was sponsored by the Democratic Law Students Association.

(Curtis Sliwa was slated to appear, but the events of the preceding weekend made it "imperative" that he remain close to the situation in New York City. While Ms. Evers was at Hofstra, Mr. Sliwa gave a midtown press conference announcing a hunger strike until William McKechnie, the City's Transit PBA chief, agrees to meet with the Guardian Angels Leader.)

Ms. Evers, a personal representative of Mr. Sliwa, has a role in developing the Guardian Angels. As a Patrol Leader, the young lady from the lower east side of Manhattan, age 23, leads groups of eight to twenty. She manages a N.Y.C. art firm, Bushido, and sports a brown belt from the Nisai school of Karate. She became an Angel because "it fits my attitude." She works at it four nights a week and whenever she can during the day. An Angel for over a year, Ms. Evers, who is single, is one of 28 females in the over 1,000 member group. When in Angels' garb, she can be found patrolling the IND "A" and the IRT "2" subway routes.

(The following is based on reporting by Pete Aloe, Corey Bearak, Ron Frier, and Cindy Orbach and written by Mr. Bearak.)

Charles Holster, Democratic Law Students President, introduced the

Guardian Angel Lisa Evers to an audience comprised primarily of law students that more than filled the seats in the Law School's Moot Courtroom.

She explained her presence in place of Guardian Angels leader, Curtis Sliwa, as due to the arrest on Friday, Feb. 13th, of eight to sixteen Angels and the then heightening "dispute" between the Angels and the City's transit police union.

Ms. Evers set out immediately to allay fears that the Guardian Angels are a paramilitary organization. People join the

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Photo by Laurie March  
Lisa Evers

by Cindy Orbach

As law students, we realize the importance of hearing both sides of an issue. On Wednesday, Feb. 25, 1981, one week after a representative from the Guardian Angels came to speak, William McKechnie, the President of the Transit P.B.A., shared his views at a forum sponsored by the Republican Law Students Association.

He started with a question: "Who are the Guardian Angels? Are they good people, kiddie vigilantes or a great public relations scam?" When the group started



Photo by Ted Sklar  
Bill McKechnie

in February, 1978, as the Magnificent 13, according to McKechnie, they set up strict guidelines for each member which included no jeans, unobtrusive clothing, being clean-shaven, and carrying whistles. They were modeled after the auxiliary police and were set up to watch over and reassure the elderly and female riders. More importantly, the Transit Police Union chief continued, they were to have completed a 20-hour course and to submit a daily log of activities to the Transit Police; there was to be no physical violence unless they were threatened. The group grew and developed into the Guardian Angels. According to McKechnie, "the only guideline kept was the retention of their whistles." He feels that their (alleged) negative actions (larceny, possession of drugs and guns, assault, complaints of riders) far outweigh the Angels' positive actions of heroics which have yet to be documented.

The Guardian Angels draw tremendous media attention and Curtis Sliwa, the "self-ordained leader" as McKechnie referred to him, seems to thrive on it. Whenever and wherever there is a media event, McKechnie alleged, Sliwa and the Guardian Angels are there. He quoted a recent US magazine article where Sliwa said that he would be a fool not to profit from the Guardian Angels; that they were a marketable commodity.

McKechnie, who stated that Mr. Sliwa "had memorized every phone number of every newspaper and T.V. station in

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# STUDENT GROUPS

## Student Reps In Action

by Pete Abo

At the February 19 Student Representative Meeting, the Reps voted 4 to 1 to hold a referendum to raise the student activity fee. The referendum was proposed by Second-Year Rep Eddie Geller, who noted that the present \$10 fee has not been raised since the Law School opened 11 years ago. Geller stated that since then, the student activity fund has become insufficient to adequately fund student activities.

The lone dissenting vote was cast by Cesar Callan, First Year Rep from section C. Callan noted that the students in his section feel that there should be no fee increase because many of the groups funded by the student reps should be more self-sufficient. He stated further that student funds should not pay for many of the clubs' general operating expenses since so few students are actually members. Geller responded that the student groups have had to cut back on beneficial programs because the student reps can't afford to fund them all.

Although the motion to hold the referendum passed easily, the Reps could not agree on how much of an increase they should propose. After three attempts to increase the fee failed to pass, one for a five dollar hike, another suggesting a ten dollar hike, and a third leaving the choice between the five and ten dollar hike up to the students, the Reps decided to table the matter for a future meeting.

In related business, the Reps allocated \$350 to the Democratic Law Students Association. Robert Fischl, an officer in the club, pointed out that his club had

sponsored many speakers including Lisa Evers of the Guardian Angels, and now required more funds to continue functioning and to bring more speakers. Responding to questions from Jonathan Gorham, Section B Rep, Fischl defended the fact that his club raised none of its own funds. The Democratic Party will not help fund the group, explained Fischl, and it would be inappropriate to charge members for activities, which, according to the Reps' funding guidelines, should be open and free to all. Sal Pontillo introduced questions on whether the club should be allocated funds from the \$900 reserve fund set up to fund new groups and activities, since the Dems had exceeded their original budget. Despite the questions, the motion to give the Democrats an additional \$350 passed without dissent.

In other business, Second-Year Representative Sal Pontillo reported that a proposal to give students three votes at faculty meetings was being developed. Currently, student reps vote at faculty meetings only when a majority of the faculty agrees that the student votes should be counted. The new proposal would allow students to vote in all matters except for questions such as tenure and promotion. The Reps also discussed the possibility of adding another Dean's hour to future class schedules so that Student activities would not conflict.

At a prior meeting, the Student Representatives met without Quorum on February 12. The Reps decided to ask University President James Stuart (see Letter to the Editor) to put student members on the com-

mittees to search out a new Dean for the Law School. The University President has promoted Student Rep Sal Russo that students would have input on the committee. Last semester, Dean Regan announced he would resign from his post as Dean, effective August 31. President Stuart has yet to announce how Regan's successor will be chosen.

In other business, John Ferreira, a student on the Academic Standards Committee, warned the Reps that some faculty members wanted to eliminate the Student admissions committee and the first year weighted average index. The faculty is scheduled to decide the matter at their Tuesday, March 10, 1981 meeting. The student weighted average index is a program that adjusts first-year grades to account for discrepancies between first year sections. Section A Rep George Silver defended the indexing program, pointing out that Professor Monroe Freedman recently gave his section A Contracts class 35 "Ds" on a midterm. Rep. Sal Russo said that Dean Regan had indicated to him that the programs were in no imminent danger. The Reps deferred taking a position on the proposals until they could obtain more information.

### TUITION HIKE POSSIBLE

When asked about the possibility of a tuition increase again this fall, President Schuartz said that he was trying hard not to, but "realistically..." He shook his head and then continued that "we just can't say what will be next year." —Burke

## Republican Law Students Association

by Frank Mann

The Republican Law Student's Association is a student group serving its members and the Law School at large. Hofstra is the founding chapter of a rapidly growing association of New York area chapters. It thus provides an opportunity for its members to meet other politically oriented students from other law schools, as well as potential employers and local political figures. The highlight of each year is the annual John C. Fremont dinner, where one can rub elbows with important G.O.P. politicians. The Hofstra chapter is also working on a "Republican Dale-Hubbard" for our graduates.

The Hofstra chapter is deeply committed to making Hofstra Law School not just a good school but a great one. There are several groups working on concrete proposals to improve the school. Our efforts will soon be "going public."

The R.L.S.A. has and will continue to present speakers in the legal, law enforcement, and professional areas to speak on subjects of interest to the law school community. To ensure that all sides of an important issue were presented, we sponsored William McKechnie, President of the N.Y.C. Transit PBA, who spoke here on February 25 in response to the Guardian Angels speaker. On March 11, Town of Oyster Bay Councilman Doug Hynes will speak at Hofstra. We have also tentatively scheduled a

## Democrats Sponsor Speakers

March 11—Wednesday, 12 noon, Rm. 230. Hope Bagger—Regional Director of Gray Panthers. Senior Citizens Activist Group.

March 18—Wednesday, 12 noon, Rm. 230. Karen Bragg and Gerry Giannattasio, will speak on current legal issues affecting the disabled.

In the near future, we will also be presenting speakers on:

—the battle for equal rights for women

—consumer group organizing to oppose further Lilco rate hikes

—The National Rifle Association's views on gun control

(Dates to be announced).

We welcome suggestions from all sources. Notify us by dropping a note in our mailbox in the Admissions office.

P.S. We salute the Republican Law Students Association, for their timely presentation of William McKechnie, Transit P.B.A. President. Since our goal is to create awareness of issues and to stir up discussion, we welcome the presentation of contrasting viewpoints. We will be as cooperative as possible with other student organizations to achieve this end.

prominent Hofstra alumnus.

Our meetings are held during the Dean's Hour on Wednesday (Room to be announced). They are open to all. Also, check our bulletin board for announcements.

## HOFSTRA DUO WINS REGIONAL ADVOCACY COMPETITION

Hofstra Law students Ben Rubinowitz ('81) and Ernesto Marrero ('82) took first place in the Regional Trial Advocacy Competition sponsored by the Young Lawyers Division of the Texas State Bar Association and the American College of Trial Lawyers. The Law School hosted the competition which was held at Federal Courthouse for the Eastern District of New York in Brooklyn on Saturday and Sunday, February 28 and March 1. Myrka A. Gonzalez, a Hofstra Law student, and Anthony DiMarco, Chief Administrator of the New York State Bar Association, coordinated all arrangements for the competition.

Contestants tried either side of a bribery case before a three judge panel. Several judges and prominent attorneys served as judges: Federal Court Judges Mark A. Constantino, Edward B. Neaher, and George C. Pratt; State Supreme Court Justices Frank A. Vaccaro, Robert Kreindler, Thomas R. Jones, and Arthur Spatt; United States Magistrate John L. Cadin; Federal Court nominee John Sprizzo; Queens Assistant District Attorney Irwin Klein; Brooklyn Legal Aid Attorney Lee Ginsburg; and Mary Daly, Deputy Chief of the Justice Department's Special Prosecutions Unit for the Southern District of New York.

By virtue of having the winning team, Hofstra Law received three silver trophies, one for the school and one each for Ben and Ernesto, and \$2,000 for the advancement of trial advocacy. The prize money will be applied towards the cost of sending Hofstra Law's team to the National Competition in Houston, Texas on March 25, 26 and 27. Teams from 21 other law schools are also participating. Each team will represent one side in a murder trial. Of course, the whole Hofstra Law Community wishes Ben and Ernesto the best of luck.

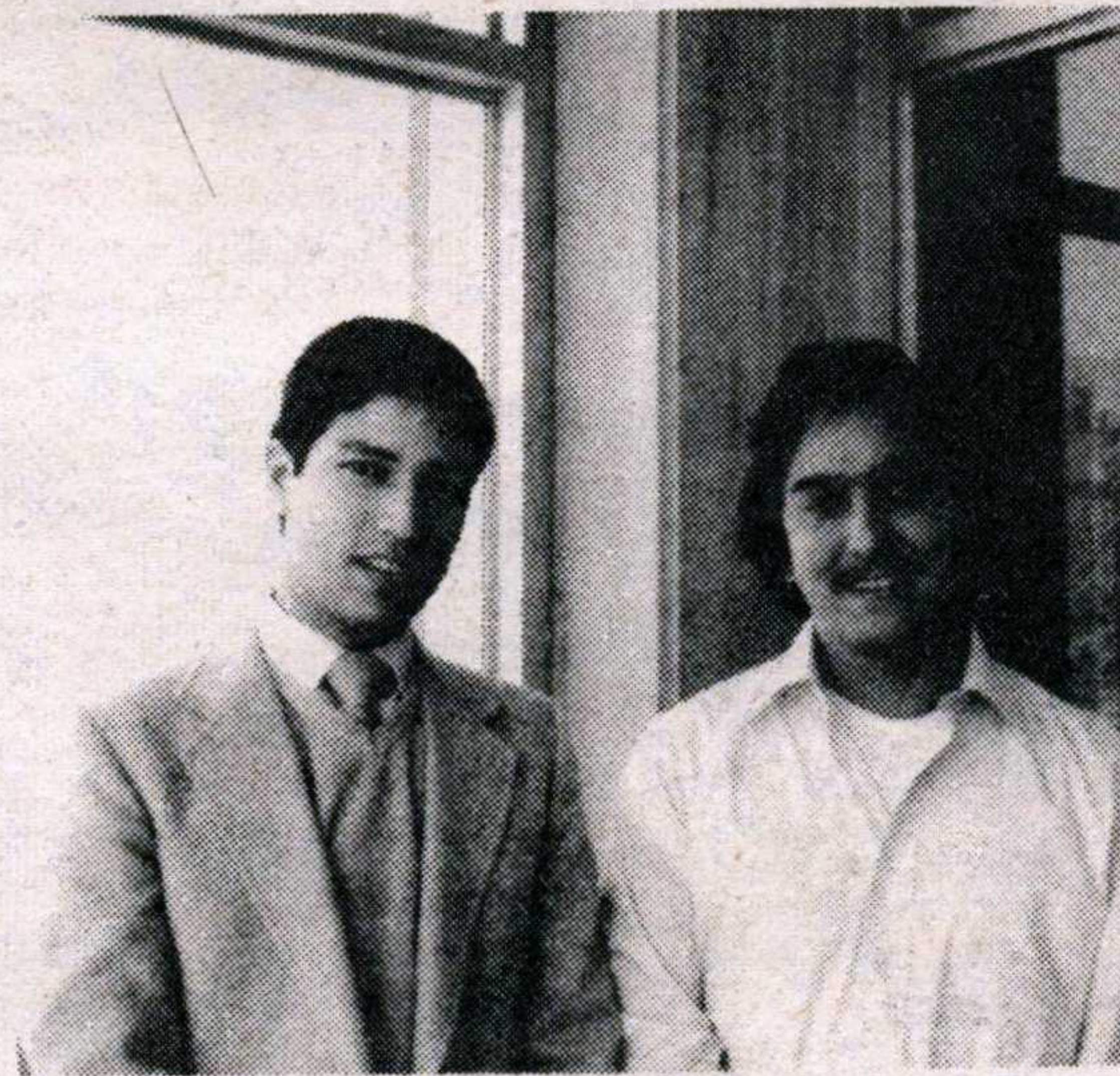


Photo by Bob Rediger  
Ernesto Marrero and Ben Rubinowitz

Pocket Part '81. The Hofstra Law School yearbook will have an advance sale the week of March 16-20. The yearbook will go on sale for \$5 during the week; \$8 when it is sold in May. Be sure to look for your yearbook salesperson in the Law School Lounge and tell him or her that "I would like to purchase my yearbook now to take advantage of this great savings." If there are any questions please contact Glen Walther, the business manager of the yearbook.

## Schmertz...

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District Leaders.

Professor Schmertz maintains the letters are not his "declaration of candidacy," but are in line with his February 14th Letter to the Editor of the New York Times, where he urged the Republicans not to endorse Mr. Koch.

Prof. Schmertz told CONSCIENCE he asked the Democratic Party chiefs for permission to enter their primary if Mr. Koch is allowed in the Republican Party's race. Republican Leaders Vincent Albano (Manhattan), George Clark (Brooklyn), and State Senator John Calandra (Bronx), have stated their inclinations to endorse the Mayor while City Councilmember-at-Large Jack Muratori (Queens) remains neutral.

"If there is a significant basis or bases on which to mount a campaign and the right kind of forum and a significant coalition," stated Prof. Schmertz, "I would be prepared to" run for mayor.

CONSCIENCE polled the five Democratic Leaders; Miriam Bockman stated through an aide, she had not yet received the letter; Meade Esposito was on vacation; Donald Manes said "it makes no sense" for a Republican to run in a Democratic primary; he previously stated that he would not be inclined to permit it; James Smith did not answer his phone; and Stanley Friedman "opposed the concept."



# Mixed Reviews For Moot Court

by Eddie Geller

The Moot Court program this year was the culmination of months of debate and planning. It was fraught with innovation and change. Gone were the advisors. In their place a text was offered. The student and faculty judges sported familiar faces. No longer were the unhone'd skills of Hofstra advocates to be aired before honorable justices and honored attorneys. Gone were the two credits; in their place, a dreaded grade. Gone was the late-night intimacy and unity of purpose echoing through empty halls. And perhaps the hardest cut of all. Gone was the relaxed ambience of the faculty lounge at the end of the ordeal. No cake. No coffee. No smiling faces. Just the inevitable post-mortem, and perhaps the hint of a grade.

This, under the directorship of Susan Seel, was the faculty's response to problems that surfaced in the 1980 program. It was the result of questionnaires, surveys and discussions covering all aspects of the old system. Unconstrained in effecting new goals, students were forced to sacrifice a full week of intersession to research their briefs.

Professor Seel appeared gratified at the result. "The briefs showed ingenuity, good creativity, an ability to understand a new area of the law with which they were unfamiliar: This is a big accomplishment!" Last year, she explained, the briefs were too homogenous; they were the work of advisors.

## Student Criticism

Nevertheless, many students felt that guidance would have been of some help. "They gave us questions we couldn't handle," said first-year student Barry Rutcofsky. "There was no framework for handling the problem," he added. He felt that many of his colleagues had "missed the point" in their research. The judges agreed. Briefs without review frequently contained grammatical and argumentative errors based on samples in the recommended text. Students introduced cases quite unrelated to those of their opponents—or indeed to be the bench memo—to buttress arguments.

The textbook used in the program was described by one student as "a horror!" He also felt that it appeared to be concerned more with aesthetics than either with the content of a good brief, or the development of a clear argument. Professor Seel explained that all available texts were reviewed. The one selected was deemed the best, although it, in turn, had to be supplemented by a handout designed to reinforce areas of deficiency. Since assignments had been given out at the end of November, students had about six weeks to peruse the materials and guidelines before receiving their individual problems.

A common criticism among judges was that students should have been given copies of the grading sheet as a form of guidance. Many were surprised to learn that such a list was in fact provided within the prescribed textbook.

Judges also reported that students frequently had little or no handle on the facts of their case in oral argument. The endless scavenging for cases seemed to continue almost into the courtroom. The cast of characters, the economic and public policy arguments of the classroom, dissolved within an endless flood of cases. All too often it was reality that appeared moot.

## The Positive Side

Along with the criticism came many positive comments. "The absence of a real judge made for a more relaxing atmosphere while still retaining the reality of the experience," said student Mindy Birnbaum. Virtually everyone agreed that preparing briefs two weeks before the start of the spring semester was a "good idea" since it relieved pressure and allowed school work to be done without interruption. But students still encountered many problems, mostly in the area of lack of direction and guidance.

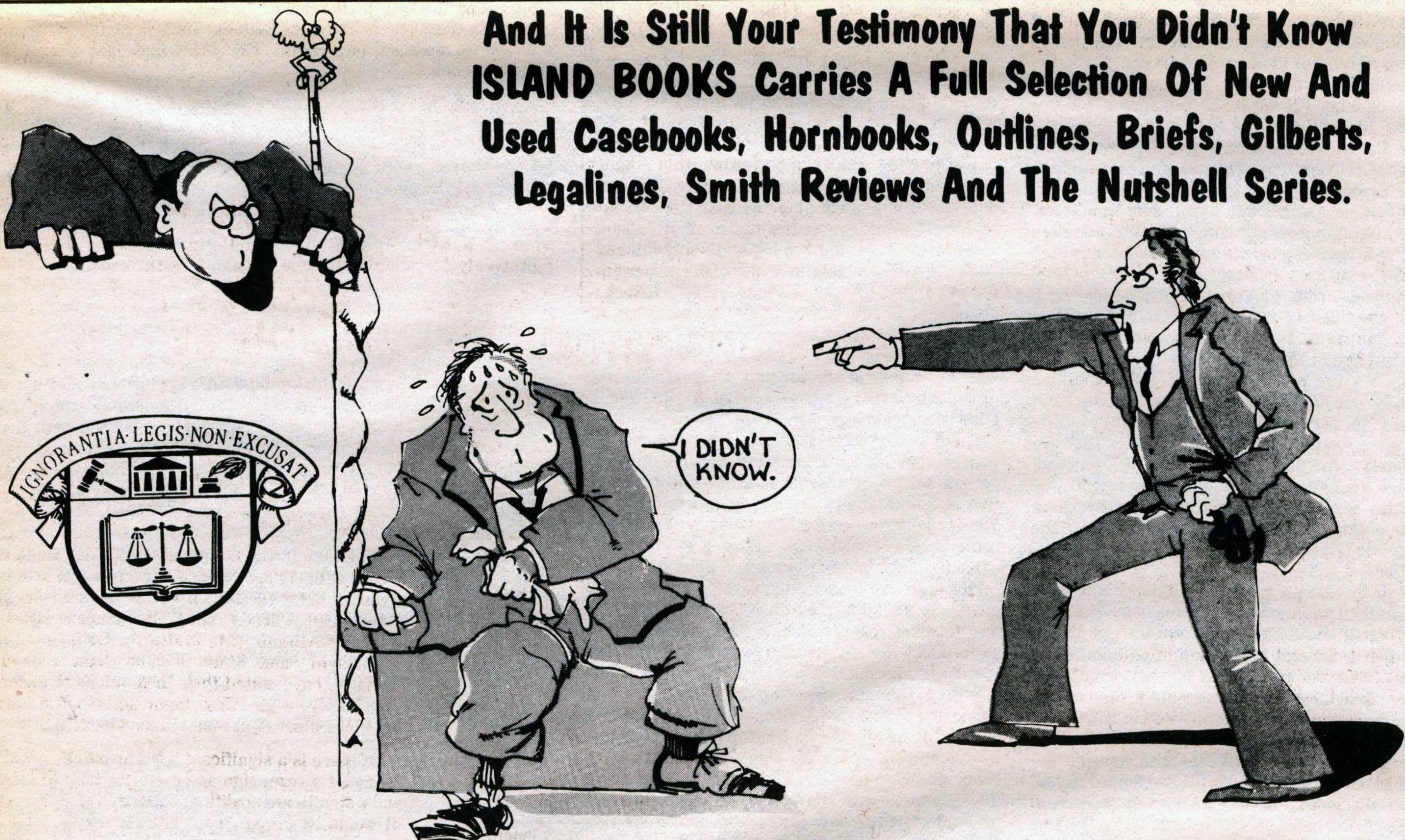
## The Program's Practice and Theory

The program was outlined at a meeting with Professor Susan Seel and organizer Deborah Kleinberg in response to student comments. There were, indeed, five faculty members available for 15 problems and 268 students. Under the energetic directorship of Professor Seel, Professors Kadane, Kleuer, Neumann and Bohrer supervised a Moot Court Board made up of three 3rd-year and twelve 2nd-year students. These upper-class students wrote fact patterns and bench memoranda under the guidance and with the advice of these faculty members. Professors reviewed each case before it was sanctioned for release. Every faculty member involved in the program worked on three problems, outlined the areas to be dealt with, made sure the student board member had a basic understanding of relevant facts and procedure, and assisted each student with the start of her or his research.

Giving similar guidance to freshman students would conflict with the underlying theory of Moot Court. "First-year students should do something on their own, stand on their own two feet," Professor Seel maintained. According to Professor Seel the first semester writing course is only the first stage of a natural progression of development. The topics, the general direction, indeed the whole divorce exercise, is accomplished under the guidance of clinical instructors. Moot Court, another stage, requires a different type of research and analysis. Students who properly research shouldn't go too far off point. The program teaches the students that they can find out

about an area of law—and become proficient at it—using first semester tools. The students now research issues they find themselves. They develop skills of fact analysis. But, as organizer-in-chief Kleinberg conceded, the new system still allows students to get lost in their research.

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# Student Admissions Committee Defended

To: Hofstra Law School Faculty Members  
From: The Student Admissions Committee  
Memorandum in Support of Continuing the Student Admissions Committee

Dean Regan recently asked the Academic Standards Committee to advise him as to whether or not the Student Admissions Committee (SAC) should continue to review and recommend candidates for admission. The Academic Standards Committee tabled consideration of the issues until its next meeting on February 18. Until the issue is resolved, the Dean has blocked the SAC from reviewing applications by denying it access to admission applications. The SAC urges faculty members to vote in favor of continuing the SAC's function of reviewing and recommending candidates for admission. The following information is provided to help you understand the role the Committee plays in the admissions process, the mechanics of its functioning, and the criticisms of it.

## I. The Mechanics of the Hofstra Admissions Process and the SAC's Role in It

Applications for admission are divided into four categories based on a measurement derived from a weighting of LSAT scores and grades. Category I applicants are those with the highest rankings; most of these applicants are admitted after review by the Admissions Director. Category II candidates are reviewed by the Director of Admissions and members of the Academic Standards Committee. Category II candidates who are rejected after this review are reconsidered by the SAC. Category III candidates, whose applications are not reviewed by the faculty committee, are reviewed by the SAC. Nearly all Category IV candidates are rejected after review by the Director of Admissions.

The SAC is composed of 43 students; members are drawn from each of the three classes in the school. In the past, members have been selected by a variety of procedures, including a lottery. For the past two years, members have been selected in the following manner: they were given a written sketch of a fictitious law school applicant and were asked to decide whether the candidate should be admitted and to state their reasons for their decision. The resulting essay was then read by the chairperson and sub-committee chairpeople who decided on the committee's membership. The goal is to find members who will evaluate candidates for admission thoughtfully and thoroughly. The Committee also tries to select members who represent a variety of colleges, majors, ages, and prior-to-law-school experience.

The SAC is divided into seven subcommittees. Usually beginning in February, each subcommittee reads 10-15 applications weekly; all subcommittee members read each application. The subcommittee recommends admission or rejection for each candidate. One-half of the full committee meets every other week. Those candidates who have been recommended for admission by the subcommittees are presented to the full committee (actually one-half the members of the SAC but referred to here as the full committee). The committee members each read the files that are presented at full committee meetings they attend. The full committee votes to admit or reject. The SAC then sends the files, accompanied by cover letters, of those recommended for admission to the Dean. The Dean makes the admissions determination.

The SAC seeks to identify candidates who have distinguished themselves in some way but who would not be admitted if LSAT scores and grades were the overriding factors in the admissions decision. The Committee has no pat formula for finding candidates who will succeed in law school. Factors which weigh in the decision include work experience, community and extracurricular involvement, education, interests, and handicaps—physical or otherwise—which the candidate has had to face. Obviously, the SAC seeks only those candidates who it believes will be able to handle law school work. Committee members debate the merits of the applicants intensively in both subcommittee and full committee sessions. We believe that the review process is sufficiently open and honest to give candidates fair consideration. The work of the Committee results in an admissions process which recognizes that quantitative measurements alone do not define individuals.

Students also review applications at other law schools including Northeastern, Temple, and

Antioch.

## II. Criticisms

1. This is a lot of work for the small number of people admitted.

In the past two years, less than 10 percent of the class has been admitted through the SAC process. Although the Committee would like to see approximately 10 percent of the class admitted in this manner, we believe that the work is justified even where less than 10 percent are so admitted. Clearly, the process has value for those admitted, but there are other values inherent in the Committee's operation—the value of the experience to Committee members and the value to the law school community. The review process forces members to think about and articulate the qualities that make people able to succeed in law school, good participants in the process of legal education, and, ultimately, good lawyers. Committee membership has been an integral part of our legal education. We believe that the Committee's existence reflects the recognition that students have a stake in Hofstra and, therefore, should be a part of the processes by which the school continues. This quality of Hofstra life is noted in the Dean's message in the catalogue; Dean Regan states, "Students also participate actively in the governance of the school, serving as voting members at faculty meetings and on committees."

2. The people who have been admitted through the SAC process have tended to perform poorly academically and to have been "unremarkable" people in the law school.

Hofstra has represented itself as an innovative law school. In the catalogue, the Dean makes special mention of the diversity of the student body. He states, "A profile of an entering class would show a rich and diverse mix of men and women who had distinguished themselves in college, in other careers, or in their drive to succeed." We think that the Committee's role concretely signifies the law school's perception that students are more than grades and scores.

Just as an entering class is diverse, so are the performances of students throughout their law school careers. We reject the notion that class rank is the only or best indicator of students' success in law school or of their subsequent performance as attorneys. We think that students who, for some reason, do not perform well on tests also have a place in law school.

In this memorandum, we will not present data concerning the academic performance of students admitted through the SAC process. We believe that data about only such students would not be very useful. If academic performance data is to be scrutinized, it would have meaning only if "SAC" students were viewed in comparison to students admitted through the various other admissions processes. If the school seeks to measure the academic performance of various groups of students, it is unfair to single out "SAC" students without similarly measuring that of students grouped by undergraduate college, major, age, or admissions category.

There are several problems in answering the charge that students admitted through the SAC process are unremarkable, not the least of which is that unremarkability has not been defined for us. We reject a definition which measures remarkability solely by the degree to which students participate in organized activities.

The more serious difficulty in answering the charge is the following: Thus far, the Committee has not kept records of how its candidates fare, either academically or otherwise. Any rebuttal is, therefore, anecdotal. No students know they were admitted through operation of this Committee unless they have reviewed their admissions files. Those who have and who want to offer themselves as examples may do so. There are two ways we could discover how candidates have fared other than academically. The first would be for us to ask all students to review their files, determine how they were admitted, and come forward with case-history-type evidence. We did not choose this option, believing that it would put students so admitted in an unfair and uncomfortable position.

The second method would be for committee members to list what we know about candidates and present this information to the faculty. This we reject also. It would be an unnecessary invasion of privacy. Even if the data were presented to the

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# Viewpoint/

## MOOT COURT: Reflections Of A First Year Guinea Pig

by Cindy Orbach

Before I started law school, I'd heard much about the Moot Court experience: how it was one of the most exciting times in the first year, and how much you gained from the experience. In short, Moot Court was supposed to be the highlight of one's first year in law school.

Well, darkness set in for me this year. Heralded as a "new program," it was decided by the powers that be that it was time for a change. And what a change it was.

We (the first year class) came back from vacation one week earlier than the rest of the student body. At 9:00 a.m. on Monday morning we were addressed by a wise old judge from Nassau County who told us to speak up and get to the point quickly when we had our oral arguments. After that sixty-minute speech filled with judicial witticisms, we were called up to the front of the room to receive our packets with our case problems.

And then we were off. Two hundred plus hungry law students attacked the library as if it were steak and they hadn't eaten for a week. By the end of the second day, the state digest which I needed was nowhere to be found. It remained "missing in action" for the rest of the moot court weeks.

I suppose you expect me to go into a dirge regarding the lack of consideration on the part of my fellow students. Happily, except for the usual problem with the reshelving of books, the group of us stuck together and lent each other much-needed support. After all, who else could we turn to? We had no assigned advisors. Granted, there were question and answer periods set aside—but every time you ran into a blind alley or had a question when a session was not close at hand, were you supposed to run to one of the faculty for help? How much better it would have been if we had personal second and third year advisors (the procedure every year prior to this) to keep us from going off the deep end.

Much too soon January 26, 1981 came: time to hand in the briefs. In other law schools, you hand in an outline, a first draft of the brief, and then a final draft. After both the outline and the first draft you would have a conference with the faculty to find out if you were going in the right direction. If you weren't, time remained for you to correct the inevitable mistakes before you hand in your final draft. In our situation we made our own outline, first draft, and final without the benefit of counsel.

After handing in the papers, we waited until the date our oral argument was posted. Before the actual oral argument, we had to attend the only class given on moot court, a three-hour lecture on oral advocacy. It was very interesting to watch real live lawyers blow it in court. You got ideas on what to do (and what not to do) before the judge. After two weeks of confusion it was a pleasure to finally have a class to attend.

Second semester classes began, and every day at 3:00 p.m., a group of students gathered around the bulletin board for Moot Court announcements. Day after day we would return to see if we were "up," half hoping that we weren't and yet wanting to get it over with.

My day finally came. My judges were fair and prepared. As I represented the side which had to be more vigorously defended, they questioned me the hardest, yet were not intimidating. After it was over, we were told we did just fine for our first time out and were given some constructive criticisms on arguments each side could have emphasized. The faculty judge then told us to come in for an appointment so that he could discuss our briefs with us individually.

I was one of the lucky ones when it came to judges. Stories were related of judges not being prepared and of those bent more on annoying the student than on being an effective judge. Students' critiques ranged from five minutes to an hour. Perhaps that was the most realistic aspect about moot court; how many times in real life practice does the case outcome depend on the type of judge presiding?

I do not sit and relate my experiences to attack the faculty and moot court board who put in many hours of hard work. However, many of us are disappointed and feel cheated. Thus, I write to suggest changes to correct the program.

In the future, student advisors are a must—if only to provide a shoulder to cry on. Second, there should be classes on how to begin the work thrust at us. I wasted many days on research that could have been avoided if we had had some basic review as to how to approach the problems presented. I realize we had just finished legal writing and research, but one course does not a lawyer make. We just felt so confused and lost; a few classes might have abated that feeling. Third, outside judges add to the allure of Moot Court. It also adds to the law school and feeds the egos of prominent attorneys who might be so impressed with our writing and oratory skills that they might give us a summer job. Well, we can dream, can't we? Fourth, a teacher-student critique of an outline and first draft (as was mentioned earlier) would be extremely helpful.

Moot Court is designed to be a very important learning experience. Let us hope that next year's guinea pigs benefit from this year's mistakes.



## Nassau District Attorney Addresses Law School

by Jeremy Metz

Nassau District Attorney Denis Dillon delivered what he termed his first political speech since declaring his candidacy for a third term before some 60 Hofstra Law students in a forum sponsored by the Democratic Law Students.

Speaking before an enthusiastic audience, Dillon cited his accomplishments in office: depoliticizing the District Attorney's Office, investigating "legal graft," drastically cutting the backlog of felony cases, and increasing the conviction rate from 75 percent in 1974 to 93 percent, with an increase in jail terms for the same period doubling from 1-3 to 2-3 of those convicted.

He said he has met a mixed reception to his efforts to depoliticize the D.A.'s office. "It's very important to remove the office from politics, especially when we do political corruption cases" he explained. To accomplish this, he forbids the Assistant District Attorneys from attending political fund raisers or from contributing to campaigns, including his own. Before he took office in 1974, Dillon reported that Assistant District Attorneys were required to be members of the (Republican) County Committee, and to contribute 1 percent of their salary to the campaign.

As part of his attempt to raise the public awareness of "legal graft" he used the grand jury to investigate suspicious activities. For example, D.A. Dillon

described how towns and cities in Nassau County had deposited funds in non-interest bearing accounts. Those banks then contributed to the incumbent officials' campaigns. He estimated interest losses to towns and cities at about 6 million dollars.

He lashed out at Chief Judge Cooke for transferring three Nassau County criminal judges to New York City to aid in civil matters. The result, he stated, was that the county jail is now severely overcrowded. "Fifty-three percent of those in the jail have never been convicted of a crime, and are awaiting pre-trial

conferences in inhuman conditions, and are people who are presumed to be innocent!"

In response to student's questions about his position on the death penalty, Dillon stated that while he personally favors life imprisonment without parole, there is "no question that the death penalty deters crime." The real question according to Dillon, is whether the death penalty is the best "method." Citing specific examples, he explained that juries are reluctant to convict in capital cases, and that capital cases usually wind up in appellate courts, where they are closely scrutinized.



Denis Dillon

Photo by Ted Sklar

# ON TARGET AGAIN!

BRC students had no cause for concern on four of the six essay questions on the July 1980 New York Bar Exam, because Joe Marino, Sr., a virtual legend in New York bar review (with over 35 years of experience) thoroughly analyzed the issues that appeared on those questions during the bar review lectures.

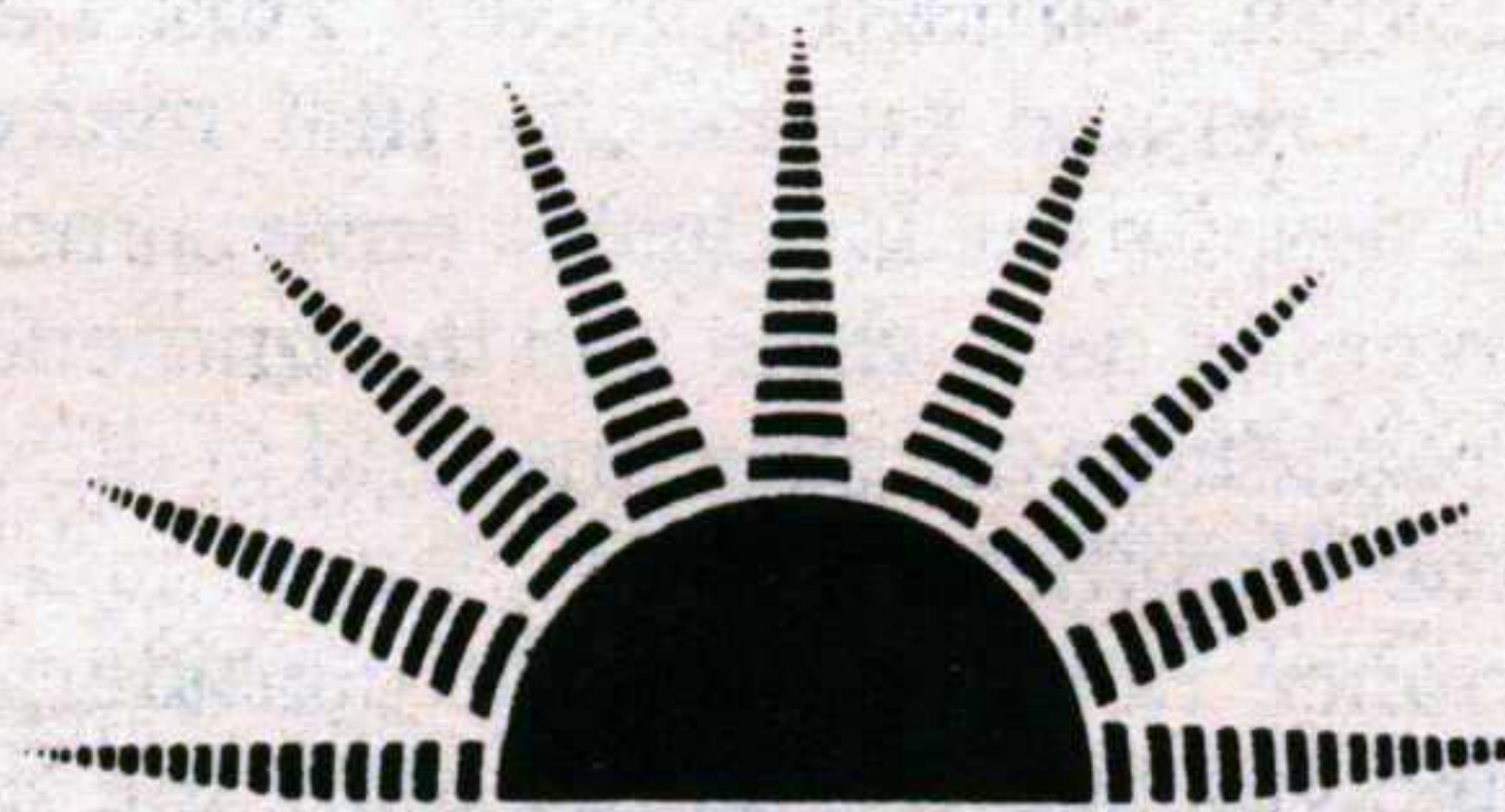
BRC's amazing ability to "predict" many bar exam issues is only one of the critical differences that give our students a competitive edge on the exam. Ask a BRC representative for others.

#### YOUR BRC REPS:

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## Marino-Josephson/BRC

SENIORS: ENROLL NOW, SAVE \$25.00!

NON-SENIORS: ENROLL NOW, SAVE \$150.00!

## Dean Search Update

by Richard James Burke

University President James Shuart's February 5, 1981 bi-weekly student media meeting began with a discussion of the search for a new Law School Dean.

The President began by explaining that he was unable to answer any of the questions in any detail because he still had to meet one more time with the trustees of the University. He pointed out that there are traditional procedures that Hofstra follows in these instances, such as search committees composed of faculty, administration, students, and alumni. However, he added that there have been recommendations, some from the Law School, not to follow traditional procedures but, because of the lateness of the situation, to use exceptional techniques instead. President Shuart would not expand upon what those techniques might be, but did say that he would try to choose the best approach from all those recommended to him.

There was one question left unanswered: Why has this been allowed to drag on so long?



## Letters to the Editor

To the Editor:

First I want to thank CONSCIENCE and Mr. Wayne Landesman for publicizing the *International Property Investment Journal*. I also am very hopeful that IPIJ will contribute to Hofstra's growing reputation. There are, however, a few details concerning the initial organization and structure of the IPIJ which might be misunderstood on the basis of the second paragraph of Mr. Landesman's article. I think it is especially important to make these clarifications since doing so will result in the recognition of important contributions of individuals unmentioned in the article.

The concept of the IPIJ is that it is to be a unique joint production of law students and persons outside the Law School, primarily interested academicians and practitioners. Therefore, what Mr. Halper suggested was that the organizations with which he is connected co-sponsor with Hofstra Law School the IPIJ. Thus the IPIJ is sponsored by Hofstra Law School, the World Association of Lawyers and the International Institute for Real Estate Studies. It was this idea that Mr. Halper brought to Dean Regan last winter. Dean Regan immediately saw the benefits

which association with the IPIJ could bring to the Law School. He discussed the matter with Dean Resnick, Professors Lane and Orlofsky and myself. We have all worked to bring the IPIJ into being.

Neither the World Association of Lawyers nor the International Institute for Real Estate Studies has made any financial commitment to Hofstra Law School. The IPIJ is currently completing negotiations on agreements with an established academic publisher, Harwood Academic Publishers, and its sister organization, Gordon & Breach, Inc. These companies will in fact undertake the financial risks of printing, marketing and distributing and will receive most of the profit, if any. A good working relation exists with Marty Gordon, President of each of the publishing companies. We expect the IPIJ to have an immediate audience, upon its first publication, primarily with academic libraries, not only in the United States but throughout the rest of the world.

Due to this arrangement with a commercial publisher, the IPIJ requires little financial assistance from Hofstra, although I am glad to say that the Dean has found the minimal funds needed so far, and has

provided the IPIJ with some working space.

Although the Law School has not made a heavy financial commitment to the IPIJ, the venture is primarily academic from the point of view of the Law School. The faculty has approved the venture in principle and has been extremely supportive of the entire Faculty Committee for the IPIJ. That committee, which has included Professors Lane, Orlofsky and myself since last winter, was enlarged and given an official status after the faculty vote approving the IPIJ. Its other members are Professors Agata, Wypyski, Bohrer, Bush and Geraghty.

Thus the IPIJ has had, and continues to have, the benefit of many helping hands on the faculty and in the outside world. It is built on a unique concept which, hopefully, will offer student editors an extra bonus of direct and continuing contact with U.S. and foreign practitioners and academics. Moreover—and this I find the most exciting thing—it is organized to serve the whole broad reach of land and related property investment and development. This is a vibrant field in which the "international transaction" is emerging from the realm of the exotic into the realm of an everyday reality.

Of course, I would be wrong to lose the other opportunity that

this letter gives me. It permits me to congratulate the Editorial Board and the staff of the IPIJ. Their enthusiasm and intelligence and their willingness to work have all been tremendous. We all have the highest hopes for the IPIJ. In any case I think that the Faculty Committee and the Board and Staff know that they have undertaken a project that is important to them and that, if they are successful, it will result in an important new institution connected with Hofstra Law School.

Bernard E. Jacob

## Laud Dillon Talk

The following letter was received by Charles Holster, President of the Democratic Law Students Association from Sherry J. Friedman, Assistant Dean.

I would like to take this opportunity to thank you and the rest of the officers in your association for arranging the important and pertinent talk given by Denis Dillon. Mr. Dillon's talk served to create positive publicity for your association while, at the same time, providing for a prestigious guest speaker to visit the Law School.

I look forward to future presentations of this kind.

## Committee Threatened...

(Continued from page 1)

they could obtain more information.

Dean Regan told CONSCIENCE that the issue was first raised by American Bar Association examiners visited the school last Spring. They questioned whether the student SAC members are sufficiently protective of the applicants right to privacy. Dean Regan stated that there is no drop-off in the quality of those students admitted through SAC. The Dean re-affirmed the law school's commitment to "total life experience" and social concern as admissions criteria, but he stated that he would accept whatever decision the faculty makes.

The members of SAC have written a memorandum to the faculty defending their program. The members maintained that there is no confidentiality breach, pointing out that prospective students could be asked whether they want to be considered by SAC. The members say that SAC "is an integral part of those elements which mark Hofstra as a distinctive law school."

## Student Admissions Committee Defended...

(Continued from page 4)

faculty without the naming of names, it is probable that some people would be recognizable. We are unwilling to do this in an open faculty meeting. Finally, we do not think that we could measure remarkability or unremarkability accurately: we may not know all the students; we are not privy to every incisive remark made in the classroom; we may not know what students do outside the school that is also a part of legal education.

3. There are confidentiality problems where students review files of those who may be students.

The catalogue states that, "In cases of applicants who have low SAT (sic) or GPA scores, the Student Admissions Committee will make recommendations to the Dean after it thoroughly reviews each application as well as recommendations and related materials." Presumably, candidates who do not wish such review even now could ask not to have it and expect their request to be honored. The Committee has no objection to formalizing this by the institution of a waiver allowing applicants to state explicitly whether or not they want their applications considered by the SAC. Although it can be argued that this option is a non-choice because everyone will want the fullest consideration possible, it, in fact, would force candidates to decide and take their chances as they wish. It is analogous to the waiver on access to recommendations in use at many universities and graduate schools.

A suggestion has been made that only third-year students review applications; with any luck, those students would not be at Hofstra when the candidates become students. We do not believe that this is feasible. The Committee benefits from a varied membership, including an experienced group of members—those who already have served for one or two years; these people help to assure the smooth operation of the Committee. We find the membership of first-year students particularly valuable because these students are so close to the application process. Finally, there might be a problem in finding 43 members of the third-year class who have the time to serve.

We want to note that the Committee has tried to discipline itself in this regard by providing that a breach of confidentiality results in automatic expulsion from the Committee. (The Committee also forbids members who know candidates from

participating in the discussion of that candidate. If a member wishes to support such a candidate, he or she may do so by writing a recommendation, which is an option available to all members of the law school community.)

### III. The Timing of This Decision

We wish to note that we think that all interested in this decision would have been better served if this issue had been raised earlier in this academic year. We have been led to believe that the question of the continued existence of the SAC stems from comments unfavorable to student review of applications made by the ABA Accreditation Committee in the last academic year. If this is so, we cannot understand why the Dean has waited to raise the issue until the moment we were to begin reviewing applications rather than doing so in September when all parties would have had more time to discuss the Committee's role.

### IV. Recommendations

We urge the faculty to advise the Dean to retain the Student Admissions Committee. We believe that it is an integral part of those elements which mark Hofstra as a distinctive law school. We note from our own experience that a significant attraction Hofstra offered us was the active role of students in many facets of the school's governance. It was and is of importance to us that Hofstra regards students as capable of participating in this manner. To abolish this role would lessen the distinction between Hofstra and schools such as St. John's, Brooklyn, Cardozo, and New York Law. We would like to remind the faculty that many of us came here despite the lackluster environment of both the University as a whole and the immediate suburban surroundings because this kind of difference exists.

The Committee's role clearly indicates the importance Hofstra places on considering applicants as individuals. We do not deny the importance of the ability to do law school work, but we believe that such ability may be manifested in ways which cannot be measured quantitatively. We think that the Committee furthers an important goal—having a rich mix of people participate in the process that is legal education.

We would welcome further study of the Committee's operation by the faculty. We invite faculty members to observe our meetings. We are willing to form a joint student-faculty group to evaluate further the Committee's role in the admissions process.

## Viewpoint/ We Need The Angels

by Ron Frier

When Curtis Sliwa formed his group of public defenders, there were only 13 members and the group was called "The Magnificent 13." The group now comprises over 1000 members. The Angels have branched out to cover Long Island and may someday take to the streets of other major metropolitan cities.

The purpose of the Angels is viewed by some with suspicion and mistrust. It is tough for most people to believe that others would engage in life-threatening activity to help strangers. Some view the group as having a "master plan" to organize a youth revolution to take over the country. Ms. Evers denied all of the evil intent theories and stated that the goal of the group and its members is to help society and gain self-respect in the process. Hard core inner city youth grow up facing a problem. Frustration about the evil world around them often turns to anger and anger to violence. The Guardian Angels offers these young people a choice. They can join the group and have a positive effect on the evil and thereby become worthwhile individuals. Frustration is channeled into a constructive force. This opportunity to "do good" has even attracted the attention of members of New York City's street gang leaders. Ms. Evers claimed that gang leaders have joined the group and have become crime fighters instead of crime perpetrators.

We need the Angels because police stand by while crime takes place. More often, the police simply don't go into the dangerous areas that the Angels are willing to patrol. The Angels serve as a psychological deterrent to would-be muggers. It is far less likely that a mugging would occur when a band of Angels is in the area ready to lend a hand to the victim.

The members of the Guardian Angels pay their own subway fares and use their own money to call police and Angel headquarters. The headquarters is located in a rat-infested building in the Bronx. If victims offer money to the Angels for saving them, it is a rule of the group that they must refuse to accept it. All this and still, many City officials oppose the group.

Despite the lack of City support, the work of the Angels goes on. With crime an epidemic, one wonders why the Guardian Angels are not given the recognition they rightly deserve. Should volunteer firefighters be hindered in their efforts to help society too? They risk their lives to fight fires for no apparent reason. They must be up to no good.



# EDITORIALS

## A SELF-FULFILLING PROPHECY

The Reagan Administration's flirtation with the affairs of El Salvador demands our attention and concern. The President reportedly decided to intervene in the conflict between "leftist" guerillas and the "center-right" civilian-military junta because the situation in the tiny Central-American nation was "so different from Vietnam" and because helping the El Salvadoran government defeat a small "Marxist-led" insurgency in America's backyard, according to Presidential Counselor Edwin Meese, would "stop the expansion of Communism throughout the world."

The Administration takes great pains to stress that the 19 military men in El Salvador serve not as, in the Vietnam analogy, advisors, but as "instructors" (an additional 50 are sought). A counter-insurgency expert, Col Eldon L. Cummings, however, heads the U.S. military assistance group there.

As American military presence in El Salvador grows (remember that the initial U.S. involvement in Vietnam similarly started on such a scale), the administration could turn El Salvador into a Vietnam.

The Administration's public acknowledgement that American involvement in El Salvador serves as a "winnable" test of resolve against Communist expansion concomitantly invites a greater Soviet challenge, and the Soviets will have even less to "lose." The Kremlin can fault local "revolutionary leadership" if the Administration does "succeed;" and if the guerillas do win (which most familiar with El Salvador do not foresee under the current circumstances), the Soviets score.

International politics is not a game where nations and internal opposition groups are played as pawns. Approached in such a manner, everyone loses.

The political situation in El Salvador, unlike Vietnam, seems substantially to favor that Central American government. Even in El Salvador, military leaders and the civilian President, Jose Napoleon Duarte, assert that their greater need is for economic aid, particularly to fund such social reforms as land distribution. Robert E. White, Carter's Ambassador to El Salvador, stated that military aid could compromise the position of President Duarte and other moderates in the junta. He further advocated social reforms and political reconciliation to defeat the guerillas.

Government programs, such as land-distribution, account for much of the loss of guerilla popular support. It is here that American assistance can be most useful. What most distinguishes the United States from the Soviet Union is that in addition to arms, America can supply substantial economic and technical assistance.

## STUDENT INPUT NEEDED

At their Tuesday, March 10, 1981 meeting, the faculty will decide the fate of the Student Admissions Committee. Originally scheduled for Thursday, March 5, mature "intervened" to adjourn the meeting to the new date.

The issue surfaced as the February, 1981 CONSCIENCE was at the printer. Due to its urgency, we inserted a "late bulletin" to alert the law school community to Dean Regan's request to the Academic Standards Committee that they examine the Student Admissions Committee.

While Dean Regan has flatly stated he has never "appeared" before the Academic Standards Committee to raise the issue of students involvement in the law school's admission process, the Academic Standards Committee voted, three faculty to two students, to disband the Student Admissions Committee. The Dean explained that the issue was first raised by the A.B.A. examiners who visited here last Spring. They questioned whether student examinations of individual applications breached the confidentiality of those applicants; that is whether student examiners are sufficiently protective of applicants'

Letters... (Continued from page 6)

## Speakers Test Proposed

To the Editor:

As many of you know, one student will be selected to speak at our commencement exercises this year. The graduating class will decide, by popular vote, who that person will be.

We could choose the most popular of the candidates or the one with the highest grade point average. We might even vote for the one who makes the funniest or most intelligent in-class comments. But these are not the

proper criteria for selecting the best public speaker for our graduation.

The best way to choose between several qualified candidates for this job is to hear all those who wish to compete and compare them on the spot. We should hear all those who wish to make a five minute speech on any subject one Wednesday during the Dean's hour. All those who attend should be entitled to vote for their favorite. The winner of this competition should be the

speaker at our commencement.

It is only fitting that those wishing to have the honor of speaking at our graduation exercises should prove his or her ability to give a speech. Only those third year students who actually hear the contestants should be permitted to choose the winner.

This competition must be publicized well in advance to insure maximum student participation.

Debra Murray

## conscience

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right to privacy. No question was raised however, on whether administrative personnel or faculty members could similarly breach an applicant's confidentiality.

Though the Academic Standards Committee considered the A.B.A. concern whether student review breached an applicant's privacy, CONSCIENCE fears the faculty prefers to abolish the Student Admissions Committee for other reasons. No evidence exists, yet some faculty raise questions as to the performance of individuals admitted through the Student Admissions Committee. Others question the propriety of "total life experience" and social concern as bases for admission to law school.

(Less than ten percent of the applicants to Hofstra Law School are admitted through the Student Admissions Committee).

Dean Regan re-affirmed the Law School's commitment to "total life experience" and social concern as bases for admission. He also stated there is no discernable drop-off in quality in those students admitted through the Student Admission Committee. They perform as well as students admitted based on the "normal" criteria.

The faculty, however, need not decide the matter Tuesday to prevent the Student Committee from considering applicants for next year. The Student Admissions Committee can not examine any applications until the faculty settles the question. If the faculty tables a decision on the matter Tuesday, it will be too late this year for the traditional student involvement in the law school's admissions process. The issue should have been addressed early last Fall. Hofstra is becoming notorious for decision-making delays—perhaps in the hope that critics will go away (graduate?).

When the real issue is whether the faculty as a body is secure enough to trust that their students as capable future practitioners can contribute to their law school by participating in its administration. Could it be that "self-government" is acceptable only where those in power continue to remain in full charge?

## Reps Write Shuart For Dean Search Info

Student Representatives forwarded the following letter on February 19, 1981, to President Shuart regarding the Law School Dean's Search.

Dear President Shuart:

As you may recall, on November 26, 1980, two representatives from our body met with you to discuss the actions being taken to secure a new dean for the law school. Our representatives were pleased by your assurances that there will be active student participation on the Dean selection committee,

and that our student government will be kept informed of all developments in the search process.

However, since that meeting in November we have not received any further communications from your office. This lack of information dissemination has generated much concern here in the law school community. We share in our colleagues' growing anxiety over this matter.

In closing, we reiterate our request for information and an expeditious handling of this matter.



# Public Opinion Poll

The Student Representatives are considering an increase in the Student Activity Fee. The following poll may help them make a decision. Drop responses off in the CONSCIENCE mailbox in the Admissions office.

## TO INCREASE OR NOT TO INCREASE THE STUDENT ACTIVITY FEE

1. Are you aware that the Student Activity Fund inadequately funds even current student organizations?  
Yes ( ) No ( )
2. Did you know the Student Activity Fee has never been increased?  
Yes ( ) No ( )
3. Would you agree that student organization costs have increased since the 1970 inception of the law school?  
Yes ( ) No ( )
4. Do you believe that Student Activity Fee funding for such organizations as CONSCIENCE, Pocket Part (Yearbook), etc., are among the best buys for our tuition dollars?  
Yes ( ) No ( )
5. Would you approve an increase in the Student Activity Fee?  
Yes ( ) No ( )
6. Would you vote for a modest increase in the Student Activity Fee of \$5 per semester?  
Yes ( ) No ( )
7. Would you vote for an increase in the Student Activity Fee of \$10 per semester?  
Yes ( ) No ( )
8. If you answered yes to either question six or seven or both, please choose between a \$10 per semester or \$5 per semester increase in the Student Activity Fee:  
\$5 per semester increase ( ) \$10 per semester increase ( )

## Pocket Part '81

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## Hofstra Law Bridge Players

Are you interested in playing bridge? Brian Tanenbaum is putting together a few four-somes to play during the day, evening or on weekends. If you are looking for a way to break the monotony of your law studies,

playing bridge might be the answer. Interested persons please contact T-Bone at (516) 431-7635 or leave your name in the Student Representatives Box, which is located in the Admissions Office by March 18th.

# THE QUERYING

by Bob

Do you favor or oppose the a



PATRICE PEREZ

I strongly favor the activities and the work of the Guardian Angels. We should be thankful that there is an organization of young men and women who are risking their lives to make our communities safer. They have been a great help to police departments by preventing the commission of crimes and saving the lives of many people. Furthermore, several individuals are leading more productive lives through participation in the Guardian Angels.



RAY MELLON

I basically oppose the activities of the Guardian Angels. The problem inherent in an organization such as the Angels is that it has the enormous potential of becoming a vigilante group. In their zeal to contain what they perceive to be crime, the Angels may inadvertently suppress individual rights. Because of the rapid rise in city crime I can appreciate the Angels' belief that they are contributing to the safety of the city. However, the problem of crime in the city is too serious to allow unsupervised private groups to take the law into their hands.



KIM ADAIR WILSON

I am in favor of and support the activities of the Guardian Angels. The transit police very often ignore the people and situations they are there to protect. While many critics view the Angels as vigilantes, I believe that you cannot deny group efforts particularly when the general public as a whole stands to benefit. As to backgrounds, a system which seeks to punish twice is vindictive. Maybe the public ought to define exactly what constitutes "acceptability."

## Join Conscience

CONSCIENCE APPLICATION

DATE \_\_\_\_\_

NAME \_\_\_\_\_

CURRENT ADDRESS \_\_\_\_\_

PHONE NUMBER \_\_\_\_\_ TILL \_\_\_\_\_

SUMMER RESIDENCE (if different) \_\_\_\_\_

PHONE NUMBER \_\_\_\_\_

AVAILABLE POSITIONS: (circle)

WRITER

COPY EDITOR

PHOTOGRAPHER

LAY-OUT

ARTIST

CARTOONIST

REPORTER

ADVERTISING

CIRCULATION

BUSINESS

CONTRIBUTOR: (check one)

OCCASIONAL

REGULAR

Generally, CONSCIENCE is published 8-9 times throughout the school year and regular participants devote from several hours to several days per month to an issue.

RELEVANT EXPERIENCE: (if any) \_\_\_\_\_

I seek a position on the Editorial Board as: \_\_\_\_\_

I wish to submit samples: Yes ( ) No ( )

The Editorial Board is generally selected before, and announced in, the final issue.



# PHOTOGRAPHER

Rediger

## Activities of the Guardian Angels?



KEN KUNKIN

The Guardian Angels are a group of concerned city residents who are trying to do something constructive and worthwhile with their lives while also trying to improve upon the safety of our city's subways.

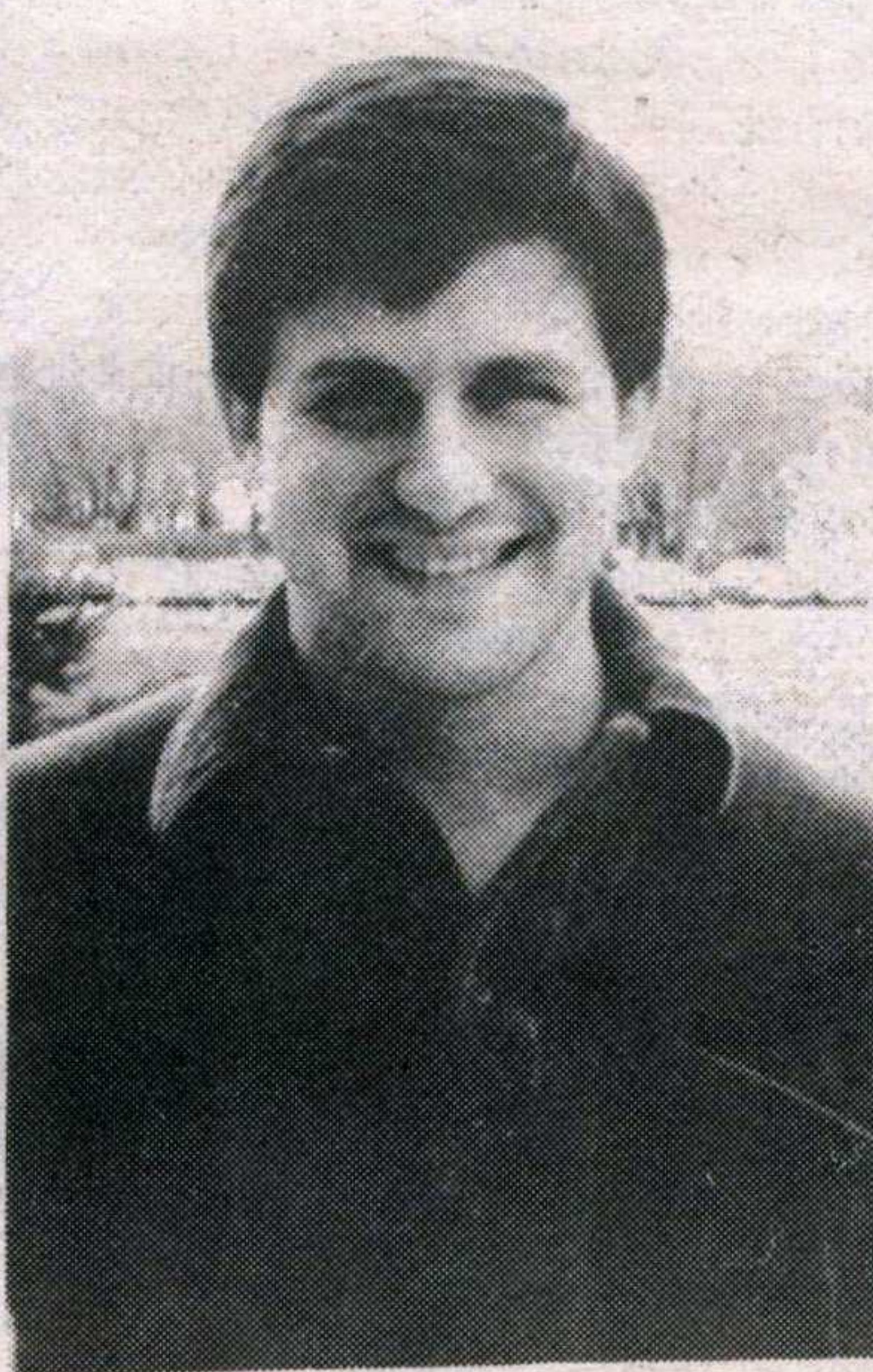
Because of the increase in crime along with the shortage of money in the city, we should encourage voluntary self-help groups concerned with keeping our subways safe for all its users. This is not to say that there should not be strict guidelines governing the Guardian Angels. We would all benefit from knowing that the Guardian Angels pose rigid requirements for membership into their group and maintain strict discipline and proper supervision of its members. The Guardian Angels should be an adjunct to the Police Force and not a substitute for it.



DEBBIE STALEY

Shall we allow a vigilante-type group to decide when a crime is being committed and the method of intervention? On the other hand, when our traditional law enforcement system demonstrates gross inadequacies, isn't it logical that people will resort to a non-traditional self-help measure? As with anything, there is no hard and fast answer, and a balance between the above extremes must be struck. The Angels were born of an unmet need in our society, and perform a necessary function in my view. My concern is that their variety of law enforcement will develop into the enforcement of their law.

WHO  
KILLED  
BOB  
SCHAUFELD?



MICHAEL KOPLEN

If the presence of the Angels deters crime, then of course I am in favor of their continued existence. The police effectively stymie the primitive and intrusive actions of the city's many animal-like inhabitants. Even if crime is not deterred by the Angels presence, if their organization provides a conduit into which ghetto people's listless and anti-social aggressions may be channeled into what at least appears to be a worthwhile enterprise, they are serving another much neglected need.

I am worried though, that in time, a Guardian Angel faced with a crisis will exercise poor judgment, as the police sometimes do, and people will be unnecessarily hurt or killed. When such a tragedy occurs, the public's eye will focus upon the organization's lack of standard safeguards that traditionally seem to keep in check the violent undercurrents that animate martial organizations, training programs, and a highly defined and visible chain of command and constantly enforced discipline.

Student Rep Sal Russo reported the results of two polls regarding this year's graduation. By a 79-46 margin, third-year students voted for the standard cap rather than the doctoral cap. Also they voted 67-52 against having a student commencement speaker.

## Professors Considered For Reappointment

HOFSTRA UNIVERSITY  
School of Law

February 19, 1981

FROM: Lawrence Kessler

TO: Students

RE: Committee on Reappointment, Promotion and Tenure

The Faculty Committee on Reappointment, Promotion and Tenure will be considering the following faculty members for either reappointment, tenure or promotion. The committee is interested in soliciting student opinion with regard to the performance of the various candidates. Students wishing to express their opinion should forward their written remarks to the chairperson of each subcommittee.

The following are the names of the candidates and the chairperson of the subcommittee responsible for the evaluation:

REAPPOINTMENT:

Patricia Adamski

Robert Bohrer

Bernard Jacob

Marc Orlofsky

CHAIRPERSON OF SUBCOMMITTEE:

John Gregory

Linda Champlin

Burton Agata

Daniel Posin

## CHEF'S BLEND

by Chef Glen

by Chef Glen

I, Chef Glen, am saddened to announce to you my devoted fans that the recent double digit inflation, high interest rates and general economical woes have affected me. For the first time in my life, I am in the midst of a recession and a lifetime of devoting my energies to cooking and its art is about to be wiped out.

My once famous restaurant which B.G., a well-known noted and famous food critic, described as a "Uniondale Landmark" has seen business drop by as much as 50 percent some nights. All my attempts to attract people to the restaurant have failed so far and I am quickly running out of time.

If you think my restaurant business is doing badly, my Chef's Blend housewares collection is doing even worse. My cloth towels were found to cause cancer when used by Laboratory white mice and therefore have been taken off the market due to an FTC cease and desist order. My pots and pans were found to cause toxic food shock and also had to be removed from the market. To say the least, I Chef Glen am ruined commercially.



Photo by Bob Schaufeld

Finally, my speaking engagements for which I was once paid a princely sum have been cancelled almost everywhere. At the few places I do get an opportunity to speak, I am usually greeted with a round of boos and am burned in effigy.

It is only a matter of time before I, Chef Glen, declare bankruptcy. My only hope is to turn to you my devoted public and ask for your help. I, Chef Glen, ask you: What can I do?

In the meantime, there is still time to enter the Chef's Blend Recipe contest. Also, here is this month's recipe.

CLIP AND SAVE

### Egg Plant Romano ala Chef Glen

2 eggplants pepper salt  
1 cup oil garlic salt  
1 28 oz. can of tomatoes  
2 18 oz. cans of tomato paste  
1 15 oz. can of tomato sauce  
1/2 cup of grated Romano cheese

1. Peel eggplant and cut into 1/4 inch slices.

2. Sprinkle with salt and let stand in a colander for about 30 minutes.

3. Blot excess water and lightly brown eggplant.

4. Remove and blot excess oil.

4. Combine tomatoes, tomato paste and tomato sauce and heat. Spice to liking.

5. In a large pan, arrange one layer of eggplant. Add sauce and sprinkle with cheese. Repeat this procedure until all the eggplant is used.

6. Bake uncovered in oven at 400 degrees for 20 minutes.

7. Remove and serve.

Will serve six easily.

## Next CONSCIENCE

## Deadline: Monday

## March 30, 1981



# ANNOUNCEMENTS...

## The Bulletin Strip

Compiled By Suzy Mandel

*NLO has returned to its roost. Good luck and let's keep crowing...*

*Congratulations to the Hofstra Trial Team who came in number one in the New York Regional Competition. Good show Ben and Ernie.*

*All Hofstra clubs are looking for new blood next year. C'mon first yearers, show us your spirit!*

*Eric Lane, Associate Professor of Law, who disappeared right beneath our noses before the start of the spring semester, has been granted a leave of absence to serve as counsel to the Senate Minority in the State Legislature in Albany.*

*The continued functioning of the Student Admissions Committee has been threatened by faculty plans to discontinue the committee. Students, air your views.*

*The Pieper CPLR class convened for the first time February 23rd. It will meet each Monday evening at 5:30 p.m.*

*The following legal education courses will be held in New York City in April:*

*April 3—The Law, the Child, and Education, at Queens College*

*April 3—Law Office Systems & Equipment*

*April 3—Family Court Practice*

*April 10—Pre-Trial Criminal*

*April 10—The Use of Expert Witnesses*

*April 30—Accounting for Lawyers*

*April 30—Federal Court Practice*

*For more information see New York State Bar Journal, February 1981.*

## On Campus

**32nd ANNUAL SHAKESPEARE FESTIVAL**  
Mar. 12-15; Mar. 20-22—**MACBETH**—Directed by Richard F. Mason. Shakespeare's tragedy which focuses on effects of power, war, greed and ambition on the human spirit. Evenings at 8:30 p.m.; Sundays at 3 p.m. in the John Cranford Adams Playhouse, South Campus, Hempstead, \$4, \$3.50 and \$3. Call 516-560-3283.

**Mar. 14 & 21—JOHN JOHN—A MERRY PLAY**—on a double bill with the FESTIVAL CONCERT, Hofstra's Collegium Musicum, directed by William E. Hettrick, at 3 p.m. in the John Cranford Adams Playhouse, South Campus, \$1.50. 516-560-3283.

**EMILY LOWE GALLERY**  
Through April 5—**ABSTRACT PAINTING, NEW YORK CITY: 1981**—Fourteen abstract artists present their works, including works by Ted Kurahara, former Hofstra Professor. Admission to the Gallery on the South Campus is free. Hours are Tuesday and Wednesday 10 a.m. to 9 p.m.; Thursday and Friday 10 a.m. to 5 p.m.; Saturday and Sunday, 1 to 5 p.m.; closed Mondays. Call 516-560-3275.

**SUNDAY ART EXCHANGE**  
March 15, 22, 29—**SUNDAY ART APPRAISAL** continues its sessions from 1 to 3 p.m. in Axinn

House on Hofstra's South Campus. Verbal appraisal fee is \$3 per item. Will appraise paintings, prints, porcelain, glass, antiques and collectibles. No jewelry, books or tapestries. Call 516-560-3528.

**BOOK EXHIBIT**  
Through March 31—**HOFSTRA UNIVERSITY FACULTY PUBLICATIONS EXHIBIT**—Hofstra faculty who have published since 1975 at the Filderman Gallery, 9th Floor, Library on the South Campus. Over 100 books, edited journals, and monographs, representing many fields of expertise. Admission to the exhibit is free. Gallery hours are 9 to 5 p.m., Monday through Friday. 516-560-3440.

## Music

Pianist Michael Blum will appear with Hofstra University's String Quartet on Friday, March 27, as the Quartet completes its 17th season of concerts at 8:30 p.m. in the John Cranford Adams Playhouse in Hempstead.

Mr. Blum, a graduate of the Julliard School of Music, will perform Franck's "Quintet in F minor" with the Hofstra Quartet, which will also perform Beethoven's "Quartet in A minor" during the evening's program. Tickets, priced at \$3, or \$1.50 for senior citizens and students, may be reserved by calling the Box Office at (516) 560-3283.

## Con Ed Fined

The Nuclear Regulatory Commission staff has issued an order imposing a \$210,000 fine on the Consolidated Edison Company of New York for violations of NRC regulations in connection with the leakage of Hudson River water in to the containment building of the Indian Point Unit 2 Nuclear Power Plant near Buchanan, New York.

The leakage from the containment air cooling units into the building was discovered by workers on October 17, 1980, following a shutdown of the plant. The NRC staff had proposed the \$210,000 civil penalty on December 11, 1980. After a review of the company's January 5, and February 11, 1981 responses, the staff has concluded that the fine should be paid in full.

The order, signed by Victor Stello Jr., Director of the Office of Inspection and Enforcement, requires Consolidated Edison to pay the civil penalty within 25 days. The company may, within 25 days, request a public hearing before the administrative judge to appeal this order. The State of New York has been informed of this order to the company.

## Hearing Ordered

The New Jersey Supreme Court, in an unanimous decision March 3, 1981, ordered an evidentiary hearing for Rubin "Hurricane" Carter and John Artis in their appeal for a third trial in the 15-year-old murder case. Professor Leon Friedman argued successfully for Artis and Carter before New Jersey's high court.

Congratulations to Gregg Weiss on his engagement to his long-time girlfriend, Debbie!

## BAR EXAMS AREN'T LIKE

### LAW SCHOOL EXAMS

Knowing how to analyze complicated essays, confusedly combining several fields of law, and writing coherent, logical and consistent answers thereto, can make the crucial difference in passing the Bar Exam. Why not get the feel of 16 very difficult Bar Exam questions before the July, 1981 Bar Exam? Thousands of students, for the past 40 years, have been convinced that the approach-analysis-and style techniques and methods they learned at THE KASS PROBLEM ANALYSIS CLINICS were essential to their success on the Bar Exam.

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## DISTINGUISHED TEACHER OF THE YEAR

For the 21st year, graduating Hofstra students are being given the opportunity to help choose the "Teacher of the Year." According to Mrs. Pauline Lichtenstein, Director of Research and Planning, ballots have been distributed to all undergraduate, graduate and law school students earning degrees in October, 1981, and June 1981.

This tradition began in 1960. Previous winners have represented a wide range of academic units throughout the University, including the School of Business, School of Education, and the Departments of Art History and Humanities, Drama, Economics, Mathematics and English. The 1980 winner was Professor Bruce Meyer of Accounting.

With the designation, "Teacher of the Year," comes a \$500.00 cash award and a plaque which usually contains quotations from the students ballots nominating the recipient. The award is presented at the Honors Convention, which will take place this year on Sunday, May 17th. On that occasion Professor Meyer, as the most recent winner, will address the assembly. The recipient will be notified of the selection approximately one week before the presentation but his or her identity will not be disclosed until the day of the ceremony.

**Selection Committee**—Guided by the results of the balloting, the final selection will be made by a committee composed of past award winners. To guard against the effect of a "campaign" being waged on behalf of any particular faculty member and to mitigate against an unusual event suddenly projecting someone into the limelight, a candidate is evaluated in terms of a three-year average. Thus, the committee examines the number of votes that a faculty member has received during the three most recent years.

Along with the ballot, students are sent a list of those faculty members both tenured and non-tenured for whom they may vote. Previous award recipients are not eligible for selection, nor are part-time faculty.

We hope to have a large number of students participate in the voting this year. About 2300 ballots will be mailed out for the current nominations. In order to be counted, ballots must be returned by April 16th. If through some mix-up a ballot has not been received students are welcome to come to Room 203G Weller Hall where, if an eligibility check confirms this, a ballot will be provided.

By participating in this program, graduating students can give recognition to a deserving member of the Hofstra faculty.

## Ford, Moynihan, Vance, Cuomo Join Hofstra Committee

University Public Relations Director Harold Klein, announced that the following individuals have accepted invitations to serve on the Honorary Committee commemorating Franklin Delano Roosevelt's 100th birthday and the 50th anniversary of his 1932 election to the Presidency: former President Gerald Ford, Senate Majority Leader Howard Baker, Senators Mark Hatfield, Henry Jackson, Charles Mathias, and Daniel Patrick Moynihan, former Senators George McGovern and Adlai Stevenson III, former Secretary of State Cyrus Vance, New York Lieutenant Governor Mario M. Cuomo, Manhattan District Attorney Robert Morgenthau (his father served as Treasury Secretary under Roosevelt), former New York City Mayor and Ambassador to the Vatican Robert F. Wagner, Newsday Publisher David Laventhol, Television Journalists Bill Moyers and Eric Severeid, New York Times columnist James Reston, Historian and civil rights activist Bayard Rustin, Hubert H. Humphrey, Institute Director Harlan Cleveland, Political Scientists James McGregor Burns and Lewis Koenig, author Isaac Asimov, and Joseph Resch, author of Eleanor and Franklin. —Bearak

## Off Campus

### NEW EXIT LOOP MEADOWBROOK PKWY.

Long Island State Park and Recreation Commission's General Manager, John G. Sheridan, announced Feb. 2, that the new exit ramp at the Meadowbrook Loop Parkway interchange is now open to the public. The ramp, located just north of the existing fee collection plaza on the Meadowbrook Parkway, provides direct access to the Loop Parkway. "This alteration will allow Loop Parkway traffic to bypass the fee collection plaza which will enable faster processing of cars going to Jones Beach during the busy summer months," said Sheridan. "We are confident that the modifications at this heavily-trafficked interchange will promote safety as well as smoother travel to Jones Beach and the Point Lookout-Lido Beach-Long Beach areas."



# ANNOUNCEMENTS

## EXAMINES POLICE BRUTALITY PROBLEM

Most states have adopted "fleeing felon" statutes that allow local police officers under certain circumstances to shoot at a person who is suspected of committing a felony. This use of deadly force is the most volatile aspect of the police brutality problem.

"The Police are Getting Away with Murder," an article by Phil Smith in the March issue of *Student Lawyer*, examines this problem and the resistance that a complainant encounters when taking a case to the police department or court.

Smith writes, "At the heart of the debate is the question of whether a gun should be treated as a defensive weapon to be used only to protect the officer, or whether it also should be considered an offensive tool that can be used to prevent a suspect's escape."

While federal law enforcement agencies have chosen the defensive approach, state statutes have opted for the offensive. "The perception is that under the guise of the fleeing felon rule the police are committing murder," Harvey Brinson of the Justice Department's Community Relations Service told the author.

In addition to police use of deadly weapons, the incidence of excessive force, or street brutality, also has caused a sharp increase in public complaints and alarmed the Community Relations Service, the U.S. Civil Rights Commission, and the Police Foundation.

Although these agencies, the ACLU, and community groups agree the problem of police brutality is growing, they do not agree on how to punish it or prevent it. Some think that local police officials should bear the responsibility for setting the standards and then enforcing them. However, internal discipline in police departments has not been an effective deterrent.

A victim of police brutality who is not satisfied with the action of a police department may bring a civil suit against the officer. The officer also may face criminal prosecution by the government. These court actions likewise have not been successful in curbing police brutality because both judges and jurors are predisposed to favor the police.

Philadelphia district Attorney Edward Rendell explains, "A policeman stands for right and for law and order, and a policeman tells the truth. That's what most people believe from childhood—it's difficult to go against that."

Because of the lack of success of civil and criminal actions, the Justice Department Civil Rights Division and others believe that the federal government should take a larger role in dealing with local police brutality.

Barbara Brooks of the Civil Rights Commission reports, "Congress should enact some

legislation which would authorize civil actions by the Attorney General against appropriate government or police officials where there are clear patterns and practices of abuse."

The cover story in this issue of *Student Lawyer* is "Tempest In a Test Tube" by Bruce Mays, which looks at recent developments in biogenetic engineering and the arguments concerning regulation and control of new life forms.

"Opening Fire on the Last Plantation" by John A. Jenkins examines the effects of lawsuits—both legitimate and frivolous—that challenge the right of Congress, often called the Last Plantation, to exempt itself from laws it enacts for the rest of the country.

Also in this issue is the annual "Bar Revue" listing of dates, places, fees, and bar review courses for bar exams in each state. A companion article addresses the problem of failing the exam and how to succeed the second time around.

*Student Lawyer* is the monthly publication of the American Bar Association's Law Student Division.

## ABA MID-YEAR MEETING RESULTS

The American Bar Association House of Delegates voted to defer action on a proposed model state law concerning privacy and access to government files in order to give states the opportunity to examine its provisions.

The decisions by the ABA's policy making body came in Houston during the February 4-11 Midyear Meeting of the ABA and its affiliated organizations.

In other action, the House of Delegates:

- approved criminal justice standards regarding the Legal Status of Prisoners that are designed to assist prison officials, prisoners, prison litigators, judges and the public in resolving prison turmoil.

- approved a dues increase for ABA members, as recommended by the Task Force on Long-Range Financial Planning.

- approved relocation of the ABA's headquarters from its present site at the University of Chicago to a new building to be constructed by Northwestern University.

- approved the recommendation of the Standing Committee on Legal Assistants to grant final approval to legal assistant training programs at Elizabeth Seton College, Yonkers, N.Y.; Sangamon State University, Springfield, Ill.; Tulane University, New Orleans; Quinnipiac College, Hamden, Conn.; and University of Toledo, Toledo, Ohio.

- approved a recommendation that the U.S. take action to prevent and punish crimes involving civil aviation.

The House also nominated a president-elect and six members of the Board of Gover-

nors. Morris Harrell of Dallas was nominated president-elect. Following the elections at the August Annual Meeting, he would serve as president-elect in 1981-82 and president in 1982-83.

## ABA FINALLY SAYS WOMEN O.K.

For the first time in ABA history a woman was nominated to the Board. Jane H. Barrett of Los Angeles, chairperson of the ABA Young Lawyers Division, was nominated to represent the

association's 135,000 young lawyers.

Others nominated to the Board are:

- For District 1, serving Maine, Massachusetts, New Hampshire, Puerto Rico and Rhode Island, Richard K. Donahue of Lowell, Mass.

- For District 2, serving Connecticut, New York and Vermont, Robert MacCrate of New York City.

- For District 4, serving the

District of Columbia, Maryland and Virginia, Sidney S. Sachs of Washington, D.C.

- For District 6, serving Alabama, Louisiana, Mississippi and Tennessee, Hugh N. Clayton of New Albany, Mississippi.

- For District 12, serving Arizona, Colorado, New Mexico, Utah and Wyoming, Calvin H. Udall of Phoenix.

The Board members also will be elected in August at the Annual Meeting.



The IRS Training Center (above and below), site of a proposed Federal courthouse at Hofstra. The Law School eagerly awaits final government approval.



Photos by Ted Sklar

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## BALSA Convention

by Arnold Keith, BALSA V.P.

With over 300 people participating, the BALSA Northeast Regional Convention held at our own Hofstra Law School, was a huge success. The convention theme was "Crossroads: Progress or Oppression." The energy displayed throughout the convention was impressive. Twenty-six law schools from the Northeastern part of the United States sent BALSA representatives to Hofstra.

A Moot Court competition was among the many convention activities. There were 13 teams in the Frederick Douglass Moot Court Competition. The winners of the competition represented Harvard Law School. The Hofstra Law team fared well, as the team of Margarite Grays & Margie Johnson, and the team of Arnold P. Keith Jr. and Kim Wilson made it to the semi-finals.

SEE PHOTOS BACK PAGE

Sterling Johnson, Esq., Chief Narcotics Prosecutor, Manhattan District Attorney; Alton H. Maddox, Jr. Project Director, National Conference of Black Lawyers Juvenile Defense Project; Det. Walter William, Community Affairs Specialist, NYPD; Conrad Lynn, Civil Rights Activist; Andrew Jenkins, Assemblyman of 29th District, and Victor M. Goode, Esq. National Director, National Conference of Black Lawyers, were among the many prominent panelists attending.

But the BALSA convention was not all work. On Valentine's night in Monroe Hall, Arista Recording Artist, Jay Hogard and his group, "The Positive Force," got the Valentine Day lovers into a groove with some vibrant Jazz tunes. Later that night at the Native New Yorker Disco in Hempstead, a group of delegates discoed the night away.

On Sunday, an assembly of BALSA delegates representing the various schools made several resolutions and voted in a new panel of Regional Officers for the 1981-1982 year.

The convention culminated with a banquet at the University Club on Sunday night. The keynote address was given by Louis Clayton Jones, a New York attorney and a Yale graduate.

All in all, the convention brought many people together whose fond memories of their weekend spent at Hofstra Law School will not soon be forgotten.

## Mixed Reviews

(Continued from page 3)

A basic premise underlying the program was Professor Seel's "unfiltered work" theory. The ban imposed on students discussing their arguments or "mooting" each other on the same problem would, it was anticipated, result in each student delivering her or his own, unaffected product. While most judges would agree that this was in effect what happened, some might analogize to betting on a soccer match where both teams are blind.

But then, as Professor Seel put it, "Part of the pride at the end is that the students did it themselves."

### MOOT COURT (SPRING, 1)

In this course, students research and write appellate briefs on hypothetical cases which are then argued in a moot appellate court. Faculty and student judges preside over the arguments. The program is administered by a Moot Court Board composed of faculty members and upperclass students. In addition, selected second-year students serve as advisers to students taking this course. (Old descriptions in italic, new in bold.) (As amended 1981)

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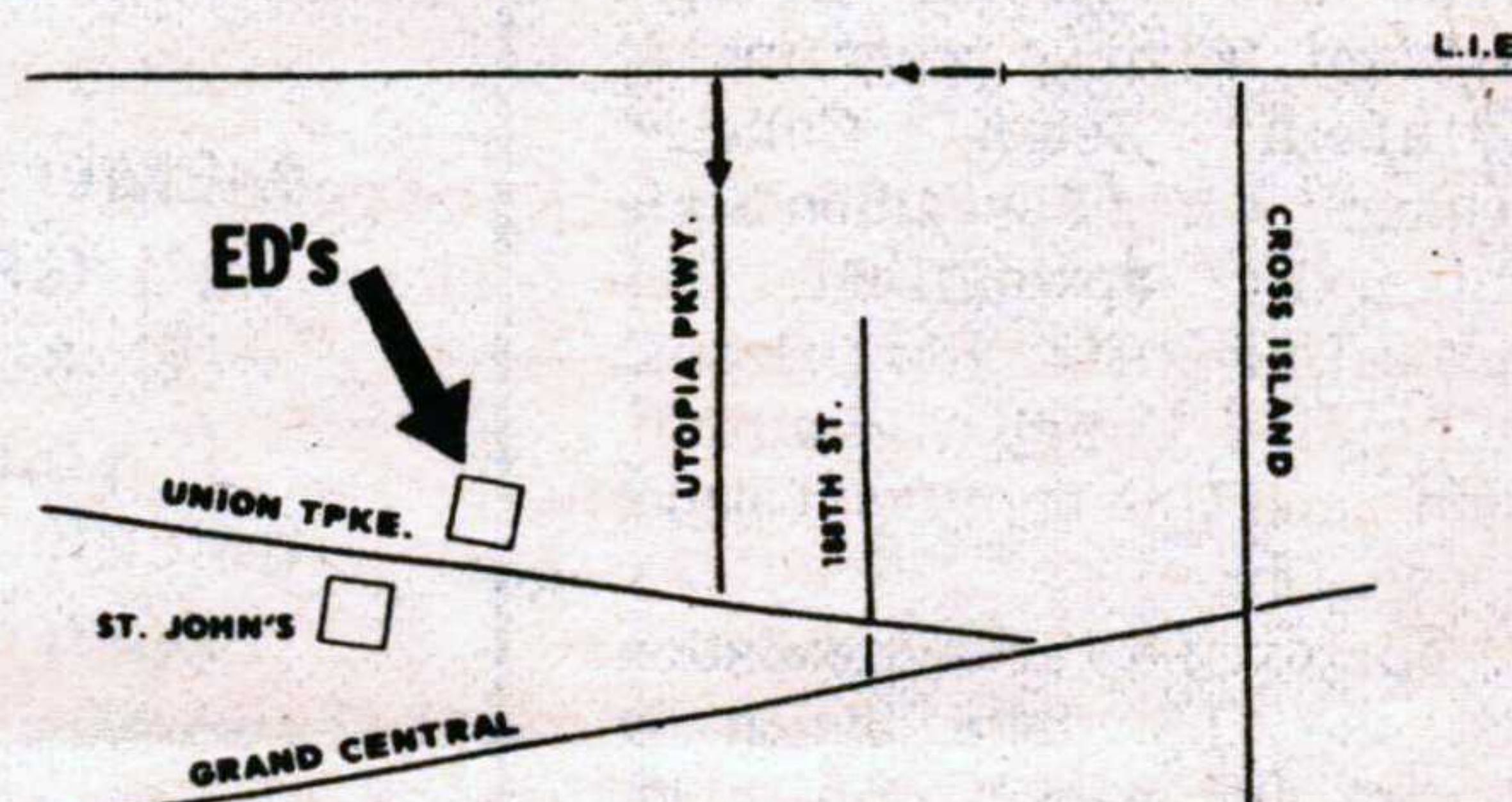
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## McKechnie...

(Continued from page 1)

town," found an "inconsistency" with the Guardian Angels leader's claim that he was abducted by Transit Authority Police, only to fail to remember the shield number of the cops who abducted him or the license plate number of the car.

McKechnie urged the Guardian Angels to accept auxiliary police status, free transportation, and training. He added that they could maintain their identity with the shirts and the red berets and that they would have identification cards which would ferret out bogus Angels. Curtis Sliwa has to date rejected such proposals, stating that he would not work in a system where the Mayor was against him. (Mayor Koch has written Lt. Governor Cuomo that he would be amenable to the Angels if things like identification can be settled.)

Referring to the Friday night incident, when 10 or more Guardian Angels were arrested after the TA police and Guardian Angels scuffled, McKechnie categorically denied Sliwa's charges of a set-up and has since refused to meet with Sliwa and his representatives. The Guardian Angels reacted by starting a hunger strike and picketed McKechnie's office. He refused an olive branch offered by Sliwa, because, there is no war and "I won't lend credence to irresponsible charges."

McKechnie stated that the Transit

Police enforce the laws equally. They do not give special immunity to Guardian Angels, nor do they single them out for harassment. He opposes the concept of the Angels, not the individuals. He alleges that the Angels are ineffective in preventing subway crime as evidenced by the following statistics: The week when the Angels attained 300 members, subway felonies increased from 147 to 300 per week. McKechnie asks: "How have they deterred crime?"

When money was allocated by the Mayor for more TA police and additional officers became available, crime decreased from the 300 felonies per week peak to 160. He added that if the Angels truly want to be effective, it is important that the relevant Police Authorities know where to augment police with civilian patrols.

When questioned whether the lack of public outcry against the Angels is indicative of their success, McKechnie answered that the Angels fit the perception of making city residents think they are safe, but the Transit Police's obligation is to make them safe.

McKechnie doesn't want to control the Angels but insists that they have to answer to an agency. He then set forth the criteria which he deemed necessary for Guardian Angels: 1) minimum age of 16; 2) from age 16-18 Angels must have parental permission; 3) a background check to make sure the prospective Angel has no prior felony record; and 4) let the agency in

charge know when and for how long each Angel patrol could commit themselves to duty.

At a press conference after the speech, McKechnie gave examples of situations where he alleged the Angels have in fact committed crimes, instead of deterring them: An Angel spotted a youth with a magic marker on a graffitied train. He smelled the graffiti, claimed the youth had done it, handcuffed him, and deprived him of his liberty for 45 minutes. The TA patrolman that responded told the Angel that not even a police officer has the authority to act as the Angel had. Another alleged crime is theft of services: not paying the subway fare. "The offer was made to provide them with free transportation, yet they refused it, and continue to evade the fare while detaining others who have tried to get by without paying."

McKechnie fears a situation where Sliwa leaves for Hollywood and 700 youths vie for the position of leader. He anticipates a time when a group of green berets declare a section of the New York subways as their turf, reminiscent of gangs from the 1960's.

He restated that "his membership is not overzealous in our enforcement of the law with respect to the Guardian Angels. The law is applied equally to all." The I.D. card which would be given out would have the Guardian Angels' picture and grant them free transportation. But these offers are refused, as Sliwa, according to



Photo by Ted Sklar

Bill McKechnie

McKechnie, only wants his compliance and not his concurrence.

When asked if there is hope for change in the near future with respect to subway crime, McKechnie answered yes, but only when the subways are perceived to be a part of the community. McKechnie expressed his thanks to the law school for the opportunity to offer his side of the issue.

After the press conference, the Republican Law Students Association made a brief presentation to Mr. McKechnie.

## Angels...

(Continued from page 1)



Photo by Laurie March  
Lisa Evers

Angels because they are, according to Ms. Evers, "tired of talking about crime and want to do something." The Angels seek to counter apathy and "address the fear that has gripped society. The Angels work within the law," Ms. Evers continued, "to stop crime before it begins." The group never uses weapons. She discounted fears that the group is a Nazi-like "brownshirt" organization stating in an exclusive interview with CONSCIENCE: "We're based on love, not hate."

Ms. Evers addressed the concerns of the transit police union. Angels are trying to help the police, "not trying to take away police jobs." The Guardian Angels "want more cops." Answering other critics, Ms. Evers stated unequivocally that the Angels are "not people taking the law into their own hands." "We don't wake up sleeping bums" and "we don't get into fights unless provoked." She described group members as risking their lives because the Angels are "sick to death of what's happening."

What most critics find disconcerting about the Angels membership, Ms. Evers pointed to with pride: the Angels have attracted school dropouts (some dropped out as early as the seventh grade), juvenile offenders, and ex-gang leaders, all view being a Guardian Angel "as a way to make a positive contribution." She noted that the many city-run (and taxpayer-funded) youth programs "haven't had the positive effect the Guardian Angels provide—self-respect." Drawing its members from primarily minority and less-well-to-do backgrounds, the Guardian Angels transform hostility towards "the establishment" into a positive good aiding society.

The Angels have also contributed, according to Ms. Evers, to lessened "discrimination on both sides. For many white people, the sight of a black or Hispanic strikes fear." The Guardian Angels "uniform"-wearer, despite being a minority group member, "is respected by white people." That minorities are solid citizens, by and large, is reinforced by the Angels' success. (In a later interview granted CONSCIENCE following the talk and press conference, she told how Angels "feel different in uniform;" they "get recognition from the very people who get them down.")

At the time of Evers appearance at Hofstra, the Guardian Angels were in the middle of a petition drive. They were seeking 100,000 signatures to show that New Yorkers support the group's existence. "We feel we have the support of the people of New York City, but a lot of the people (in power) don't like us." Ms. Evers said the Angels could very well disband if the petition drive fails. (Subsequently, Guardian Angels leader Curtis Sliwa announced the Angels would in fact disband if the petition drive does not succeed.)

Ms. Evers pointed out that, for the most part, relations with the police have been good. The conflict is only with the Transit Police. She called the February 13th incident a "set-up." (Transit Police Officer Ron Peale, who lost in a bid to unseat Transit PBA President William McKechnie, supports the Angels' petition drive.)

The Guardian Angels serve primarily as a psychological deterrent, because, according to Ms. Evers, "people on the streets who hang out view lawyers as stupid—who go to school for seven years to make \$20,000 when they can sell drugs and make the same in only two months." The people on the street look up to the Guardian Angels, many of them ex-offenders and ex-gang leaders, who know the ways of the street. In two years, no Angel has been hurt, she explained, "because the law-breakers respect the Angels; they know the Angels will get involved."

The Angels have shown that people openly contentious of society can no longer get away with breaking the law. At least eight Guardian Angels can respond to any criminal activity.

As she concluded, Ms. Evers expressed concern that a break-up of the Guardian Angels can only exacerbate what she

termed was an already volatile situation in New York City's poorer neighborhoods this summer. With the Federal budget cuts mostly affecting minority programs, "there's talk on the streets and in the ghettos—something is about to break." (Ms. Evers forecasted a repeat of the 1968 riots due to "Reagan's cuts in social programs that make the ghetto go. There will be no jobs.")

Ms. Evers responded to several questions from the audience, most concerned with the organization and internal discipline of the Angels, as well as the rivalry with the Transit P.B.A.

She elaborated on the Guardian Angels' structure and selection process. An outgrowth of the Magnificent 13, the original group of 13 founded by Curtis Sliwa, the Angels screen members very carefully. Selection is based on personal recommendations and interviews. Angels who are willing to stake their personal reputations, sponsor new members in much the same way as in a fraternity. New recruits must prove their ability to handle difficult situations, as well as to pass a physical test. Through the chain of command, the caliber of each Angel is followed. The Angels develop leadership skills, she explained, as Mr. Sliwa delegates authority and depends on his patrol leaders.

Ms. Evers accounted for the dispute with the transit police union, calling it in "fairest terms," a legitimate concern in these hard economic times. "The (Transit) PBA sees the Guardian Angels as a threat (to jobs). We're not. We're there when the police are not." (During the later press conference, Ms. Evers explained that even if there were enough police, which she doesn't expect to happen, there would still be a need for the Angels; once the police make an arrest, they spend considerable time off the beat in station houses and courtrooms.)

Asked if the Angels would be involved in the City's 1981 mayoral election, Evers stated the Angels are non-partisan and will not become involved in City politics. Indeed, they take no stands on religious issues.

The Angels are expanding to Long Island, but growth here is limited because they only seek recruits who know the local scenes.

Ms. Evers described the Guardian Angels' sources of funding as currently limited (despite the fact that Mr. Sliwa

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stands to profit personally from selling "his story." He stands to gain from a sale of the movie rights—when litigation between the film company and the Guardian Angels' leader is settled). The group received tax-exempt status from the IRS in late January. The Angels' headquarters is a "dump of an apartment in the Bronx." There is no budget as such. Guardian Angels, she stated, refuse money from people on the trains. Books are now being kept to meet IRS standards. (It should be noted that the Angels held a fund-raiser at La Magique in Manhattan honoring their leader, Curtis Sliwa. There, Lt. Governor Mario M. Cuomo presented Sliwa with the first-ever OLGA — Office of the Lt. Governor Award. Angels pay their own fares and use their own dimes to call in, she added.)

The Angels appear very concerned that the group remain independent of the city government and its bureaucracy. Suggestions that they function as auxiliary police are rebuffed, no doubt due to the need to appear to "the people on the streets as non-establishment." Similarly, they would refuse government grants.

The most telling, most humorous moment of Ms. Evers' talk occurred when she responded to an inquiry whether she finds a conflict in the Guardian Angels protecting well-to-do people from criminals who come from backgrounds similar to the Angels. Ms. Evers stood, hands on hips, and with an incredulous stare, stated forcefully to the unknowing inquirer, and perhaps much of the audience: "No big money interests ride the subways."



# CONSTITUTION SOON

## Article I: NAME

The Student Government shall be known as the HOFSTRA UNIVERSITY SCHOOL OF LAW STUDENT GOVERNMENT. (Short title: Hofstra Law Student Government.)

## Article II: PURPOSE

The purpose of said organization is to serve as a vehicle for student self-government at Hofstra University School of Law; to provide for the representation of student interests in all areas of law school life, including but not limited to, academic, disciplinary and intra-University matters; to address and seek solutions to the problems of Hofstra Law students; to provide for the expression of student views; to facilitate communication between students and the University administration, the Law School administration and faculty, as well as the community (both legal and non-legal) at large; to foster and maintain programs necessary to assist in the study of law; to seek build cohesiveness and interaction among law students by promoting social activities; and to provide for the general welfare of the student body.

## Article III: COMPOSITION; OFFICERS; DUTIES OF OFFICERS

**Section One:** Composition. The Student Government shall consist of eight (8) Student Representatives elected from among the Hofstra Law Student Body as set forth below:

(a) Three (3) first-year Student Representatives, one (1) from each section, shall be elected from the incoming first-year class in an election held beginning on the first Wednesday after Labor Day. Each first-year Student Representative must belong to the first-year section that person represents. Each first-year Representative serves from the day that the first-year Student Representative Election results are certified in accordance with Article VIII to the last day of finals in the Spring Semester.

(b) One (1) second-year Student Representative shall be elected from the then first-year class in an election held the Wednesday immediately preceding the Spring Semester break to serve from the last day of Spring Semester finals for one calendar year following.

(c) One (1) third-year Student Representative shall be elected from the then second-year class in an election held the Wednesday immediately preceding the Spring Semester break to serve from the last day of Spring Semester finals for one calendar year following.

(d) Three (3) Student Representatives-at-Large, a President, a Secretary and a Treasurer shall be elected from among the first- and second-year classes in an election held the Wednesday immediately preceding the Spring Semester break to serve from the last day of Spring Semester break to serve from the last day of Spring Semester finals for one calendar year following.

**Section Two:** Qualifications. Any Hofstra Law student is eligible for the position of Student Representative except that

(a) the student must be a member of the class and/or section represented, as set forth above in Article III, Section One, subdivisions (a)-(d).

(b) No Law Review Editor, no CONSCIENCE Editor, no American Bar Association-Law Student Division Representative, no New York State Bar Association Representative, nor any other

officer or Board member of any Hofstra Law student organization may serve concurrently as Student Representative and in any of the aforementioned positions.

**Section Three:** Duties of the Student Representatives. The Student Representatives shall have full power and charge over the management of the Student Activity Fund; shall faithfully represent the interests and views of their fellow students; and shall create such committees as necessary to carry out their duties.

**Section Four:** The Officers of the Student Government shall be the President, a Secretary, and a Treasurer.

### Section Five: Duties of the Officers.

(a) The PRESIDENT, as chief executive officer, shall preside over all Student Government meetings, shall prepare an agenda for each meeting and shall post such agenda on the Student Government bulletin board at least two (2) school days before the Student Government meeting; shall appoint all committee members except for students serving on Faculty Committees, and shall designate the chairperson of each committee; shall faithfully communicate all Student Government decisions; shall authorize the Treasurer to release previously allocated Student Activity funds in accordance with the budget determinations of the Student Representatives; and shall perform such other duties as deemed necessary by the Student Government.

(b) The SECRETARY shall keep a faithful account of the proceedings of each Student Government meeting and shall post a copy of the minutes of each such meeting on the Student Government bulletin board no later than five school days after that meeting; shall be the custodian of this Constitution and the records of the Student Government; shall serve in the absence or disability of the President until such time as a new President is chosen, and shall perform such other duties as deemed necessary by the Student Government. In the absence of the Secretary, the Student Representatives shall choose one of their number to serve in that capacity.

(c) The TREASURER shall disburse all previously allocated Student Activity funds upon the Authorization of the President; and shall keep a faithful accounting of the financial records of each student organization, as well as that of the Student Government.

## Article IV: MEETINGS

**Section One:** Meetings of the Student Government shall be held at least once each month for not less than one hour when Law School is in session during the Fall and Spring Semesters and at such other times as deemed necessary. Scheduled meetings shall be announced in CONSCIENCE. Meetings of the Student Government, as well as any of its committees shall at all times be held in open session.

**Section Two:** As deemed necessary and appropriate by a majority of Student Representatives, and in addition to the scheduled monthly meetings, they may meet in executive session closed to public comment but open to silent observation. In matters of an extremely sensitive nature the public may be excluded by an unanimous vote of all the Student Representatives and only if there is a quorum of at least five (5) Student Representatives.

**Section Three:** A quorum of at least five (5) Student Representatives required for the transaction of any Student Government business, except that from the end of the Spring Semester finals until, but not including, the Monday following Labor Day, a quorum of four (4) is required. If no quorum is met, the Student Representatives

present may conduct business other than voting or discussing how the Student Government should decide an issue. Otherwise, the Student Representatives present shall vote to adjourn to a later date with notice to the absent Student Representatives and the public.

**Section Four:** A majority vote of the Student Representatives present is required for the transaction of all Student Government business. There shall be no voting by proxy.

**Section Five:** Upon the petition of at least seventy-five (75) law students, a Student Government meeting must be called but such meeting is limited in scope to those items specifically listed in the petition unless a majority of the Student Government votes otherwise.

**Section Six:** All items and matters of procedure not covered under this Constitution shall be, where reasonable and necessary, referred to Roberts Rules of Order.

## Article V: COMMITTEES

**Section One:** The Student Representatives may create such committees as required to assist them in the conduct of student affairs. The President shall appoint the members and designate the chairperson of such committees. Any Hofstra Law student is eligible to serve on any such committee, as are the Student Representatives. Meetings of such committees shall be held in accordance with Article IV.

**Section Two:** The Student Representatives shall, by a majority vote, appoint the student members of Faculty Committees from among interested students after posting notice of committee vacancies on the bulletin board.

## Article VI: FINANCES; STUDENT ACTIVITY FUND

**Section One:** Allocations and disbursements shall be at the discretion of the Student Government based on criteria including but not limited to the following:

(a) All organizations that receive Student Activity Funds must open their membership to all Hofstra Law students, allow their members to choose the leadership of the organization, maintain complete and open financial records, and serve the interests of the student body. All funds must be spent in connection with Hofstra Law activities.

(b) Before distributing any funds, the Student Government shall adopt a set of criteria and objectives for distributing funds. The Student Government shall also adopt regulations for the use of such funds. The Student Government may revoke the funding of any group that violates the regulations provided, however, that the affected organization has been provided with the regulations and has been given a chance to be heard before the Student Government. No organization may be denied funds because of the race, sex, religion, or national origin of its members.

(c) In making budget allocations, the Student Government shall respect the freedom of the press and the editorial independence and integrity of all student media. The selection and/or promotion of staff, as well as editorial and news policy, shall be left exclusively to the discretion of each student publication.

Such allocations must be made by a majority vote of those Student Representatives present.

**Section Two:** The recipients of any Student Activity Fund allocation shall have the responsibility for the strict accounting of their fiscal records.



# TO BE APPROVED

**Section Three:** Final Student Activity Fund allocations shall be made during the Fall Semester after the first-year Student Representatives assume office. Provisional allocations are permissible prior to that time. The Student Government may:

- (a) allocate matching funds to groups that fulfill the requirements of Section One, Subdivision (a) but want to provide some of their own funding;
- (b) allocate funds outright to support activities aimed at and for the benefit of the law students and that in good conscience should be paid for by the student body and not the members of the organization;
- (c) co-sponsor any worthy program aimed at the Hofstra Law student body.

**Section Four:** All increases in the student activity fee must be proposed by a two-thirds (2-3) vote of the Student Representatives and affirmed by a majority vote in a student referendum conducted by the Election Committee.

## Article VII: RELATED REPRESENTATIVES

**Section One:** The American Bar Association-Law Student Division Representative shall faithfully represent Hofstra Law School to the A.B.A. and the A.B.A. - L.S.D. through communications and attendance at meetings.

**Section Two:** The New York State Bar Association Representative shall faithfully represent Hofstra Law School to the N.Y.S.B.A. through communications and attendance at meetings.

**Section Three:** The three (3) Community Legal Assistance Corporation Student Trustees shall faithfully represent the interests of Hofstra Law students to the C.L.A.C.

**Section Four:** Candidates for the positions in Sections One, Two and Three must meet the qualifications contained in Article III, Section Two, subdivisions (a)-(b).

## Article VIII: ELECTIONS

### Section One: Election Committee

(a) The Election Committee shall consist of three law students who are not candidates for or are members of Student Government in accordance with the qualifications contained in Article III, Section Two.

(b) The members of the Election Committee shall be elected concurrently with the second- and third-year Student Representatives from among the first- and second-year law students. The committee members shall serve until the certification of the results of the Spring Semester election of the following year. Vacancies shall be filled by the Student Government until a special election can be held.

(b) The Election Committee shall conduct all law student elections, supervise all election results, and resolve by majority vote any dispute arising from the election.

(c) The Election Committee shall announce any election and provide the rules and schedule for the election. The announcement of the election, the rules, and the schedule shall be posted on the Student Government bulletin board and printed in CONSCIENCE at least three (3) weeks before the first day of voting. The Election Committee shall also sponsor forums for all candidates to present their views to the voters.

**Section Two:** The first-year Student Representatives election shall be held the first Wednesday

after Labor Day and may extend as necessary to ensure maximum participation.

**Section Three:** The second-year Student Representative, the third-year Student Representative and the Student Representatives-at-Large elections shall be held commencing the Wednesday immediately preceding the Spring Semester break and extending as necessary to ensure maximum participation. All law students who at the end of the Spring Semester will become second- or third-year students shall be eligible to vote for Student Representatives-at-Large, one (1) President, one (1) Secretary and one (1) Treasurer. Those law students who in the next academic year will be second-year students shall be eligible to vote for one (1) second-year Student Representative. Those law students who in the next academic year will be third-year students shall vote for one (1) third-year Student Representative.

**Section Four:** The A.B.A. - L.S.D. Representative, the N.Y.S.B.A. Representative, and the three (3) C.L.A.C. Trustees shall be elected concurrently with the first-year Representatives and shall serve one calendar year until the certification of the results of the election in the Fall of the following year. All law students are eligible to vote for these positions.

**Section Five:** Petitions. Any candidate for Student Representative or related representative office must submit a petition to the election committee by placing it in the Student Representative mailbox in the Admissions Office. Each petition must be signed by at least ten (10) law students of the appropriate constituency during a five-day period commencing two (2) weeks before the first day of the election.

## Article IX: VACANCIES; REMOVAL FROM OFFICE

**Section One:** Absence. Any Student Representative who misses any three (3) regularly scheduled Student Government meetings without valid excuse shall be subject to removal after a hearing.

**Section Two:** A two-thirds (2-3) vote of the Student Representatives is required for the removal of any Student Representative for cause.

**Section Three:** Upon notice of a resignation, removal or otherwise incapacity of a Student Representative to fulfill her-his office, the Student Government shall post such notice and such notice shall advise the students in the relevant constituency interested in succeeding to that office (a) if there are three (3) months or less remaining in the academic year, to appear at the next regularly scheduled Student Government meeting, or, in the event they cannot appear, to submit their qualifications for office. At such meeting the Student Representatives will select from among the student applicants a successor to the vacant Student Representative position to serve out the remainder of the term; (b) if there are more than three (3) months remaining in the academic year, to gather nominating petitions according to Article VIII for a special election to be held by the Student Government.

**Section Four:** Upon a petition signed by at least seventy-five (75) students calling for the removal of a Student Representative, the Student Government must by a two-thirds (2-3) vote decide if a hearing is necessary, and then if a hearing is deemed necessary, schedule a hearing at which, by a two-thirds (2-3) vote the Student Government can remove the Student Representative.

**Section Five:** Recall. Any Student Representative will be subject to a recall election if demanded by petition signed by 15 percent of the Representative's constituents. The entire Student Government shall be subject to a recall vote if demanded by a petition signed by fifteen percent of

the entire student body. Any recall petition must be submitted to the elections committee, which shall have one week to determine whether a sufficient number of students have signed the petition and schedule the recall vote. All students represented by the affected representative(s) are eligible to vote in a recall to be held between one and two weeks after the recall has been scheduled.

## Article X: FREEDOM OF THE PRESS

The Student Government and the individual Student Representatives shall respect the freedom of the press, the editorial independence, and the editorial integrity of all student media (i.e. CONSCIENCE, Pocket Part (Yearbook)). The selection and/or promotion of staff as well as editorial and news policy shall be left exclusively to the discretion of each student publication.

## Article XI: AMENDMENTS

**Section One:** This Constitution may be amended by unanimous vote of all eight (8) Student Representatives after adequate public notice, and two (2) scheduled public hearings held at least fourteen (14) days before the vote; or

**Section Two:** This Constitution may be amended by a two-thirds (2-3) vote of the Law Student body in a referendum held during the Spring Semester elections. At least two (2) public hearings on any amendments must be held at least fourteen (14) days before the referendum. The referendum may be called by either a majority of the Student Representatives or by a petition signed by fifty (50) students.

## Article XII: CONSTRUCTION

This constitution shall be construed to effectuate the general welfare of the student body.

## Article XIII: ADOPTION

This Constitution takes effect immediately upon its adoption by a two-thirds (2-3) vote of the law students in a referendum to be held at a time set by the Student Representatives.

## Article XIV: FILING

Copies of this Constitution shall be kept in the following manner: Ten (10) copies on reserve in the Law Library; two (2) copies with the Student Government office, one (1) copy with the Assistant Dean and one (1) with the Secretary of the Student Government.

(The Editorial Board of CONSCIENCE has resolved that a copy of the Student Government Constitution shall be printed in the first issue of CONSCIENCE each academic year.)

# Constitution Set

The Student Government Constitution Committee is ready to put a draft to a student vote, committee chairman Corey Beareak announced. "The document can be put to student vote this year as soon as the Student Reps approve it." The draft, if approved, would be the first student government constitution Hofstra Law has had since its founding.

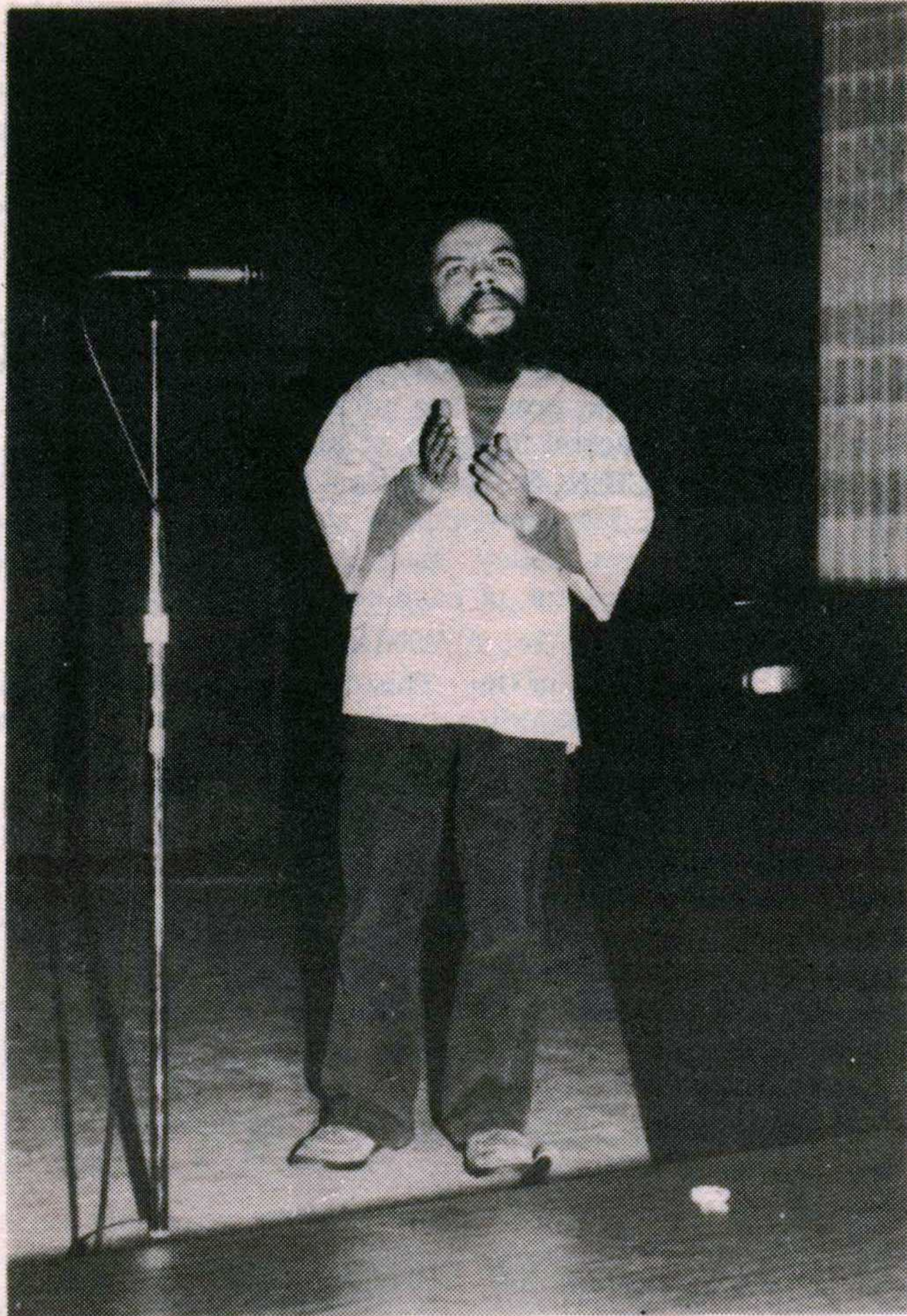
The proposed constitution provides for an eight member student government to represent student concerns. The Student Government would also have control of the Student Activity Fee, but before they could seek to increase the fee, they would have to get student approval in a referendum. The proposed constitution provides for a president, secretary, treasurer, second year representative, and third year representative, all to be elected each Spring, and three first-year representatives to be elected each September.

The Constitution Committee began working last fall. A preliminary draft was published last month in CONSCIENCE. Two public hearings have been held for comment. So far, the constitution has received praise from current Student Rep. John Gorham. "An official student government will certainly help the students get their views across to the administration" commented Committee Vice-Chair Paul Aloe. Linda Ashley, another committee member, noted that the Constitution would enable students to evaluate the effectiveness of their representatives. The Committee expects the proposed document to be put to a student referendum later this semester. According to Student Rep Sal Russo, the referendum will be scheduled the week of March 23.



# Highlights From The *BALSA* Regional

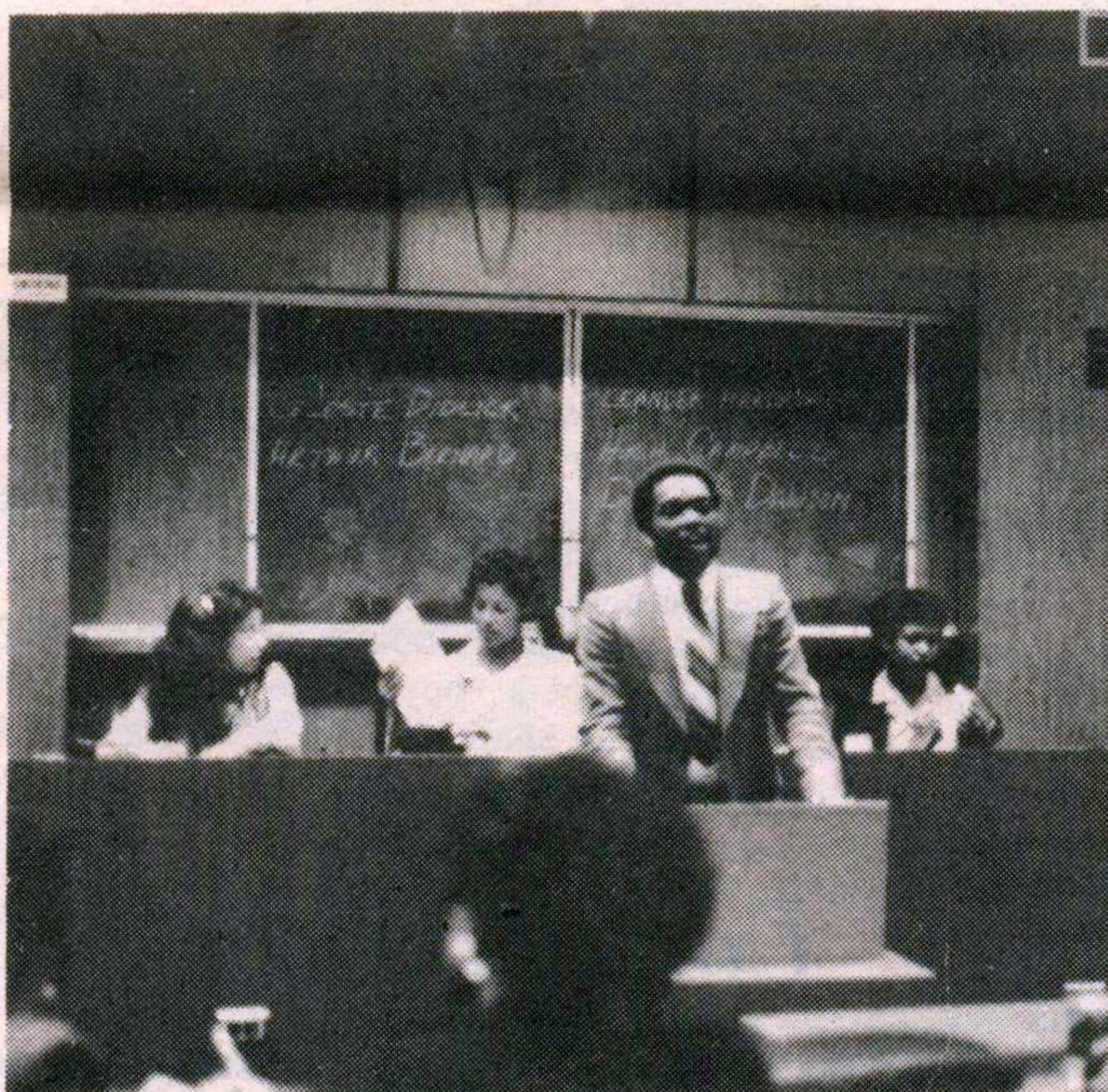
Story Page 12



Poet Louis Reyes



From left: Lacy C. Johnson, M.C.; Louis Clayton Jones, keynote speaker; Hugh Campbell, Convention Coordinator.



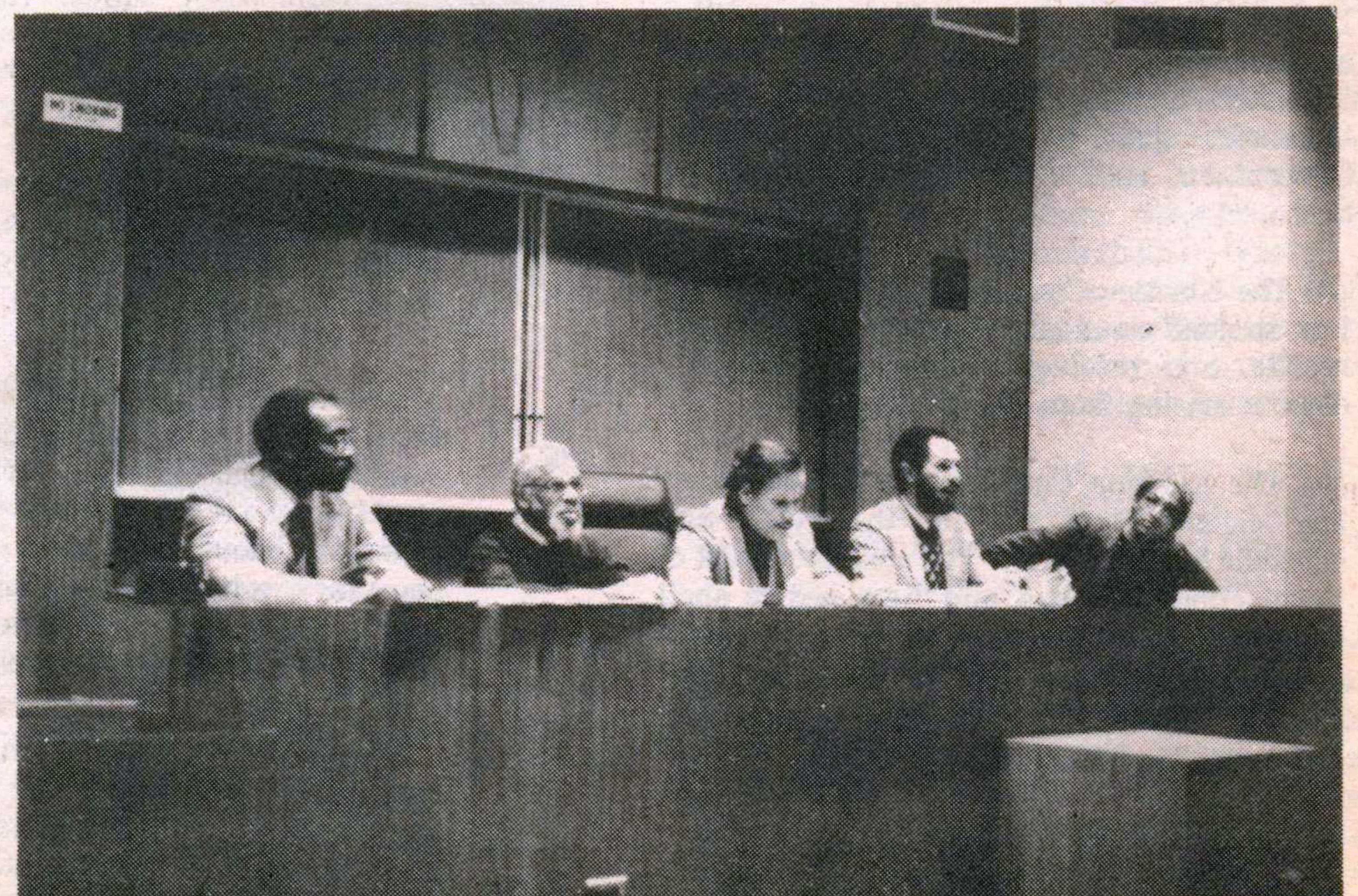
Hugh Campbell addressing the Northeast Regional Delegates.



Jazz group Jay Hoggard and the "Positive Force."



From left: Lacy C. Johnson; Hofstra BALSA Pres. Alton Maddox, NCBZ; Det. Walter Williams, N.Y.P.D.; Sterling Johnson, Narcotics Prosecutor, NYDA.



Workshop panel on the "Reagan Administration and the Threat to Human Rights."