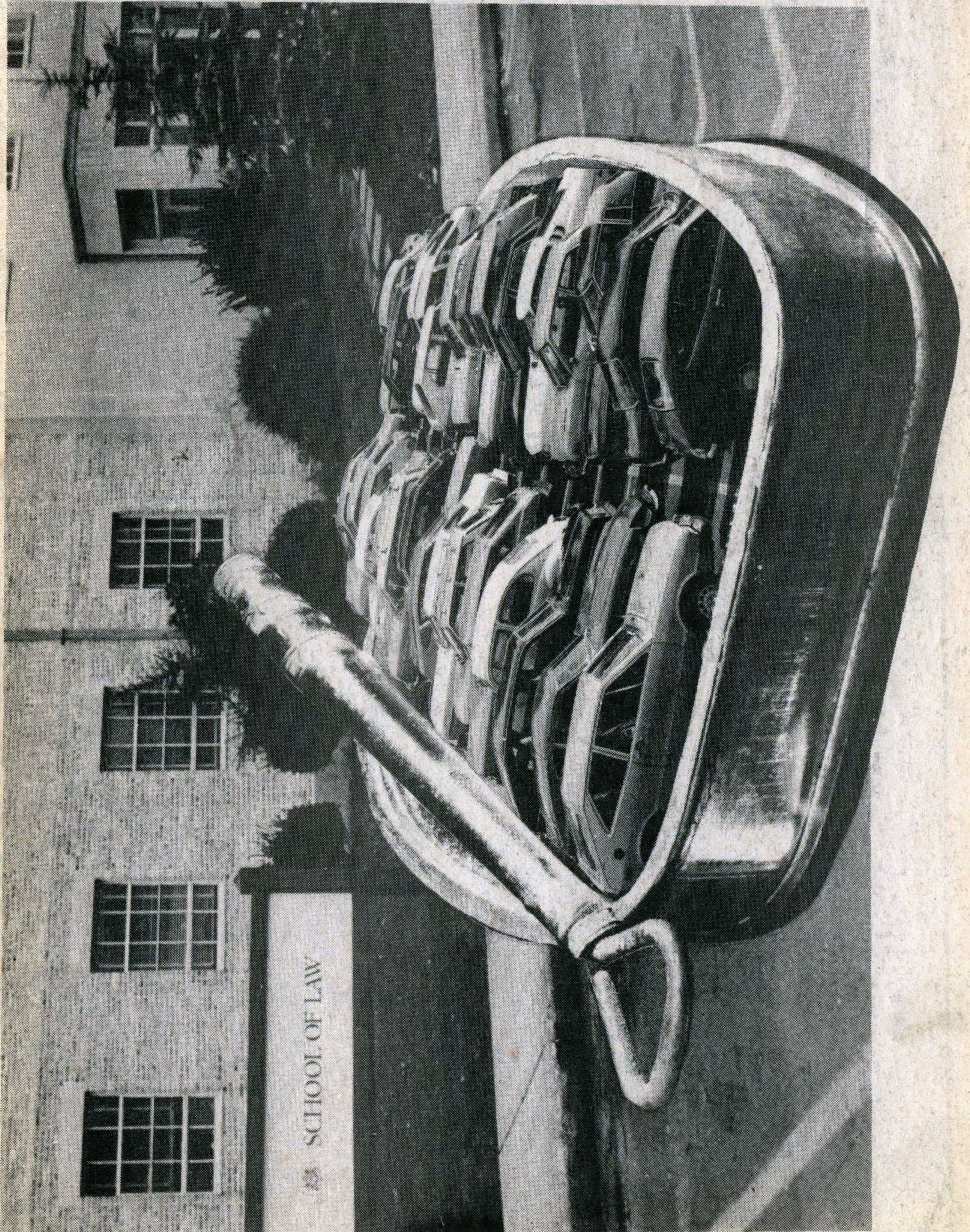


conscience

Vol. 9, No. 4

Newspaper of the Hofstra School of Law © 1981

November 1981



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Photo by Laurie March

Former IRS Training Center is now home of the U.S. District Court for the Eastern District of New York.

Federal District Court Moves to Hofstra Site

By Dan Morrin

In one courtroom, Roy Cohn peers at a memo and ponders his next move in the "Lil Rex" rackets trial. Across the carpeted hallway, lawyers for the Grumman Corp. try to conceal their glee as the Federal Trade Commission enters the takeover battle against LTV. Downstairs, in a few weeks, Nassau County politico Joseph Margiotta will be re-tried in a large courtroom designed for "publicity trials."

If all this seems far removed from the reality of law school, it isn't. For Hofstra students, it is now just three minutes away, because Hofstra's campus is the new home for the Long Island Courthouse of the United States District Court for the Eastern District of New York.

Once a training center for the Internal Revenue Service, the cylindrical building on Uniondale Ave. and Hempstead Turnpike now houses the courtrooms of District Court Judges George Pratt and Jacob Mishler, as well as the offices of U.S. Magistrate David Jordan. On the ground level, where construction is still under way, space is being made for a Probation Department, a U.S. Attorney's office, an Organized Crime Strike Force, and a grand jury room.

What is there for Hofstra law students to see at the courthouse? Janis Meyer, an '81 graduate, clerks for Judge Pratt with Dolores Fredrich, who is also a Hofstra grad and Judge Pratt's senior clerk. Meyer advises everyone to view the goings-on whenever they can: "It's an absolutely fantastic opportunity. To even watch a trial, to listen to oral argument for a little while... to get the whole flavor of it—is a great learning experience." Meyer remarked that she has learned a great deal from Pratt, who is a visiting Professor at Hofstra and will teach Constitutional Litigation here in the spring.

The law school faculty echoes this sentiment. "Go see a trial!" is the consensus advice. Professor Larry Kessler is Chairman of the Liaison Committee set up to explore avenues of interaction between the court and the law school. He also heads the extern program, which currently has four students earning credits for preparing memos and researching motions for the judges and clerks at the courthouse. Kessler noted that when and if the U.S. Attorney opens an office in Uniondale, even more extern positions should develop. However, no one from the U.S. Attorney's office would say exactly when staff would be sent there.

For those who just want to observe, the five blocks to the court should be no obstacle, even when only an hour can be spared. Parking is plentiful, and most trials are open to the public. After entering, check the calendar in the lobby, and then ascend the spiral staircase to the courtrooms on the upper floor. Although the law library is not open to law students, most of the building is. And the building environment is spacious, carpeted and fresh-smelling, a big change from the cramped, Old Federal Courthouse in Westbury.

Now there's no excuse not to go and see how the law operates "for real."

Shuart Visits Law School...

by Howard Blechner

On October 14 Balsa and SGA sponsored a Law School visit by Hofstra University President James Shuart. Addressing a near capacity audience in room 308, the president attempted to discuss some of the issues facing the Law School, including the dean search, parking, affirmative action, and the school's physical condition. Several times during the 45 minute visit the discussion became emotionally charged.

In his address, which was followed by an abbreviated question and answer period, Shuart stated that the Law School is a "good school," that "we will continue to build our platform for the future" and that we will always be in the process of "becoming."

Dean Search

Regarding the dean search, President Shuart urged patience with the process,

which he admitted was going slowly. He indicated that there was "no big rush" and that the Law School currently has a "damn good dean who does his job 100 percent every day." Shuart explained that the dean search process selected by the Hofstra Board of Trustees reflects criticism of previous dean searches. The president felt that the best possible candidates would be chosen, and he noted that Georgetown Law School had applied

a similar approach.

The president stated that he was uncomfortable with the revelation by Conscience of the names of several candidates and hoped that there would be no resulting damage. He did note that there were more than three candidates under consideration. Shuart stated that he was particularly concerned with one communication with Conscience in which

(Continued on page 18)

...School Reacts

By Howard Blechner

Student reaction to President Shuart's visit ranged from disappointment to outright anger. One student commented that "Shuart should have had some answers for us." Another comment was that

"as usual, the administration is sidestepping the important issues." Marcia Bakker, infuriated by the continued parking problem, and what she and others perceive as the Administration's insensitivity to the law students' plight, vowed to "barricade the lot at eight o'clock in the morning if that's what it takes," and that "I've done it before and will do it again if I have to."

Controversy was stirred by a student who accused the President of lying. Johnnie Story, President of Balsa, which co-sponsored the event, felt that the comment was damaging and lowered the Law School community. Story was concerned that if Shuart, who came to address the issues, was abused personally,

(Continued on page 18)

SGA Allocates Budget

by Peter Shafran

Hofstra Law Student Government Association, SGA, held their annual budget hearings last month after adopting a series of procedures used to allocate student activity fee funds. This year's enrollment of 775 students multiplied by \$20 (activity fee) yielded \$15,500. One of the most difficult tasks faced by the SGA is the distribution of student funds.

Nine groups including SGA competed for the limited funds, with these results, as of October 21:

	Last year	Asking this year	Actual this year
BALSA	3170	6505	1000
Conscience	9000	12382	9000
Dem. Law Stud.	-47+	1850	250
PAD	265	1625	350
Pocket Part	2926	8000	3000
Rep. Law Stud.	347+	650	250
SGA	NA	700	500
Trial Advocacy	NA	1950	350
Women's Center (New grp)	300	250	250
(Reserve fund)	—	—	300

Each group submitted their request a week prior to the open hearings. The groups reviewed the Budget Committee's "Funding Guidelines & Criteria" and met individually with SGA at an open meeting. Among the eight items listed in the guidelines, the Committee gave the most consideration to the number of active members in each organization and the benefit afforded the general Law School population.

The budget committee was made up of the SGA officers and the first and second year reps (though different reps appeared at the appeals hearing). The clubs were supposed to organize their requests into general categories, and itemize the amount of money needed for each category. The clubs each had twenty minutes to present their case and defend it against any questions the committee might have had.

The Democratic Law Students claimed ten active members, so far, but expected another 20-40 before long. They requested

(Continued on page 8)

Labor Law Journal

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Final Exams Schedule

p. 21

Spring Course Schedule

p. 20

Interviews:

Silverman and Rabinowitz

p. 16

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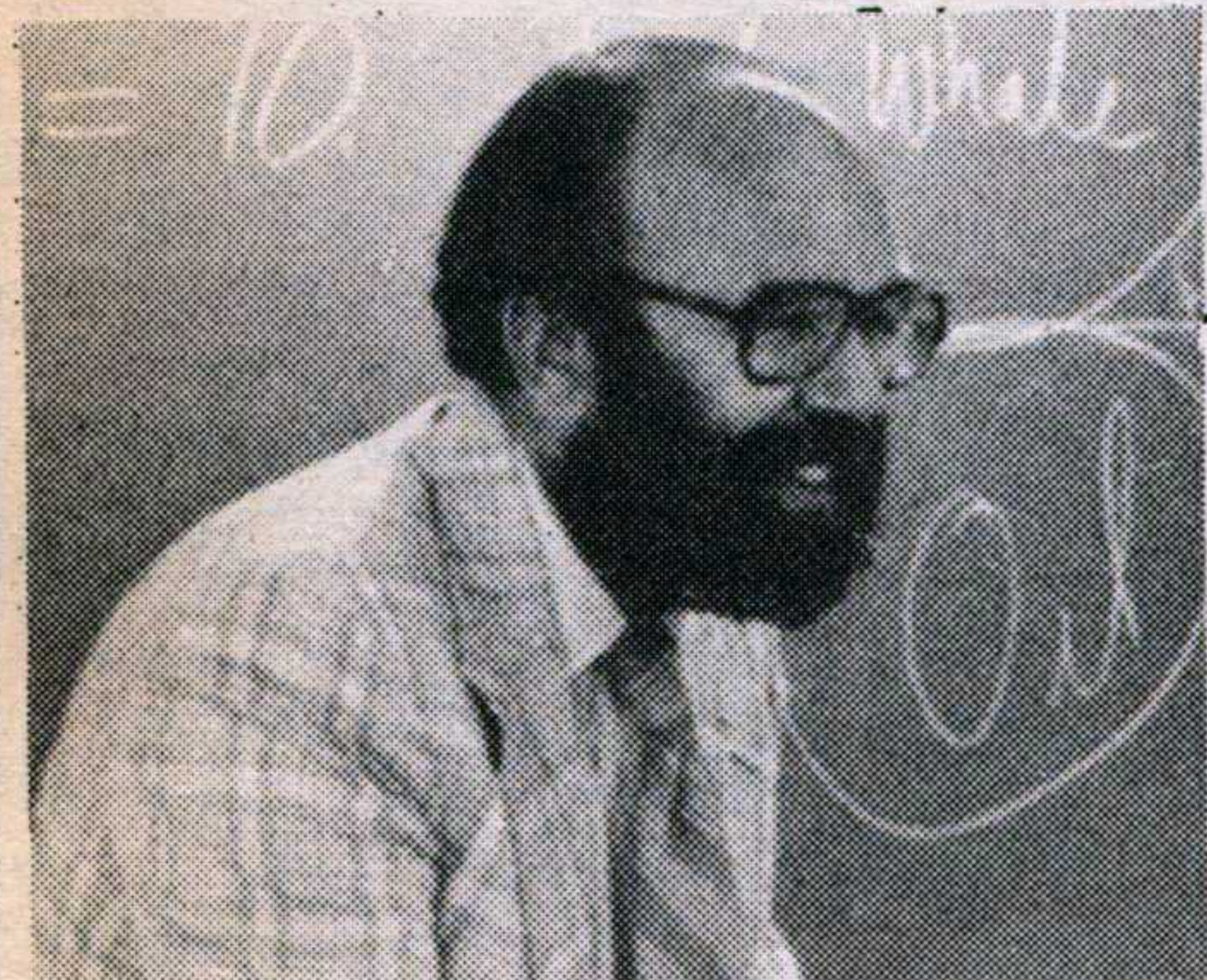
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Diamond Flies South For Spring



File Photo

by Deb Ezbitski

Professor David Diamond has announced that he has accepted an invitation to teach at Emory University for the spring semester. Professor Abraham Ordover, a former Hofstra faculty member, recommended Professor Diamond to Law School Dean Thomas Morgan, who was looking for a professor to teach Civil Procedure for a semester and assist in developing the Pre-Trial Litigation program at Emory. Dean Morgan then invited Professor Diamond to visit Emory during the spring.

Professor Diamond is very enthusiastic about going South for the spring, but he wants it to be very clear that he is not making any plans to stay at Emory beyond the semester—he will be back. "One of the virtues of the teaching profession—one of the perks of the job—is being able to do this type of thing," he said. He is looking forward to the new scenery of a different state, a different school, and to the opportunity to meet and talk with new colleagues. He has not traveled in the South, and is anxious to explore a new part of the country.

And explore he will. He is planning to visit Plains, Ga., and the Grand Ole Opry—and every rib joint he comes across! He asks that if anyone knows of any good restaurants, tourist attractions, sporting events, witch's covens, etc., to please let him know. Also, is anyone interested in subleasing an "outrageously priced" New York City apartment for a few months?

Professor Diamond has promised to send us postcards and magnolias in the spring. And he promises to come back to Hofstra in the fall (without a southern drawl!).

(EDITOR'S NOTE: CONSCIENCE will miss its only faculty staff member and wishes him well. DAD, we will accept an "On The Road" column, so please write!)

Shuart Holds Press Conference

by Paula Coniglio

University President Dr. James Shuart held a press conference on Tuesday, November 3 at which the law school's dean search progress and further proposed federal budget cuts were just two of the matters discussed. In the last issue of *Conscience*, the names of two candidates under consideration by the Board of Trustees in the dean selection process were revealed. In response to how this may have affected the dean search if at all, Dr. Shuart said that the effect has not yet been known and will not be known until he meets with the Board of Trustees. He did say that because the candidates' names were published, the process "has been made a bit more complicated than it has to be." At present, President Shuart is trying to meet with the Board of Trustees and assured the Law School that "as soon as something happens, we'll let you know."

President Shuart also commented on the further federal budget cuts in education that have been proposed by the Reagan Administration's Budget Director David Stockman. He said that Hofstra's Director of Media Relations, Harold Klein, is working on a letter to be sent to

DEAN DROPOUT RATE

by Bruce Sales

In response to Hofstra University President James Shuart's student meeting of October 14, *Conscience* has conducted an informal and random survey of law schools. The survey examined the turnover rate of these school's deans and their decanal selection process.

The current dean of Columbia has served in the position since February, 1979; his predecessor served for eight and one-half years. The present dean of New York University has served for seven years and his predecessor for eight years. The dean of St. John's began serving in January of this year and his predecessor served for eleven years. The dean of New York Law has been serving for six years. Georgetown's dean has served for six years. The dean of the University of Missouri at Columbia has served for five years and his predecessor for ten years.

Fordham has no dean as its former dean Joseph M. McLaughlin resigned the week of October 25th. He had served for ten years. Cardozo has had an acting dean for one year, and his predecessor served for five years.

Of the seven schools contacted only Georgetown employed an outside search firm. The other schools have committees comprised of law school community members, university professors and administrators.

The University of Missouri Law School at Columbia allows the broadest participation. Their committee is composed of one law student, five law school faculty members, the law librarian, two alumni and one professor from the School of Education. The search process is completely open. At the start of the search now underway, a law student on the committee was assigned the task of contacting students at other law schools where the prospective deans have taught or are teaching for constructive criticism or favorable comments.



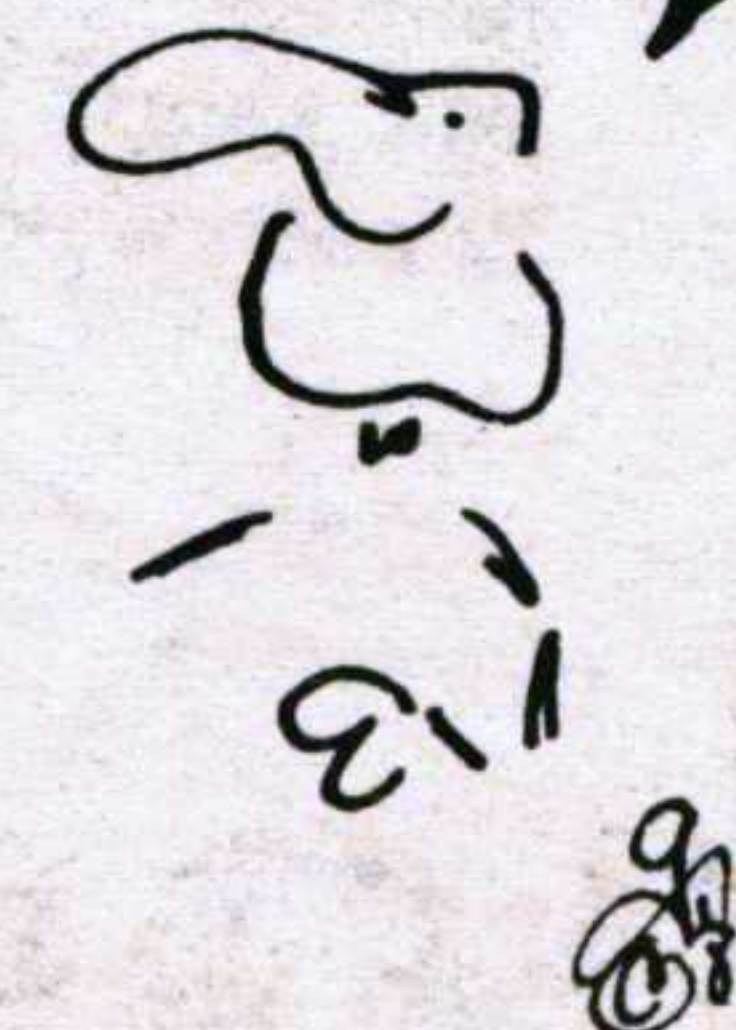
Photo by Nick Gabriele

state politicians reflecting Hofstra student and parent reaction to the cuts. President Shuart also stressed the need and importance of constituents to voice their opinions to government officials. He urged the Hofstra student body to express their dissatisfaction by writing to their state senators and local congressmen.

Is Prof. MAVEN on leave or gone permanently?



I don't know but they've rented his office to E & J's



STUDENT REP'S ROLE IN DEAN SEARCH

In an interview with *Conscience* last week, Wayne White, one of the two student representatives to the Dean Search Committee spoke about the process of selecting a new Dean.

White described the process as an informal one, in which the committee meets with candidates, usually in the University Club for what amounts to a discussion on a wide range of topics. The discussion is an open one, touching such areas as admissions policy, financial aid, and clinical education and usually lasts one to two hours.

When asked about the impression the candidates had of Hofstra Law School, White described it as good. "All have spoken favorably of the academic qualities and climate. Each person reacts to different elements."

White thought that the candidates themselves represented a broad based group with diverse backgrounds including corporate lawyers, professors and litigators and that this is attributable to the process itself. "The (confidential) process allows people that are in the position where they couldn't go out trumpeting for a job or where a highly public process would be distasteful, an opportunity to be examined." When asked what qualifications the committee was

looking for, White only said that, "In the evaluation I will try to weigh the things that concern students and the things that concern me as a potential attorney."

White expressed a concern for minority representation in the pool of candidates saying, "I can say that in seeing the candidates and hearing them speak I try to evaluate them in terms of some of the criteria given to me by John Story of BALSA."

White was reluctant to discuss how the committee itself works. When asked about his own role in the formation of the committee reports White responded, "I can't get into that because it involves the internal operations of the committee."

But what will be the effect of the committee's reports and how will it be received by the University?

"We wouldn't exist if we weren't intended to be included in the final decision. At this point, we are evaluating candidates. We will make a decision eventually as to what we want to do or what we would like to see done, and what we think is appropriate under the circumstances," White said.

But would the committee's choice become the next Dean of Hofstra Law School? Wayne White could only answer, "Yes and no, I can't get into that."

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NEW LOAN AVAILABLE

As a response to increased tuition rates, New York State began offering a student loan to graduate students who need to supplement their Guaranteed Loans. Up to \$3,000 may be borrowed on the Auxiliary Loans to Assist Students (ALAS Loan). The interest rate is 14 percent and repayment begins 60 days after disbursement of the loan check. There is no minimum income requirement.

ALAS is an expanded version of The Parent Loan, previously available to parents of undergraduate students.

ERRATUM

Conscience apologizes for switching the new librarians' photographs in our last issue. Despite our blunder we would like to welcome them to Hofstra.

CONCERNED LAW STUDENT HANDS SHUART LETTER

Second-year student Fran Langstaff presented Hofstra University President James Shuart with the following letter when he visited the Law School on Wednesday, October 14, 1981. Her motivation for writing the letter, which calls attention to many of the deficiencies at the Law School, is that "hope springs eternal" within her and that her action will help improve the Law School, even if in a very small way.

Fran will consider her letter a success even if its only effect is to "get lightbulbs in stairwells replaced and some of the dirt shoveled out."

She has also found the parking situation at Hofstra "horrendous," and was offended at the manner with which administration officials dismissed student complaints. As one of the students who has attended parking meetings, Fran feels that the people involved were "only trying to placate us. It was so obvious I would have found it hilarious if it had not involved us."

Fran had never met President Shuart before the Oct. 12 meeting, so she was curious to see if he would be responsive to the needs of the Law School when confronted with them on a face-to-face level. Her assessment: "I think Shuart would probably be a pleasant person to have over for dinner Friday night (as long as he left before Dallas), but I know now I have met the 'Head Placator.' However, as someone pointed out to me: Isn't that what an administrator is supposed to do?"

October 14, 1981

AN OPEN LETTER TO PRESIDENT JAMES SHUART:

I am troubled, concerned and, quite frankly, curious as to the reasons behind the Administration's policy to maintain Hofstra Law School as a second-class citizen of the Hofstra University system and as a below-potential law school. I

refuse to believe that the Administration is so shortsighted they cannot envision the benefits that would redound to the entire University system if they would permit the Law School to recognize its full potential—that of being a first-class law school.

I accept the fact that the University must compete for undergraduate students among the many colleges and universities in the local area and that by being the only law school in the Long Island suburban area it probably will always be able to fill its law classes. I readily admit that a large majority of the students at Hofstra Law are here because of the convenience of location factor. However, a positive administrative policy toward the Law School can only result in a better reputation for the University as a whole, thus enabling it to attract more academically qualified undergraduate students in greater numbers, as well as upgrading the standing of the Law School.

Hofstra Law School has today, and has had in the past a substantial number of very fine professors dedicated to the law, to the teaching of the law and to a true legal education for their students. They measure up to the professors in the finest and most highly regarded law schools in the country. Yet throughout the history of Hofstra Law, the Administration has been unresponsive to the law school faculty. Perhaps they, like the students, are here because of convenience of location.

Why must the Law School continue with inadequate facilities where there is insufficient space for programs that are important to any law school but particularly to one that is young and struggling to establish itself? Where students roast in the winter and freeze in fall and spring—or worse, roast in one classroom and freeze in the next—or even more ridiculous, roast for the first half of

a class and freeze the second half? Where cleanliness and an adequate supply of tissues and towels in the bathrooms is an exception rather than the rule? Where parking facilities are so scarce that students who participate in law school programs away from the campus, or who are required to work at part-time jobs to support their law school career must miss classes, or parts thereof while they search for a parking space?

Why have four deans felt compelled to resign? Who will lead us?

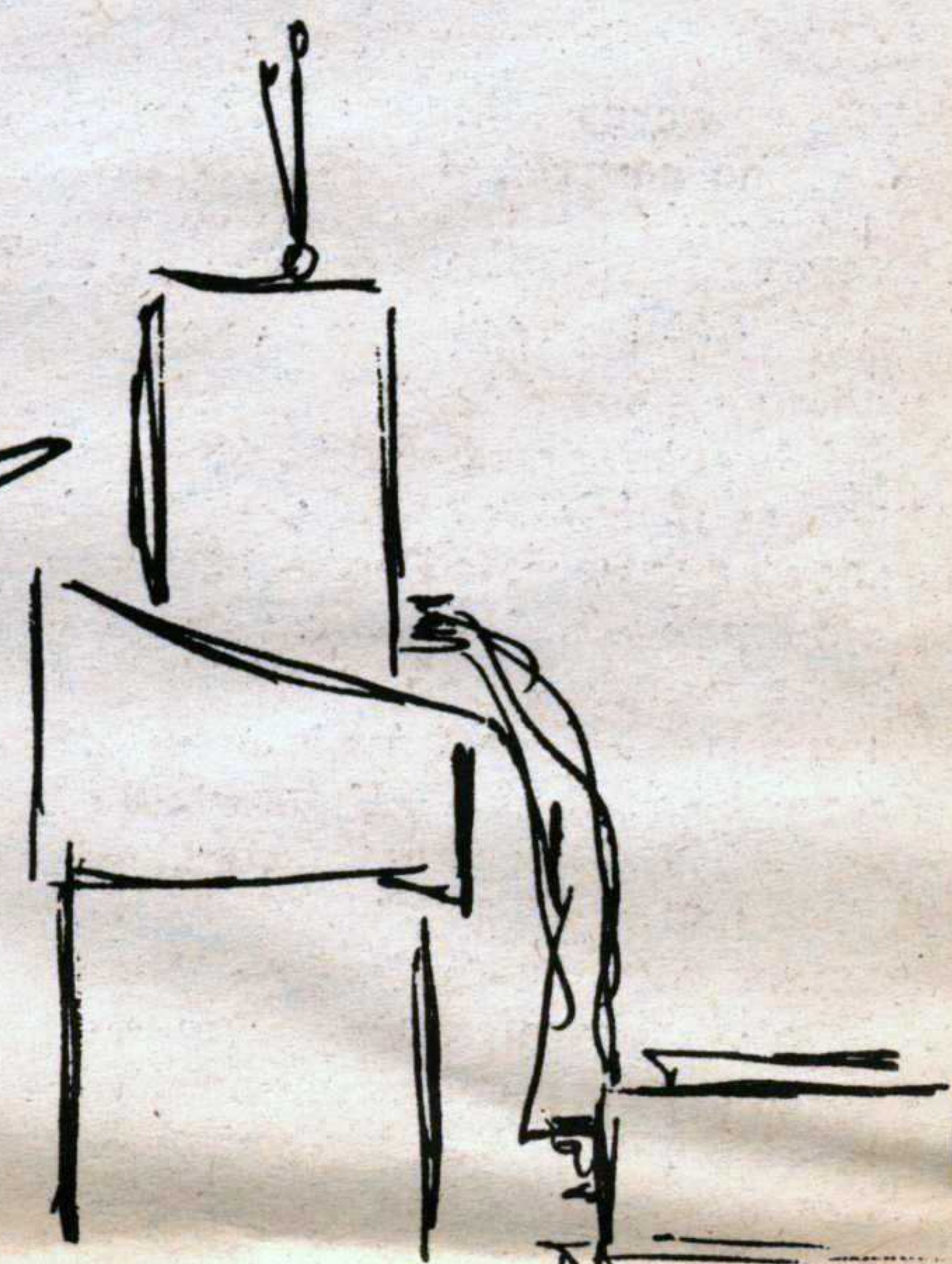
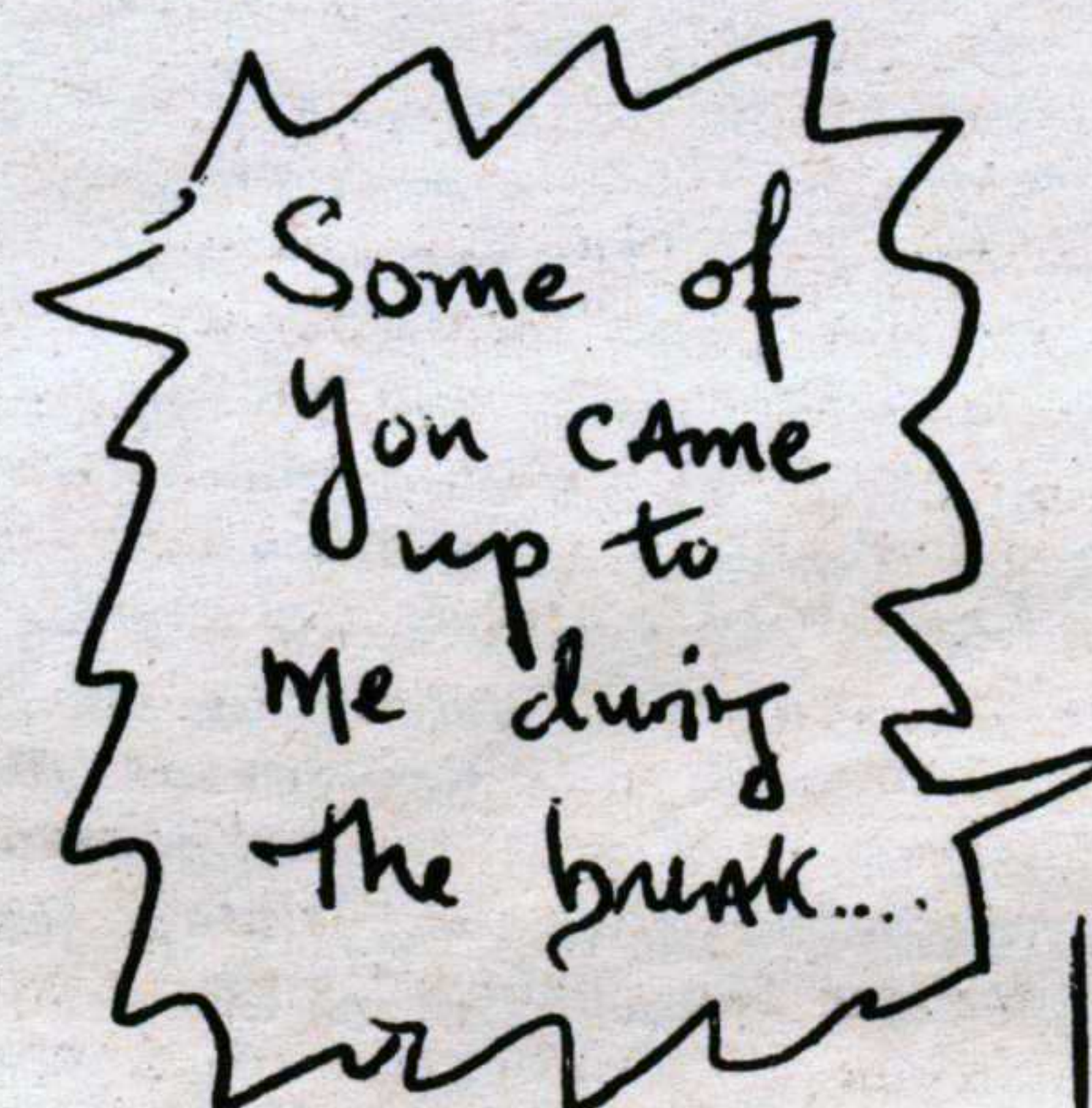
Hofstra Law School is at a critical point: While it is still young enough to make changes and be forgiven a few

missteps, it has been around long enough that the legal and academic communities look for some positive signs of a stable, well-defined policy with evidence of continual forward movement.

Naturally, the students want Hofstra Law School to reach its full potential and become a nationally recognized first-rate law school. Good, bad or indifferent, it is and forever will be "our" law school. President Shuart, is there any reason why the Hofstra University Administration should not want the same thing?

Sincerely,
Fran Langstaff
Class of '83

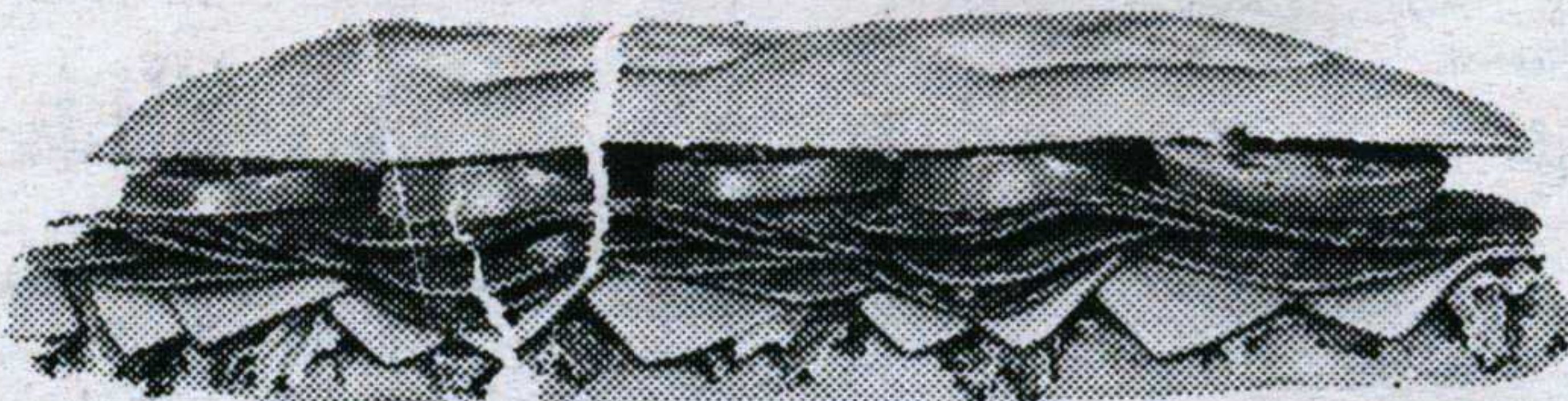
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THE STACHE

Baseball's "Major League Intent"

The eyes of the sportsworld were focused upon the baseball playoffs and World Series during the month of October. Much of the sentiment and, dare I say money, at our own revered Law School was for the Yankees. It was easy to tell how the Bronx Bombers had fared the evening before; smiles and high-fives for a win, frowns and "no comments" for a loss.

As the Yanks took it on the chin from the Los Angeles Dodgers, the Stache was bombarded with "What do you think?" and "What happened?" Even my editors were inquisitive. Nice of them to finally speak to me!

Two little words answer all their queries: "Who cares?" Not the Stache. The series action for him could not be counted in games won and lost or balls and strikes. Even principal Yankee owner George Steinbrenner's, a.k.a. Patton in Pinstripes, tirades at his ball club weren't on the ledger of noteworthy items. The Stache knows that Georgie Porgie will just go out and improve his (emphasis on his) team during the off-season.

So, where, you ask, was the interest of the Stache directed during baseball's third season? At the legal issues, of course. You had to ask?

Let's start with death threats. Nice topic. Also a federal felony. Yankee catcher Rick Cerone received one prior to the series. \$24,000,000 Yankee outfielder Dave Winfield was also the victim of a threat. It was short and succinct: "Play in

the sixth game and you're dead on the field." Some would say typical fare for New York City. Others commented that the Yanks may have been better off had the threats come to fruition. Passionate, understanding people.

But wait. Could Dodger pitching sensation Fernando Valenzuela's absence from the team's victory parade in LA be attributable to another death threat? If you answered yes, you're not just whistling Tiajuana Taxi. Shame on all you Los Angelinos for calling New York a city of animals. Ever heard of the pot calling the kettle black?

Speaking of mellow LA, not everything is as laid back and rosy as the natives claim. On the day that the Yanks checked into their LA hotel, a woman was found strangled in one of the rooms—not one held for the Yankees, although this could have been a harbinger of things to come for the New York team. In my book (LaFave & Scott), that sounds like murder. So does the shooting death of a Dodger fan outside Dodger Stadium in fashionable Chavez Ravine. Both matters are still unsolved at this time and hushed up in the LA papers and wire services. Funny how New York City doesn't seem quite so bad in comparison.

Next up, Steinbrenner's impromptu fisticuffs with two inebriated Dodger fanatics . . . in the hotel's (see above for strangulation) elevator, no less. The facts . . . Steinbrenner in the descending elevator as it stops to pick up the two

young (compared to George) fans, who belch, "Steinbrenner, huh?" Nice speech patterns out in California. George answered yes and the fans began a verbal assault upon George, New York, and the Yankees. Steinbrenner, never one to take such things lightly, told them where they could go and how to go about it—atta boy, George. One of the fans hit George on the head with a beer bottle, whereupon the Yankee owner decked one, allegedly knocking out a few teeth. The other combatant caught George on the kisser but the battling boss put the youngster down for the count. George calmly surveyed the carnage, stepped off the elevator, cleaned himself up and called security. The "punks" were not apprehended and George was left with a bloody lip and damaged knuckles. But George also had a smile of satisfaction, not to mention a 2-0 ring record topped only in the field by Battlin' Billy Martin.

The tally: Assault? Assault with a deadly weapon? Attempt to do bodily harm? You decide. Criminal law is too far in the past for the Stache to classify the cause of action.

The final legal issue to be covered here isn't conducive to a light approach but, fortunately, isn't as serious as it could have been. In the fifth game of the series, Yankee flamethrower hurled one of his 98 MPH fastballs in the general vicinity of home plate. The pitch wound up cracking into the helmet of the Dodger batter, Ron Cey, just above the temple. Cey went

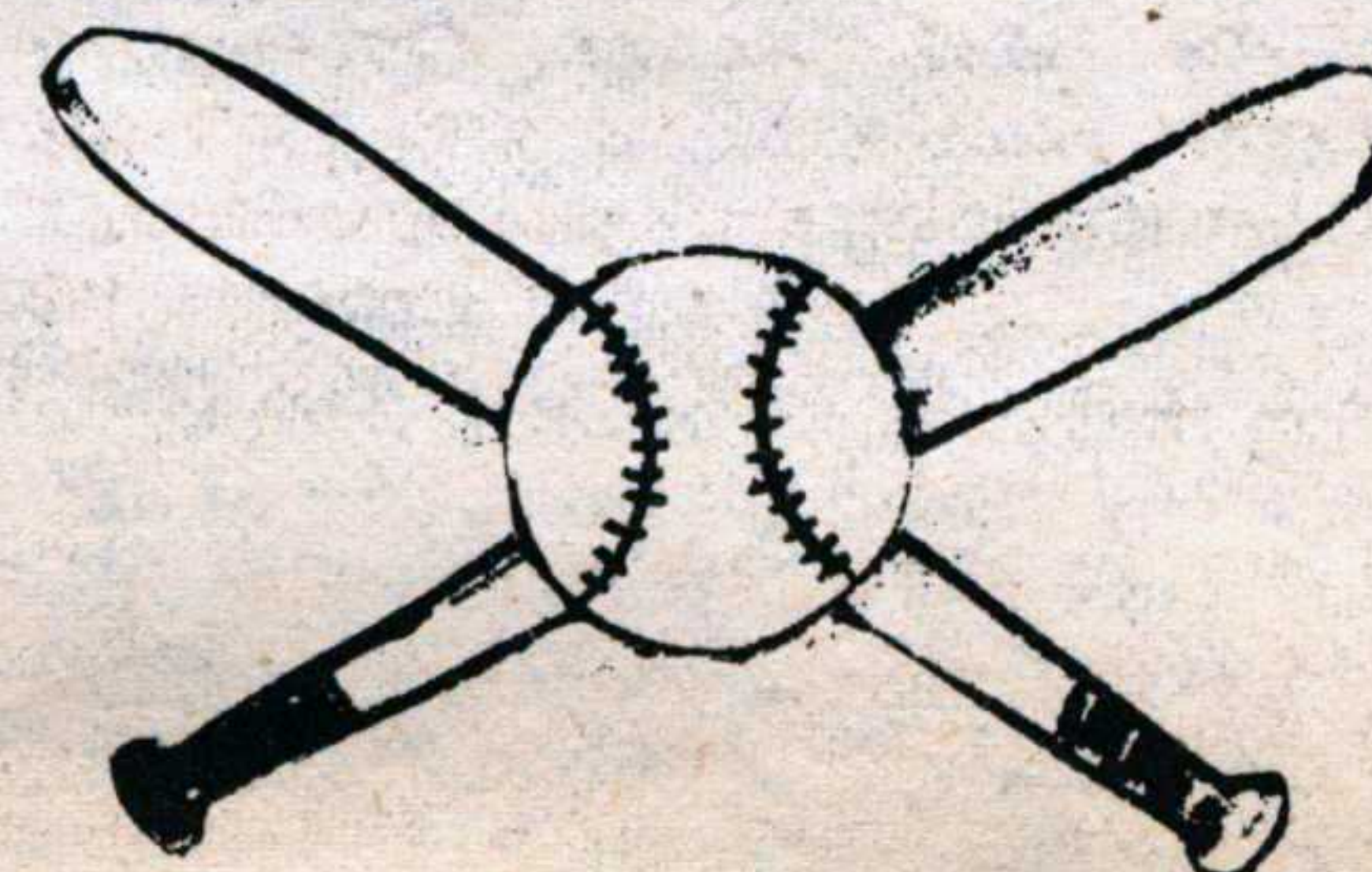


down in a heap and had to leave the game. Hospital tests proved negative although Cey felt weak and woozy for a few days. Cey was back in the line-up for the final game.

Had Cey been minus a helmet, he probably would have been minus his life. The one major league fatality? Ray Chapman, who died after being hit in the head by a pitch from Carl Mays in the 1920s.

Steinbrenner himself had threatened legal action when (former?) Yankee slugger Reggie Jackson was beamed by a pitch earlier in the season. The problem with legal action is a question of intent.

How can you prove intent? The Stache refers you once again to LaFave & Scott.



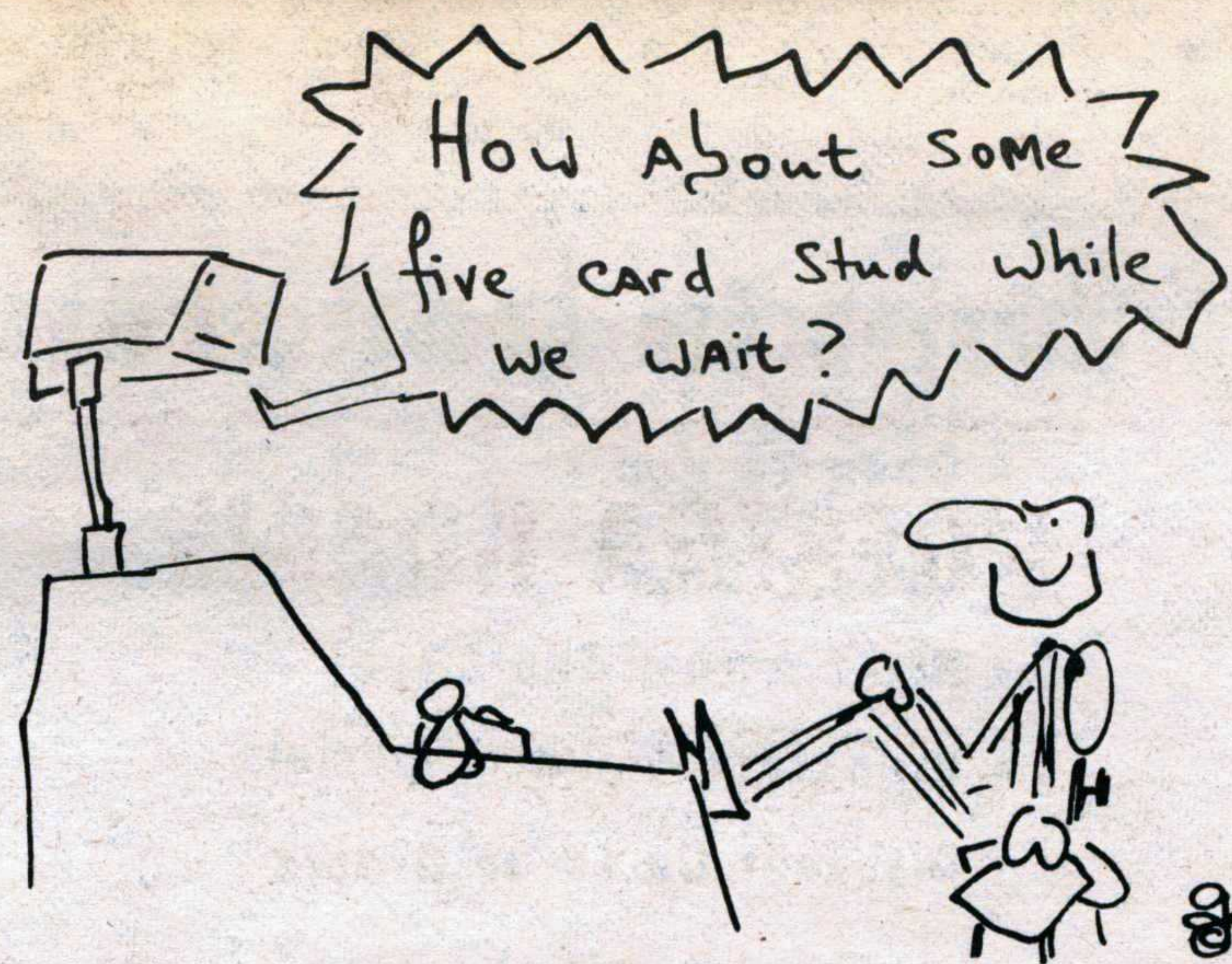
NYC Marathon Report

CONSCIENCE would like to extend its congratulations to Professor Leon Friedman, second year student Stuart Gittler and Bob Seigel, and first year student Robert Briglio for successfully completing the New York City Marathon on October 25, 1981. Approximately 14,000 runners started the 26.2 mile race.

Professor Friedman finished 7,077th, with a time of 3:44:59—one second below his goal of 3:45:00, and 12 minutes faster than he ran last year's marathon. This was his fourth NYC Marathon, and his sixth run overall.

Bob Seigel came in 601st, finishing the course in 2:45:15. Stu Gittler finished the race in 3:49:26, and placed 7,734th. Robert Briglio completed the marathon in 359th place with a time of 2:37:20.

Good job, you guys!!!



OXFAM DRIVE AT HOFSTRA

PRESS RELEASE

A group of about eight Hofstra Law students have organized an effort to aid refugees from the stricken Ogaden region of eastern Ethiopia. The group plans to hold a fund raising drive during the week of November 16, in conjunction with student groups on campuses throughout the country. At many universities, students will fast for all or part of November 19, donating the money they save to the cause. At Hofstra, a table will be set up in the lounge to collect donations from anyone wishing to contribute. The money collected will be sent to the area via Oxfam America. Oxfam plans to match the dollars raised with grants generated from various foundations.

The Hofstra group is working in conjunction with the University Chaplain's

office.

Ethiopia is engaged in a war with Somalia. Every day over 1350 people flee Ethiopia and crowd into Somalia, where one out of every four people is already a refugee.

The group notes that this is only one region of the world where millions now suffer from hunger. Cambodia, El Salvador and India are all areas of intense suffering. More people die from malnutrition than all of the people who died in the Holocaust.

Those interested in receiving additional information about Oxfam or participating in the law school fund raising effort should contact any law student wearing an "Oxfam America" button or call Terry Markin at (516) 485-5790.

HOFSTRA LAW SCHOOL CAMPAIGN AGAINST WORLD HUNGER

Support the Oxfam fundraiser during week of November 16.

For more information, contact any of the students wearing an Oxfam America button or call (516) 485-5790.

Legal Briefs — Legal Briefs

by Howard Blechner

SEARCH AND SEIZURE

The United States Court of Appeals, 2d Circuit, has held that a protracted dispossession of defendant's baggage cannot qualify as a Terry-type investigative stop, and reversed the conviction of defendant for possession of cocaine (US v. Raymond 498 F. Supp 1217, NYLJ October 5, 1981).

Detectives at Miami Airport noted defendant's nervous behavior as he boarded a plane to New York. They contacted DEA agents in New York who met defendant's plane upon arrival at LaGuardia. Defendant refused to submit his baggage to a search so it was taken from him and driven by the agents to Kennedy Airport. Approximately 1 1/2 hours later the baggage was submitted to a "sniff test" by trained dogs. The dogs detected a controlled substance. A federal magistrate issued a search warrant the following day, and the baggage was opened revealing 1,125 grams of cocaine. The defendant was arrested, his motion to suppress the evidence was denied, and he pleaded guilty to possession.

The Court reasoned that seizure for investigatory purposes has consistently been held unconstitutional following *Dunaway v. New York* (442 U.S. 200). Further, warrantless government seizure of a person's effects for a substantial period of time upon reasonable suspicion but without probable cause violates the Fourth Amendment.

The Court reversed the conviction on a finding that nervous behavior, traveling from a city known to be a source of narcotics, and minor errors on a baggage tag were not sufficient to constitute probable cause necessary for a warrantless arrest. The conviction was reversed.

NEW YORK COURT APPROVES BIT MARKS

The Court of Appeals has upheld the use of bite marks for the identification of a defendant. A forensic dentist matched defendant's bite impressions with the bite marks on the victim's back and testified to the identification of the

defendant. The Court, ruling that identification through teeth marks has been generally accepted as reliable in New York, affirmed the conviction of the defendant for first degree manslaughter (*People v. Middleton*, No. 455, NYLJ, October 28, 1981).

HIGHER COMMISSIONS FOR FIDUCIARIES

The New York State Legislature has amended SCPA 2307, effective July 27, 1981, to increase the commissions of all fiduciaries other than trustees. The new commissions are approximately 1/2 percent higher than the old ones. An estate of \$1,000,000 will now earn the fiduciary commissions of \$34,000, and on an estate of \$5,000,000 the commissions would be \$134,500. (NYLJ, October 26, 1981)

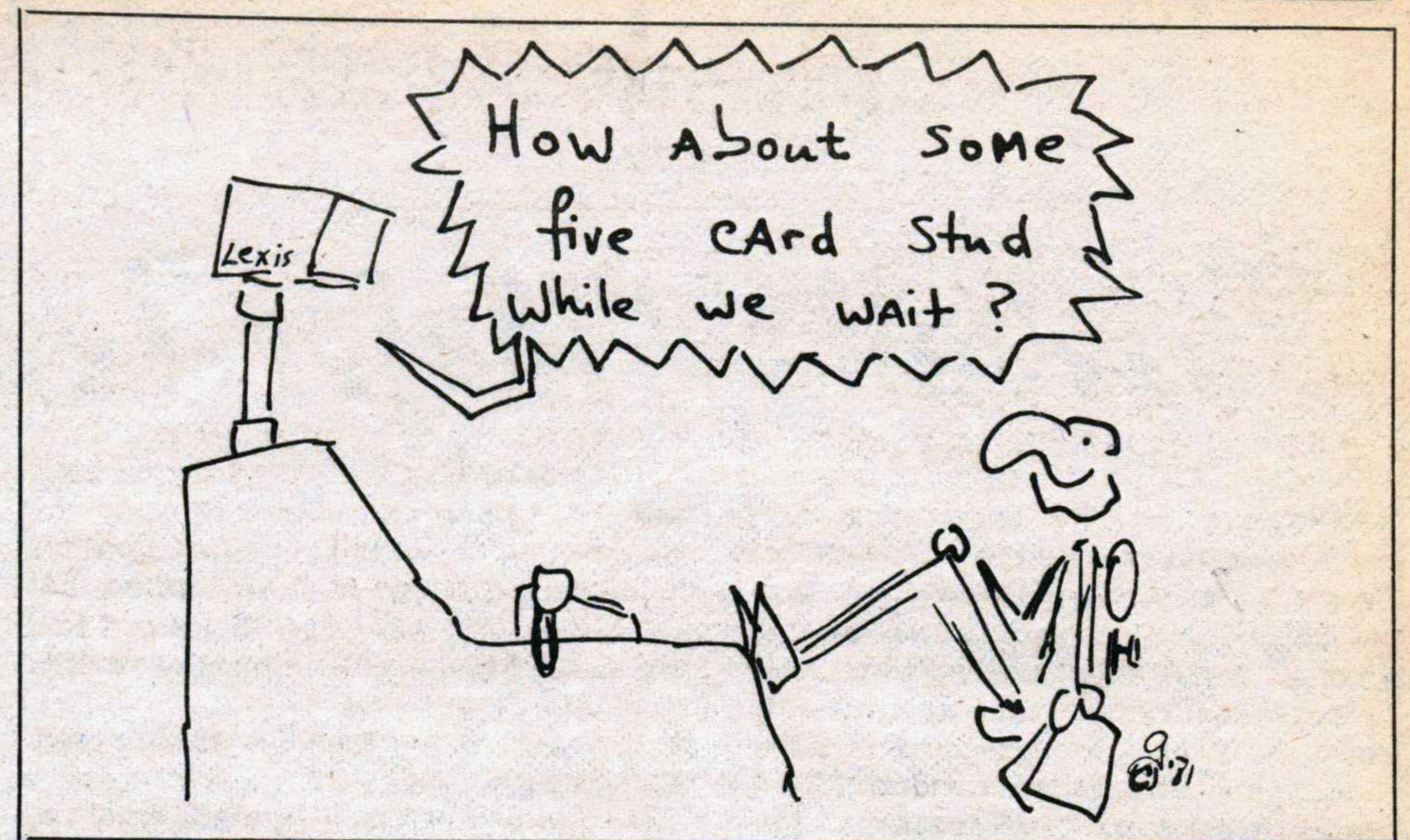
COURT OF APPEALS AFFIRMS—BODY ON TAP COMMERCIAL IS BAD BREW

The U.S. Court of Appeals, 2d Circuit, has affirmed an order of the district court enjoining the Bristol Myers Company from airing commercials claiming that Body on Tap shampoo got higher ratings in a test for strong healthy looking hair than Sassoon shampoo.

Vidal Sassoon, Inc. commenced an action against Bristol Myers, the makers of Body on Tap shampoo, claiming violation of Section 43(a) of the Lanham Trademark Act (15 USC 1125) prohibiting false and misleading advertising. The Court held that the district court did not err in granting Vidal Sassoon, Inc. a preliminary injunction against the commercials based on a finding of probability of success on the merits and possibility of irreparable harm.

The Body on Tap commercial features model Cristina Ferrare claiming that "In shampoo tests with over 900 women like me, Body on Tap got higher ratings than Prell for body. Higher than Flex for conditioning. Higher than Sassoon for strong, healthy looking hair."

The district court had found some question concerning the methodology of the testing employed by an independent



testing service for Bristol Myers and manipulation of the statistics.

Sassoon still seeks damages and a permanent injunction forbidding the broadcast or publication of the advertisements.

CLEARED COURTROOM VS. DEFENDANT'S RIGHT TO A PUBLIC TRIAL

The Appellate Division, 2nd Department, ruled recently that it is within a judge's discretion to allow a cleared courtroom in the interest of protecting the complainant's dignity when hearing testimony relating to rape. The court considered several factors when deciding whether a cleared courtroom violates defendant's right to a public trial. It focused on the heinousness of the crime of rape and its effect on the victim. The five factors are (1) a balance of the defendant's interests and the public's interest, (2) the need to preserve order and decorum in the courtroom, (3) the protection of the parties and witnesses, (4) the promotion of present and future law enforcement endeavors and (5) the need to encourage full and truthful testimony.

DOMESTIC RELATIONS LAW—EQUITABLE DISTRIBUTION OF HUSBAND'S PENSION PLAN

In a case of first impression, the Nassau County Supreme Court held that a husband's pension plan benefits are part of his earnings and, therefore, subject to equitable distribution (*Martinez v. Martinez*). The court devised a mathematical formula to decide how much the wife would be entitled to. The formula is based on the number of years the couple was married and the amount of the benefits that accumulated during the marriage. The court's reasoning is that these benefits do not represent gifts, but rather an additional consideration (compensation) for services rendered to the employer.

VIDEO TAPING—COPYRIGHT LAW

The Circuit Court of Appeals for the 9th Circuit in a 3-0 opinion has ruled that the videotaping of television programs, even for private non-commercial use in the home, is an illegal infringement upon the copyright laws (Newsday 10-20-81). The Court of Appeals, in reversing the District Court for the Central District of California, ordered the trial judge to find a remedy for the two studios that were the plaintiffs in the action, Universal Studios, Inc. and Walt Disney Productions.

The Court of Appeals suggested the establishment of continuing royalty payments by recorder manufacturers to the producers of copyrighted programs as one possible remedy. This proposal could lead to difficulty in determining the distribution of royalties amongst film producers, technicians, actors and others involved in production.

The Court further held that not only are the users of the recorders liable for violations of the copyright laws, but that manufacturers, retail store owners and advertisers are liable as well because the court found that these parties "know" that the machines will ultimately be used for the reproduction of copyrighted material. This decision overrules the

district court's finding that even if home-use copying constituted infringement, manufacturers, distributors, retailers and advertisers could not be found liable under theories of direct or contributory infringement or vicarious liability. (480 F. Supp. 429 at 457 (1979).)

An appeal of this decision is expected.

Special thanks to David Bodek and Jeanne Savran for contributions to Legal Briefs.



To: Hofstra Law Faculty
From: Editors, Conscience
Re: FACULTY INPUT

In the continuing effort to expand and improve *Conscience*, the Editors would be most receptive to and interested in contributions from the faculty. Anything of interest to the law school community will be most appreciated. There are several specific areas where faculty contribution is needed:

1. The Legal Briefs column. The purpose of this column is to provide insight into current developments in diversified areas of law. It can become a vehicle for improving the awareness of the Law School community and would benefit from the diverse expertise of the faculty.

2. Letters to the Editor and individual columns. The Editors wish *Conscience* to truly represent the views and opinions of the entire Law School community. Your views on issues affecting Hofstra are needed.

3. Reply and comment on Hofstra Law Review and IPIJ articles. The Editors encourage opinion and alternative analyses. For the purposes of *Conscience*, these articles should be concise with limited citations.

Contributions should be dropped off at the *Conscience* trailer (No. 3), or left in the *Conscience* box in the library.

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Mendelsohn On Money

Reaganomics

by Stephen Mendelsohn

The most politically damaging criticism of President Reagan's economic recovery plan has not come from the Democratic party, but has emanated from one of Mr. Reagan's earliest and staunchest supporters—Wall Street. Evidence of the financial community's disenchantment is reflected in the recent drop of nearly 200 points in the Dow Jones Industrial average over the last three months. Why has Wall Street rejected the optimistic economic picture painted by the Reagan administration?

Wall Street is composed of many diverse markets which encompass the United States, Europe, Japan, and the developing world. Commodities, stocks, bonds, money and other investment instruments change hands in a complex and varied pattern. The financial combatants that Mr. Reagan must deal with are drawn largely from the upper echelons of investment banks, brokerage houses, commercial banks, and institutional investors. It is their belief that Mr. Reagan will not be able to keep his campaign promise to balance the federal budget by 1984. His failure to keep this promise, they argue, will force interest rates to remain crippling high, and will discourage any investment in new plant and equipment that the tax cut was designed to foster.

The investment community is demanding larger and more sustained

cuts in domestic and defense spending than the White House has proposed. They fear that unless further and more painful cuts are enacted into law, the recently enacted tax cuts will produce budget deficits of approximately \$45 billion in fiscal year 1982, and between \$70 and \$80 billion in 1983 and 1984. The inflationary and credit squeezing effects of these budget gaps is extremely frightening to Wall Street.

The solutions proposed by Wall Street do not call for the rejection of the President's economic program; they suggest that the administration undertake measures which propose a further dismantling of government transfer programs. Fresh from their victories in Congress this summer, the Street is demanding an even smaller role for government in social spending.

Mr. Reagan has argued throughout the market's decline that he has given the financial community everything that he originally promised them. Wall Street did strongly support the tax cut measures which have taken effect on October 1. During Congress' debate over the tax cuts this summer, Wall Street was silent over the prospect of enormous budget deficits.

The third protagonist quarreling over the President's economic program is the Federal Reserve Bank. The Fed, under the stern leadership of Chairman Paul Volker, has remained highly skeptical of

the White House's tax cut. The Fed's tight money policy has helped to force interest rates up to unprecedented levels. The effect of this move is to dampen the potential inflationary effect of federal budget deficits. Critics, both inside and outside of the government, have argued that the Fed is deliberately forcing both our economy and the European economy into a recession. Many analysts believe that high interest rates will continue for at least the next two quarters. The damage that these unprecedented rates may have on the long-term market may be impossible to reverse.

The economy, however, has yet to clearly choose sides. The talk of a recession for the fourth quarter of this year may seem to be overly pessimistic. The government's index of leading economic indicators shows an economy slowly contracting. Certain sectors such as savings and loans, automobiles, housing, and heavy industry have been hard hit. Savings and loans, however, may rebound from the creation of the all savers certificate. A recession in Europe, brought about by expensive dollar and record interest rates, will adversely affect U.S. exports and worsen our balance of payments deficit. Unemployment has remained high and the outlook for the next two years shows increases up to approximately 8.2 percent. Inflation has slowed to a somewhat manageable figure of 10 percent, but the expectation that inflation will increase is attributable to Wall Street's fear of massive budget deficits. It is the expectation of increased inflation that has Mr. Reagan angry.

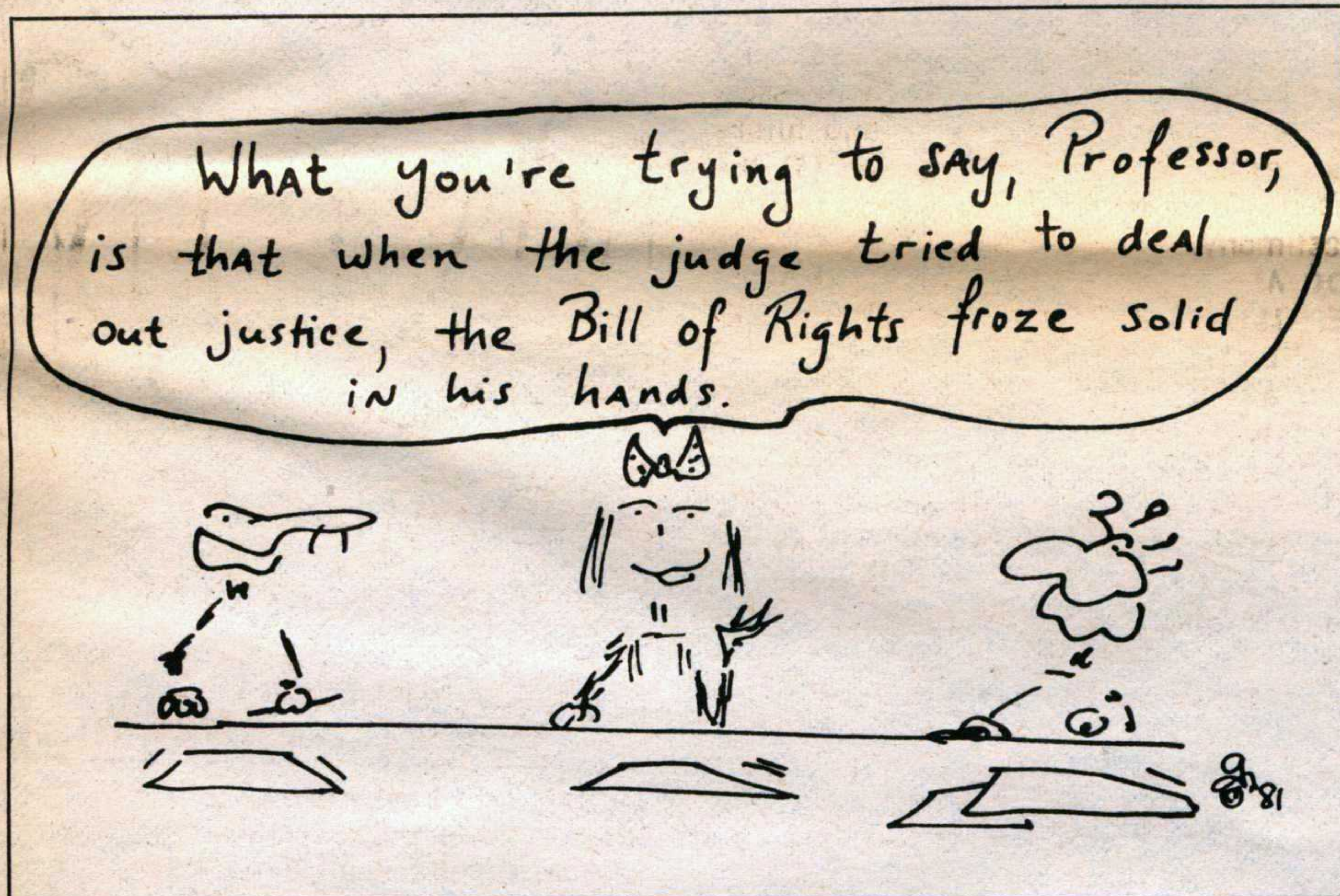


Photo by Laurie March

Stephen Mendelsohn

The next six months will bring the critical test to Mr. Reagan's budget trimming and tax cut program. Congressional approval of further spending cuts both in domestic and defense spending will appease Wall Street. Reductions in the prime rate through increases in the money supply will bring a return to a bull market. Questions remain concerning whether these cuts are both efficient and equitable. The recent solidarity day rally in Washington, D.C. of over 250,000 members of the labor movement demonstrates that Mr. Reagan must listen to other segments of the economy. Many sectors of our economy demand to be heard, and the voices that President Reagan chooses to hear will determine the direction of our nation throughout the 1980s.

Steve Mendelsohn was an economics major at Colgate University and studied for one year at the London School of Economics.



Minority Dean Candidate Proposed

by Deb Ezbitski

During President Shuart's address to the Law School on October 14th, BALSA Vice-President Margaret Johnson asked him if either Bentley & Evans' or the Board of Trustees' Search Committee had sought out or interviewed any minority leaders for the position of Law School Dean. The President responded that he wasn't sure of the specific scope of Bentley & Evans' or the Committee's search and therefore could not answer Ms. Johnson's question. Ms. Johnson suggested that Eleanor Holmes Norton, the former head of the EEOC, be contacted about applying for the position. According to Ms. Johnson, Ms. Norton is currently under consideration for a faculty position at several law schools, including Georgetown. President Shuart responded that he didn't know if Ms. Norton would be interested in the position of dean but that the Committee would

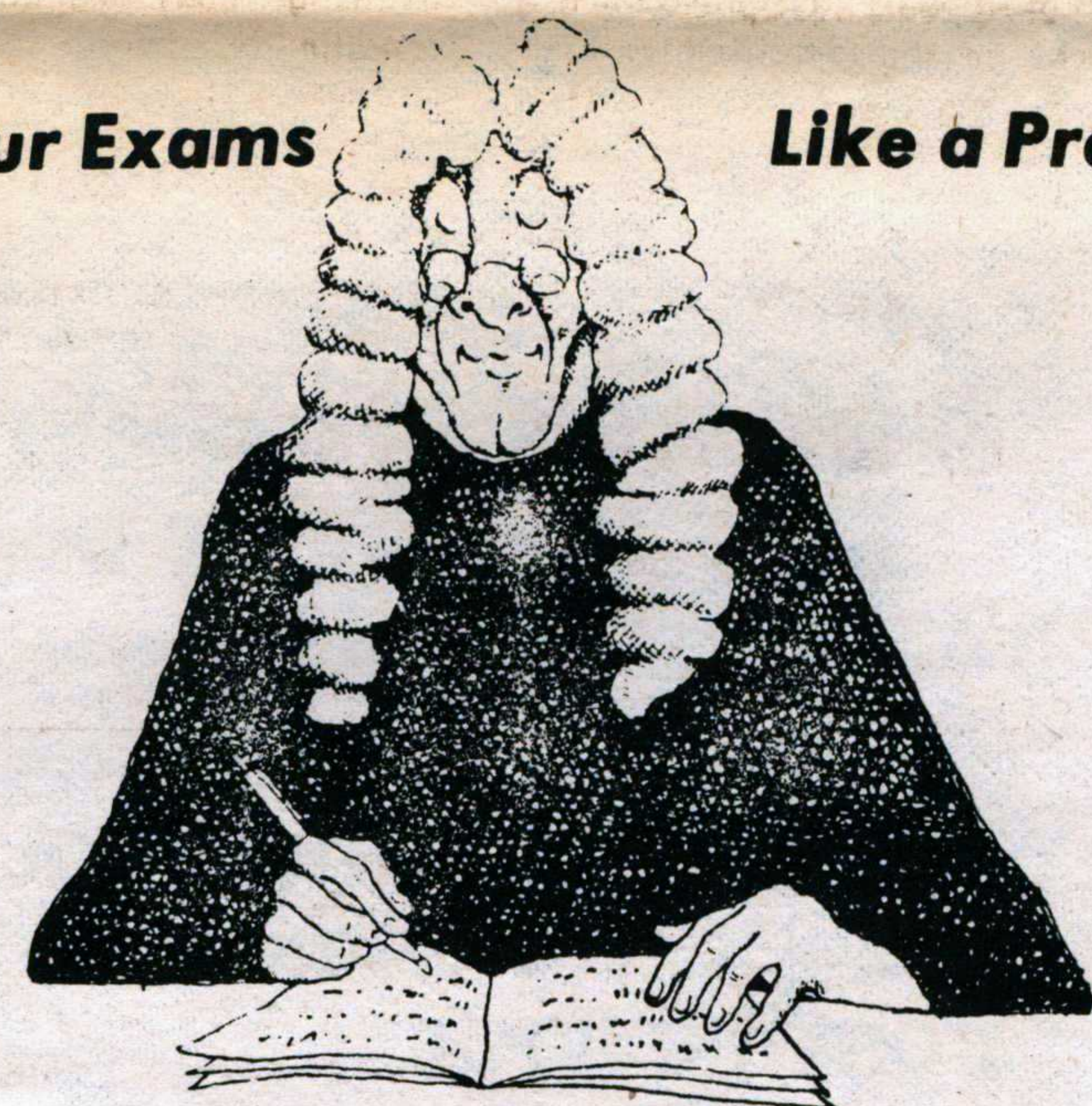
accept suggestions on candidates from the law school community. After the meeting Ms. Johnson gave President Shuart a number of names and asked him to forward them to the appropriate parties. In addition to Ms. Norton's name, the following names were submitted:

Vernon Jordan, Former Director of the Urban League; Maynard Jackson, Former Mayor of Atlanta; Wilbert LeMelle, Former United States Ambassador to Kenya; Weldon Rougear, Former Head of the Office of Federal Contract Compliance.

Two weeks after Shuart's visit, Ms. Johnson called his office several times to inquire about the Dean Search progress, but was unable to speak with Shuart directly. As assistant to the President told her that the names were given to Bentley & Evans, and the President has not heard from them concerning the recommended individuals.

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(Continued from page 1)

\$1850, \$1500 more than last year's allocation. They based their request largely on speakers' fees, including John Matthews, Democratic candidate for Nassau County Executive, and others whose names couldn't be divulged before getting their commitments. Also planned was an Election Day Party for voter registration. They currently assess \$5 in dues per semester.

PAD, Phi Alpha Delta, asked for an increase of \$1360 over last year's apportionment. With approximately 40 members, their largest expenditure would be social. PAD sponsored last year's Spring Fest. They want to repeat the Spring Fest this year along with an Ice Cream Party, in coordination with the Big Brother-Big Sister program, and a final party for graduating law students.

The Trial Advocacy Club pleaded for a total of \$1950 toward their Barrister Competitions. The club's request for an additional \$2000, to be set aside for participation in the national competition should a Hofstra student qualify, was denied although SGA pledged support in seeking funds from the administration.

The two publications, **Pocket Part** and **Conscience**, received the same amounts allotted last year. Yearbook editor, Robert Fischl, requested \$8000 for this year's **Pocket Part**. He cited last year's sale price of \$5 as "double dipping," since the students pay for the book itself. SGA's response was that \$5 was "a steal" for a yearbook.

Conscience sought a \$3000 increase, citing an increase in their fixed costs. They maintained that the newspaper serves as a forum for Hofstra and benefits the general school population.

BALSA, whose membership of 50 makes it the second largest club, estimated their needs to be \$6500, more than double last year's allocation. Their allotment this year was originally \$650, but after an

appeal was granted, an additional \$350 was given them. Johnnie Story, BALSA's president, said that BALSA is the "most productive investment that SGA funds besides **Conscience**." He also noted that BALSA represents Hofstra in national, regional and local activities, thereby promoting contacts and enhancing Hofstra's reputation.

Michael Glassman, SGA president, asked **Conscience** to voluntarily give back \$500 for BALSA. Bruce Jurist, managing editor, defended the newspaper's allocation, illustrating that through a rise in inflation **Conscience** actually has less money than last year. Ray Smolenski, business manager of the newspaper, said a Halloween issue was already dropped and that **Guilty Conscience** might be eliminated as well. He added that clubs advertise for free, but a cut in funding might necessitate charging clubs for their space. Glassman moved to donate \$200 of their (SGA) allocation and an additional \$150 from the reserve fund, to BALSA. The motion was passed after discussion, increasing BALSA's allocation to \$1000.

The Republican Club failed to submit a request prior to the hearings but was allowed to appear. They asked for an increase of \$300, which included a controversial item, the purchase of a felt banner. They also asked for \$200 to pay for speakers' expenses. They are trying to negotiate for Senator D'Amato and Mayor Koch.

The Women's Center requested \$300 but did not send a representative to the hearings. They were allocated \$250 for this year.

From past reports, many criticisms were offered on SGA's lack of effectiveness in coordinating the allocation of the budget. This year, the procedures followed proved quite successful and proceeded in a very orderly fashion.

Rebolini Responds

To the Editor:

University Apartments has recently been a topic of discussion among the law student population. I would like to have the opportunity to add to this discussion, clarify the role of the Residence Director at University Apartments, and invite constructive criticism.

As U.A. resident law students are aware, the University Apartments is a leased facility. The physical maintenance of the building is under the direction of RANA Management. The leasing arrangement between RANA and Hofstra University is under the auspices of Hofstra's Director of Auxiliary Enterprises and Services.

The role of the Residence Director is in the area of staff and student development and administration. Included within this concept are staff selection and evaluation, programming, skill teaching, counseling, discipline, student governance, and general administration. The Residence Director at U.A. has a Residential Life staff of one Assistant Director and six

Resident Assistants.

In the physical operation of the building, the Residence Director acts as a liaison with the Facilities Office. For the U.A., Hofstra's Director of Auxiliary Enterprises and Services is the Facilities Office. The responsibilities of the Residence Director cover a broad spectrum which directly relate to the resident population; however, the responsibilities do not extend to actual maintenance of the building. With this in perspective, as U.A. Residence Director, suggestions and comments are always welcome, and as a staff, we are available for consultation, counseling and advice. As a fellow law student, I welcome constructive criticism.

Thank you for your time and consideration.

Sincerely,

Bill Rebolini

Residence Director

University Apartments

P.S. I am enclosing a copy of Hofstra University's Residence Director Job Description for your file.

Hofstra Resident Director Supervises Housing for 2500

(EDITOR'S NOTE: Bill Rebolini submitted the following job description for Hofstra University Residential Life Resident Director as his response to an article in last month's **CONSCIENCE**. That article was critical of him and his position as Resident Director.)

RESIDENCE DIRECTOR JOB DESCRIPTION

Hofstra University's Residential Life program offers a variety of housing options for its 2500 resident students. Each unit is under the direction of a Residence Director who is assisted by twelve Resident Assistants, a number of student workers, and adjunct building staff.

The major foci of the Residence Director positions are in the areas of staff and student development and administration. Included within this concept are staff selection and evaluation, programming, skill teaching, counseling, discipline, student self-governance, and general administration.

GENERAL QUALIFICATIONS

The Resident Director reports to the Director of Residential Life. Positions are open to students enrolled in graduate studies at Hofstra. Preferred qualifications include:

- Prior residence hall work experience as a resident assistant, floor counselor, unit director, etc.
- Leadership positions in the University environment.
- Experiences which indicate understanding of, and interest in, University students.
- Prior involvement in University activities.
- Demonstrated ability to program, counsel, and advise.
- Training in human relations or similar experience.

RESPONSIBILITIES

1) Administers and supervises the total administrative, developmental and programming operations of a residence unit housing approximately 300 students. The Residence Director is accountable for all student personnel, programming, staff development, program budgeting and general administration.

2) Establishes the goals and objectives for the residence unit in conjunction with

the Department of Residential Life.

3) In conjunction with the Assistant Director of Residential Life, plans and implements the recruitment, selection, in-service training, and evaluation of the student development personnel.

4) Acts as first-line supervisor to Resident Assistants.

5) Develops, in conjunction with the Assistant Director of Residential Life, the structure and direction of staff and student developmental programming in the residence unit. (For example—personal adjustment - interpersonal - special skills, educational concerns, student leadership development, orientation.)

6) Supervises a 24-hour desk operation and its workers.

7) Coordinates mail delivery, vending machine operations, etc.

8) Supervises, in conjunction with the Department's room assignments officer, room assignments, and occupancy status reports.

9) Coordinates opening and closing of the residence unit for resident student populations; and, where applicable, for conference groups. **RESPONSIBILITY INCLUDES WINTER X-SESSION.**

10) Makes self readily available to students for consultation, counseling, and advice.

11) Is familiar with all University policies and procedures. Interprets, supports, and enforces all regulations, hopefully in a way that will promote responsible student action.

12) Assists in the total development of the Residential Life program through active participation in staff committees, individual projects, assignments, seminars, and special staff programs.

13) Participates in all staff orientation and training programs as they occur throughout the year.

14) Researches, evaluates, and implements aspects of the residential housing program which provide an environment conducive to study and personal development.

15) Acts as liaison with Facilities Office. Provides periodic key and furniture inventories. Administers storage area procedures for students.

16) Other duties as assigned.



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The Few. The Proud. The Marines.

On Stage: The University Apartments

by Alan Kaminsky

Apparently, there were many people in the Hofstra upper-echelon who took exception to my expose in the last issue of *Conscience*. Good. That gives me a reason to write a followup and get them even more angry.

Since the publication of the article, I have had the opportunity to communicate, either in person or through letters, with virtually everyone who is even remotely responsible for student housing. Although there were some indications of general concern on their behalf, their overall comments and their "there is nothing we can do about it" attitude is so ridiculous that it's actually funny. It's so funny, in fact, that someone should write a book about it. Or make a movie. Or better yet, write a play. Hey, that's a good idea. I think I'll present the Hofstra Administration's response to my last article on the putrid living conditions at the U.A. in the form of a play.

Let me set the scenario for you by introducing the cast of characters, and I really mean characters.

Bill Rebolini: (Yes, the same Bill Rebolini I have been accused of being too harsh on.) Bill is the resident director of the University Apartments.

Carolyn Smith: Director, Hofstra Housing. (She directs it, but she doesn't live in it.)

Marc Kaplan: Assistant Director of Hofstra Housing.

Virgo Jelionis: Coordinator of Judicial Affairs.

Art Sillman: Assistant Director of University Operations (and this university sure does need a major operation).

Dean Giardini: Dean of Students, whatever that means.

Rana Management: They are kind enough to lease the lovely apartments to Hofstra who in turn shares this great acquisition with the lucky U.A. residents. (I cannot verify that R.A.N.A. stands for Tip-off Artists 'N Associates.)

Now that we know who everybody is, we are ready to begin with scene one. Action.

(Some of the lines attributed to the characters are paraphrases and not direct quotes.)

SCENE ONE: The administration responds upon learning that I refuse to carry my I.D. upon entering my own place of residence.

Virgo Jelionis: You are a severe security problem and threaten the safety of the residents. You must be dealt with severely.

Marc Kaplan: (Responding to my asking him if he honestly didn't feel it was foolish to have to show your I.D. card to people that you've known for two years): "If it was my job to check I.D.s and my wife came home with two arms full of bundles, I would make her show me her I.D. before I let her into the house."

Dean Giardini: No response.

SCENE TWO: The administration responds to my article in the last issue of *Conscience*.

Art Sillman: Your suggestions were impractical, but I am aware of the dire conditions and I would do something about them if I could. But it's all Rana's fault.

Dean Giardini: No response.

SCENE THREE: The administration responds to my demands that the conditions at U.A. be improved.

Bill Rebolini: I am not responsible for maintenance. Rana is responsible for maintenance.

Marc Kaplan: I am not responsible for maintenance. Rana is responsible for maintenance.

Art Sillman: I am not responsible for maintenance. Rana is responsible for maintenance.

Carolyn Smith: I am not responsible for maintenance. Rana is responsible for maintenance.

Rana: (Since they did not respond, I will write what I am sure they would have said): Ha Ha Ha Ho Ho Ho . . . We work on a priority system, and our top priority is not to fix anything.

Dean Giardini: No response.

SCENE FOUR: Upon my demanding a complete return of every resident's \$50 security deposit from last year.

Marc Kaplan: That is not my department, you'll have to speak with Dean Giardini.

Art Sillman: Gee, I don't know anything about that, you'll have to talk to Dean Giardini.

Dean Giardini: No response.

(Hey, will somebody please go and wake up the Dean so we can get some sort of a response out of her?)

While someone is going to try and see where the Dean is, we will now pause for a short (or maybe a long) intermission.

Meanwhile, I would like to take this opportunity to summarize my opinion, and I stress that these are my opinions only, of how the characters in this semi-

meeting, Mark impressed me as being sincerely concerned with the students' needs, but he also suffers from a widespread Hofstra disease called "not having the power to do anything about problems." He is a very nice person, and I wish him and his wife all the happiness in the world. He gets a "C".

Art Sillman: Art is apparently very keenly aware of the conditions and the problems and I really feel that if he were not also suffering from "Hofstra Syndrome" he really would do something about the problems. Art assured me that next year things will be different. He gets a "B", and he would have even gotten a "B plus," except there is no plus sign on this typewriter. Hopefully, Hofstra and the powers that be will give Art the authority to make some major changes, because he is the person who I feel can bring about improvements.

Rana Management: It would be very easy to place all of the blame for everything on Rana and the temptation is certainly to do so. However, as dismal an organization as Rana may be, I signed my lease with Hofstra and when I was recruited to come to school and live here, I

As a matter of fact, Dean, I would just love to hear your explanation of why dozens of residents were severely short-changed in the security deposits they gave to Hofstra over a year ago, that Hofstra is only now returning parts of. Of course, we don't receive interest either, but that's only fair since I am positive that Hofstra did not deposit the aggregate total of roughly \$17,000 they collected as security for a year into an interest bearing account.

Also Dean, I'm sure there are many students who would like to personally thank you for the sincere effort you have made to make our stay at lovely Hofstra as wonderful as possible. You have undoubtedly proven yourself to be the "People's Champion," and the unrelenting fighter for student rights. This is particularly evidenced by the fact that you did not even bother to take time out from your busy schedule to answer the dozens of letters that have been written to you by discontented students and residents alike.

But let me stop here because I do not want the true purpose of this article to get distorted.

The reason I wrote this is because, although nothing at all has been done to improve the conditions at U.A., at least my attitude towards most of the Hofstra housing staff has changed. I respect Bill Rebolini for the manner in which he handled my criticism, and I am satisfied that Carolyn Smith, Marc Kaplan and Art Sillman are sincerely committed to the students' needs, although they all claim to be powerless to do anything to make improvements.

But, like all good stories, this one too has a happy ending, and that is that I will be finally moving out of the U.A. I am sure the housing department is as happy to see me leave as I am to be leaving.

But not so fast, I am not moving out until January, and an awful lot of funny things can happen in two months.

In the meantime, I have another suggestion. Hopefully, the administration will not laugh this one off like they did my last ones.

My new brilliant idea is as follows:

Since Bill and Carolyn and Art and Marc and the Dean (sounds like a great title for a movie) all seem unsure of exactly who is responsible for what, how about the above five parties and representatives from Rana and representatives from the U.A. residents all get together for a serious meeting to rationally discuss the current problems and see what, if anything, can be done to improve the U.A. and subsequently Hofstra University? In fact, I volunteer to have the meeting in my apartment. I'm sure the roaches won't mind.



Hofstra University apartments.

Photo by Lauri March

fictitious play have handled their responsibilities in this housing dilemma.

Bill Rebolini: Maybe I was a little too harsh on poor Mr. Bill. After all, it's not his fault, he is only a part-time director. Bill gets a "C" for effort. There is hope for him yet.

Carolyn Smith: I really feel sorry for Carolyn because she has a very demanding and unrewarding job, but nonetheless, she must take her share of the blame for the problems we are currently experiencing. She gets a "B" because I feel that she is sincerely concerned about the students' well-being, although her power to make improvements is very limited.

Virgo Jelionis: I have never had the pleasure of meeting this mysterious person, and my only contact with her has been via several really funny letters she insists on sending me. If these strange letters she keeps sending me are any indication of the type of work she does, then we are in serious trouble. Also, her awareness of the problems confronting Hofstra leaves much to be desired. She gets a "D", but I will be open-minded and give her an opportunity to explain exactly what it is she does all day before I recommend that she be waived during the off season, or at least sent to the minors.

Marc Kaplan: During our two-hour

didn't know Rana from a hole in the wall. (At least now I've gotten to know many holes in the walls.) There is no doubt that Hofstra made one of the most miserable deals of all time when it leased 590 Fulton Ave. from Rana. As easy as it may be for Hofstra to pass all the blame onto Rana, as far as I am concerned, Rana may have been the ones to screw Hofstra, but Hofstra is the one who passed the screwing along to the residents.

Nonetheless, Rana Management (or mismanagement, if you will) gets a flat "F" and I wish them all nothing except tons of red ink for many years to come.

Dean Giardini: Dean, are you there? Oh, you are, well that's good. Dean, if you don't mind, and if you're not too tired, I would like to ask you a question. O.K.? Dean, do you remember when you said that since you never bothered to check the condition of U.A. when the residents first moved in last year, that you had no choice but to accept Rana's assessment of common area damages and to proportionately pass these damages along to all the residents? Remember when you said you deducted these damages evenly from all the residents in the building? You do? That's good. Then how do you explain that only about half the residents were charged these damages while the other half weren't? That's not very fair now, is it?

VITA

Volunteer Income Tax Assistance Program

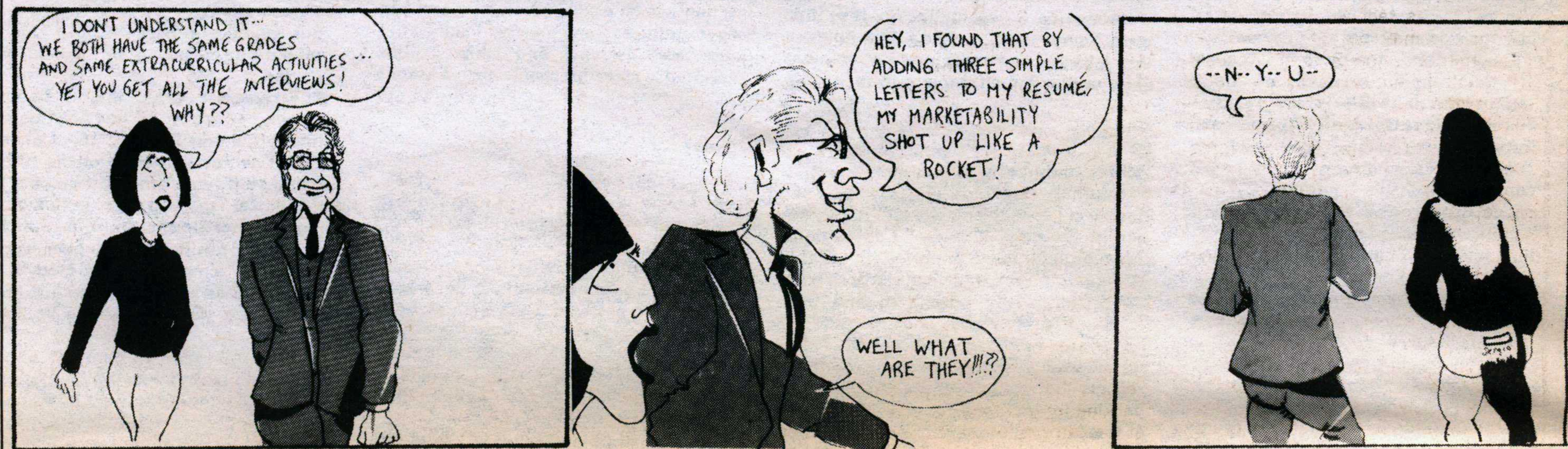
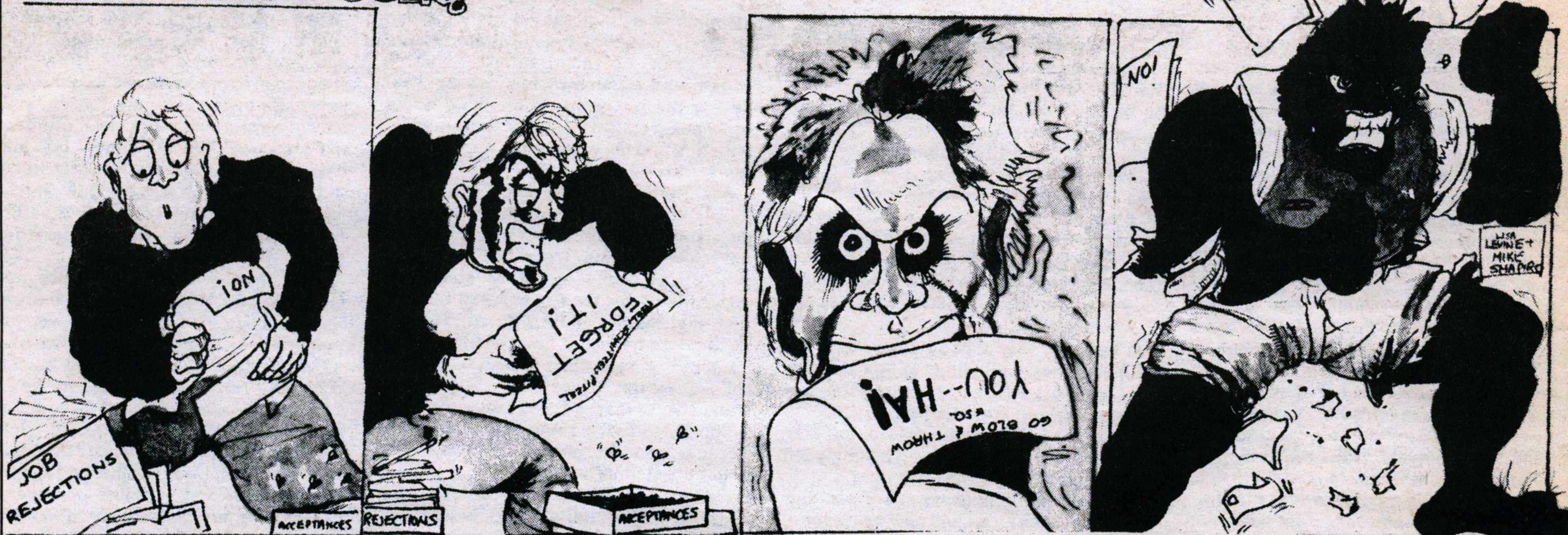
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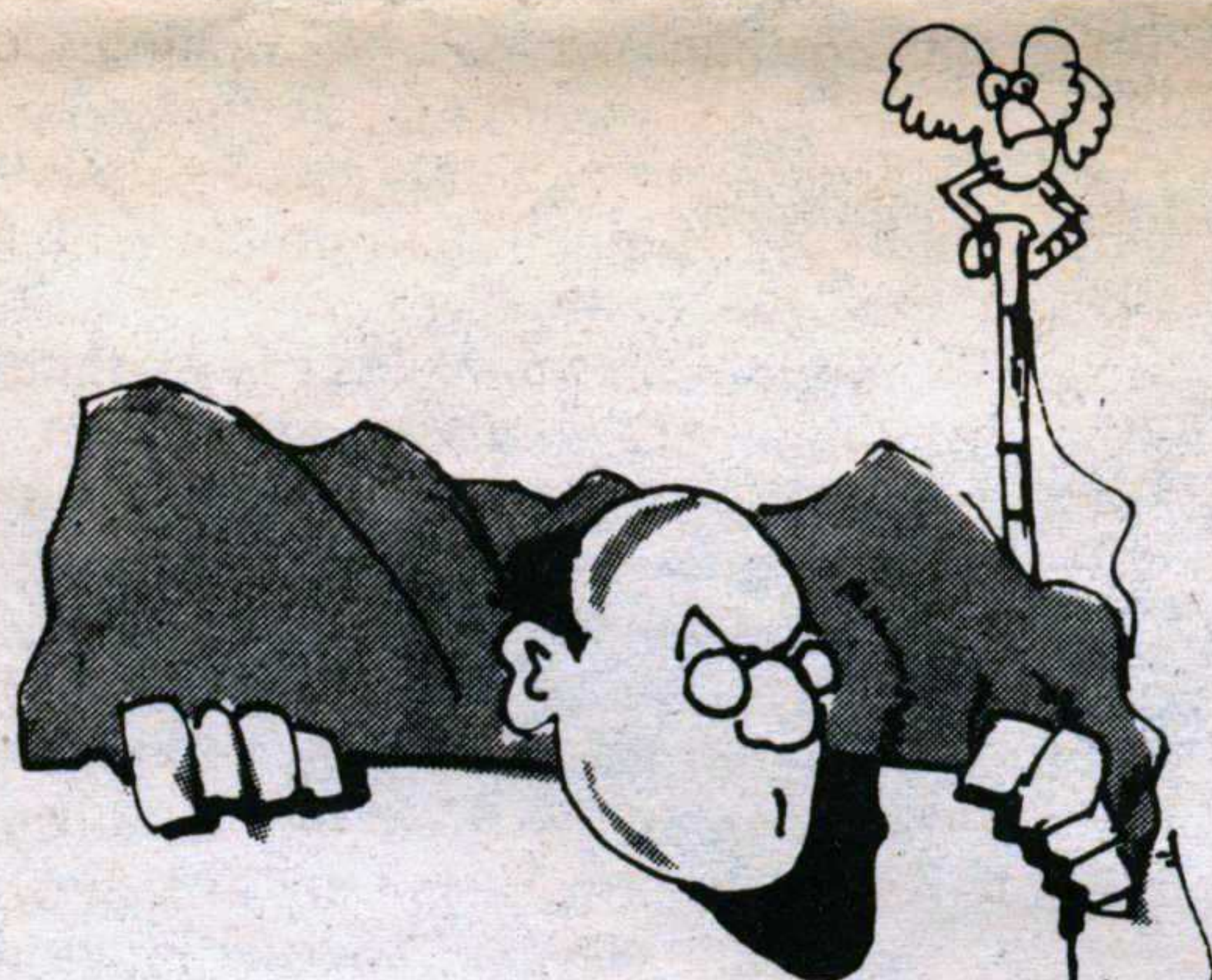
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EDITORIAL SECTION

Columns

Outside Line

Communication: Stuart Style

by Saul Morgenstern

Recently, President Stuart visited the Law School to discuss with the law students their concerns for the future of the school. From the reports of the visit, one could infer that it was not a raging success. Yet, much needs to be said regarding these questions and much listening on the part of the administration and trustees is needed.

Our law school is at a crossroads. After a period of rapid growth, both in size and stature, it has reached something of a plateau and may be sliding backward. The curriculum has been growing slowly. The physical plant is inadequate and is in serious decline. The morale in the building had reached an all-time low by the time of my graduation last spring.

With regard to the physical plant, the complaints are legion. It is unquestionably too small a facility to handle a student body of 750. Furthermore, the climate control is near to nonexistent. Temperature variations from room to room are extreme and the library is virtually always incredibly uncomfortable.

When I started at the Law School in 1978, there was a spot on the map of the University showing a site for the planned law school building. Dormitories are now being constructed on that site. While flexibility in long term planning is essential, the apparent lack of planning for the future of the Law School is a matter of concern. It is clear that the present facilities are inadequate if the library is ever to expand its holdings and if the Dean is ever going to schedule more than six classes of any size during any one hour.

The curriculum question has led to a great deal of finger pointing. The President insists that it is the faculty's problem. The faculty can point out, however, that greater offerings require more money, and, since money seems to flow from the law school to the university and not vice versa, we can expand slowly if at all.

The answer probably lies somewhere in the middle. It is, however, not enough for the president to place the blame on the faculty. He is invested with the responsibility of leadership. If the resources are there, then he must prod the Dean to prod the faculty if he believes they are the causes of the problem. I suspect he has not done so because he is unwilling to commit the resources that it would require.

Most serious of all is the morale level at the law school. Simply put, the reigning

impression at the school is that the university administration and the Board of Trustees are not concerned with the future of the law school, are unwilling to commit resources to its continued growth and advancement, are uninterested in having an honest and open dialogue with the law school community. In short, the law school community feels as if it is the Cinderella of the university family with no prince to rescue it.

The evidence in support of this impression is ample. For example, the method adopted to conduct the search for the new dean excludes the law school community from any significant input. Moreover, the method was created by the President and adopted by your Board without ever being submitted to the law school community for comment.

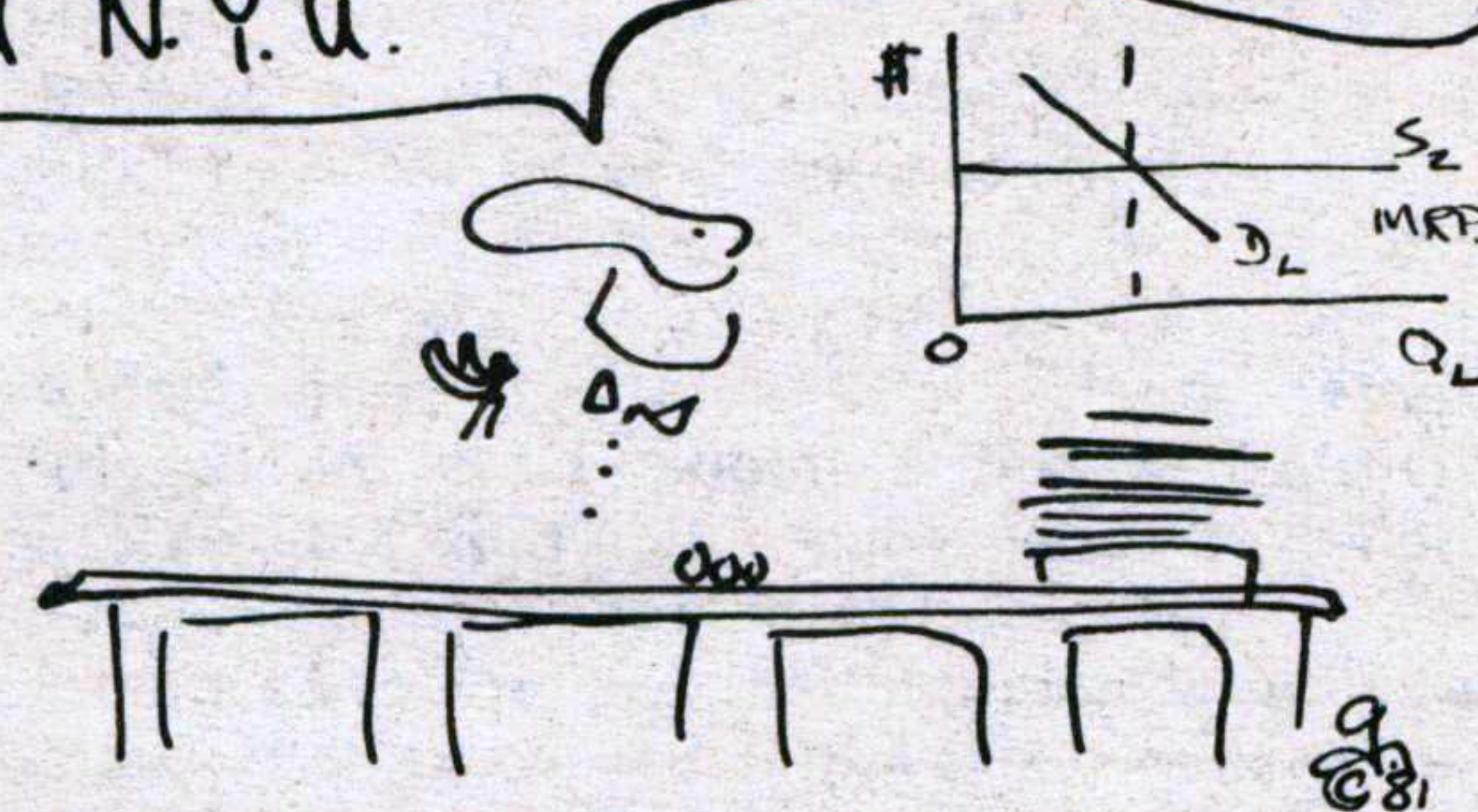
Another example is the parking problem law students face. Unless they arrive before 8:30 a.m., it is virtually impossible for them to park their cars. In spite of the fact that law students must carry very heavy books to and from school, the University has consistently refused to restrict the adjacent lots to law school use. The most recent *Conscience* reports that the university has reserved parking for law students on the north end of the campus. Since the law school is on the extreme south side of the campus and the undergraduate classes are held on the central and northern parts of it, this seems to be somewhat perverse.

More examples exist, but it is unnecessary to pore over each of them. The effect of these breakdowns in university-law school relations has been profound. Many law students feel as though they are being taken for a ride for their tuition dollars. Students who graduate unhappy with their treatment do not make for generous alumni. Since law students have the capacity for high earnings, one might conclude that by mistreating them the University is digging its own grave.

One would expect that the Trustees, an able and educated group of individuals, would be perceptive enough to recognize these problems. Further, one would hope that they would care enough to do something about it. They should see to it that the President takes concrete steps to remedy the situation. If he is not capable of doing so, he should be replaced.

Saul Morgenstern is a member of the class of 1981 and an associate with a New York law firm who would like to be able to support the law school and feel good about it.

Our firm hires until the Marginal Revenue Product of Labor or our demand for labor equals the wage rate or until we finish interviewing at Harvard and N.Y.U.



On Law Review Selection

By Arnold P. Keith, Jr.
and Johnnie Story

William T. Coleman Jr., the former Secretary of Transportation and one of the first Blacks elected to the Harvard Law Review states, "The Review is something that must be based entirely on merit, and I would have problems with any program that varies from that." Do you agree? Before you answer, consider the following:

Exactly what is a law review's purpose? Robert J. Lack, the note editor of the Harvard Law Review answers the query. "... a law review does not exist to honor its members' prior academic achievements, to serve as a gold star on a law student's resume. It has a role to play in sparking scholarly debate in the law and in training future lawyers, professors and judges. A law review whose membership persistently excludes large segments of society cannot hope to provide the diversity of perspectives necessary to ensure the law's continuing vitality and responsiveness to social concerns."

Mr. Lack prefers to believe, and we agree, that law firms and judges favor law review editors because they have had valuable research, writing and editing experience—experience common to all editors regardless of the method of their selection.

So, how should a law review be staffed? There is no easy answer to this question. It is disturbing, however, that there is a debate about the possible "stigma" that may follow a qualified minority student who makes law review. It seems that there is a stigma attached upon a minority person regardless of what he or she does! Minority lawyers, doctors, engineers and other professionals constantly have to deal with the societal stigmas placed upon them. The stigmas, the biases, and the subconscious racist attitudes are the legacies of the past and are still significant problems today. For a law review to maximize its effectiveness in addressing social concerns and initiating scholarly debate in the law, it is necessary that people with different backgrounds, different priorities, and different approaches to the issues join the white males of the middle and upper class that have traditionally, and still, dominate those journals.

The National Law Journal suggests that the American Bar Association or the Association of American Law Schools sponsor a national symposium on the staffing of law reviews. Clearly this would be a step in the right direction. The law plays far too important a role in our society to allow it to remain dominated by

members of the white male upper class.

The meritocracy that presently exists has resulted in the perpetuation of the white males at the top of the structure that makes, interprets, enforces and teaches "our" laws. While there have been some changes and some advances toward a fairer representation of the populace, the changes have been painfully slow in their occurrence.

Here at Hofstra, it is said that there has never been a minority student on the law review staff. If that is true, there are many contributing factors besides Hofstra's merit system of selection. An informal poll indicates that many Blacks and other minority students have simply not participated in the writing competition. Nevertheless, of the minority students who did participate, several "came close" or "just missed."

The bottom line, however, is that those particular students did not become part of the law review staff; therefore, the prospect of a minority student's participation on the staff remains in the realm of theoretical possibilities. In addition, the Hofstra Law Review has been deprived of the different backgrounds, different priorities and different insights that minority students have to offer.

So what should be done to remedy a situation that is to the mutual disadvantage of both the Hofstra Law Review and the minority students?

Obviously greater participation by minority students in the writing competition is necessary. In addition, an affirmative action posture is warranted. Had minority status been included as the last of the considerations in the law review selection, those minority students who "came close" or "just missed" may have been invited to join the staff. This approach to law review selection would result in a greater diversity of the staff—a result which would be beneficial given the above stated purpose of a law review. Plus it would be a step toward encouraging greater participation on the part of minority students increasing the total pool from which the law review staff is selected.

The authors encourage feedback and ideas on this important topic. Although affirmative action is a difficult and sensitive issue for some of us; kindly respond with "all deliberate speed."

Johnnie Story and Arnold P. Keith are members of the Hofstra Chapter of the Black American Law Students Association (B.A.L.S.A.). Johnnie Story is President.

This coffee violates the M'Naghten Rule.



Coffee



g

Editorials

Bombs, Butter & Mixed Priorities

The United States government is making a major mistake. It is bolstering the dictatorial and oppressive regimes of nations like Saudi Arabia and El Salvador at the cost of the human rights of the two countries' inhabitants, the safety of a stable ally like Israel, and the integrity of a rational foreign policy.

We fail to understand how the administration could ignore the historical evidence of the Iranian revolution. In Iran we supported a brutal regime that used Gestapo tactics to suppress a defiant populace. SAVAK agents, trained by the United States, frequently tortured those who dared to oppose our friend the Shah. But the alliance between a clergy uprooted during the Shah's rapid modernization and a middle class incensed by the Shah's oppression were too much for that government to withstand. Our "pillar of stability" fell, was replaced by a fanatical clergy that had come to equate the United States with Satan, and showed the world just how weak United States foreign policy had become. Clearly no amount of money or arms can stem the violent tide of a politically and socially unstable nation. No matter how noble United States foreign policy interests are in thwarting Soviet intervention, the realities suggest our methods badly need some re-evaluation.

The selling of sophisticated and highly technological weapons to unstable regimes like Saudi Arabia is ridiculous. Any agreements made in conjunction with the AWAC deal to limit their use has little hope of being honored in the years to come. Even Israel, a far more tested American ally, used American planes to attack the Iraqi nuclear reactor. Clearly, the United States did not intend the "defensive" restriction in the agreement to apply to this Israeli raid. Israel argued that the attack was defensive in order to prevent the future use of Iraqi nuclear weapons. If the activities of our stablest and closest ally in the Middle East may be suspect, what can we expect from a nation with a far more volatile political and

social structure?

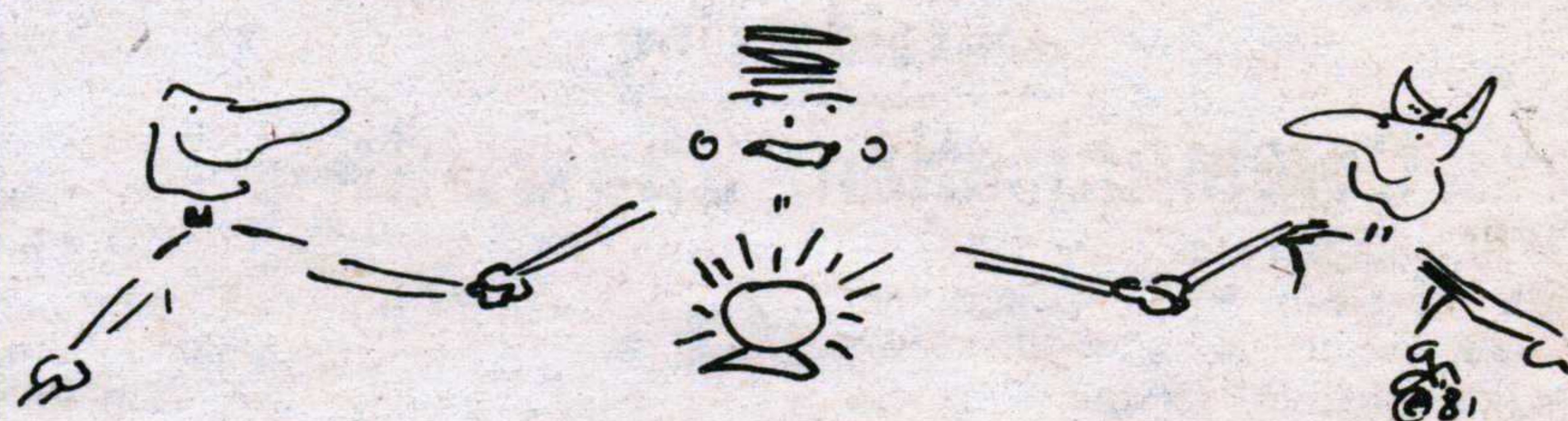
El Salvador is but another example of misplaced priorities. While the United States attempts to block Soviet intervention in South America, the government of El Salvador, supplied and supported by the United States, assassinates thousands of political dissidents. If and when a revolution successfully replaces the present government, the new leaders will probably look elsewhere for support. Instability sooner or later breeds change.

What American foreign policy-makers should be doing is designing a broader, long range plan. Tremendous amounts of monies and arms, rather than being shipped to volatile regions of the world where they might be used against our allies or ourselves one day, should be sent to stable allies or not sent at all. The money would be far better used if it were reallocated to programs like Social Security, Food Stamps and Legal Aid, where Americans can see justifiable returns on their taxes.

The Reagan Administration should be more concerned with hunger and oppression rather than stockpiling weapons in seemingly anti-Soviet regimes. It is the very hunger and oppression which the administration overlooks that might make the country a hotbed for Soviet communism. American foreign policy would be far more effective if it made more skillful use of the tremendous agricultural and economic advantages that it possesses. More goodwill and stability can be obtained from a full stomach than a loaded carbine.

We do not suggest that the administration adopt a military isolationist policy, but clearly much more circumspection must be employed before shipping out sophisticated weaponry. In the final analysis, we fail to see how supporting dictatorial and oppressive regimes with weapons used to further ensure the monarchical and stifling nature of the regime could possibly be a desirable or rational policy to pursue.

These students in Contracts I
Are trying to contact the Attorney
for the plaintiff in Hadley v. Baxendale.



Student Government: Finally Treating Our Money with Respect

Last month, Student Government made the first step towards restoring credibility to that fallen institution. They handled their annual budgeting process openly and professionally, a refreshing contrast to last year's fiasco.

Last year's student government allocated our money behind closed doors. They seemed to lack any understanding of the purpose behind their allocations; they gave money to whomever asked for it without regard to whether the proposed allocation would benefit the student body. The activity fee was used for purposes such as sending a few club members away to out of town conventions. Not one dime was used by the student government to host any activities. In this process, the old student government depleted a several thousand dollar surplus leaving no records and, apparently, several unpaid bills.

This year Student Government proceeded differently. They opened the doors to all sessions and set some guidelines. They seemed keenly aware that every

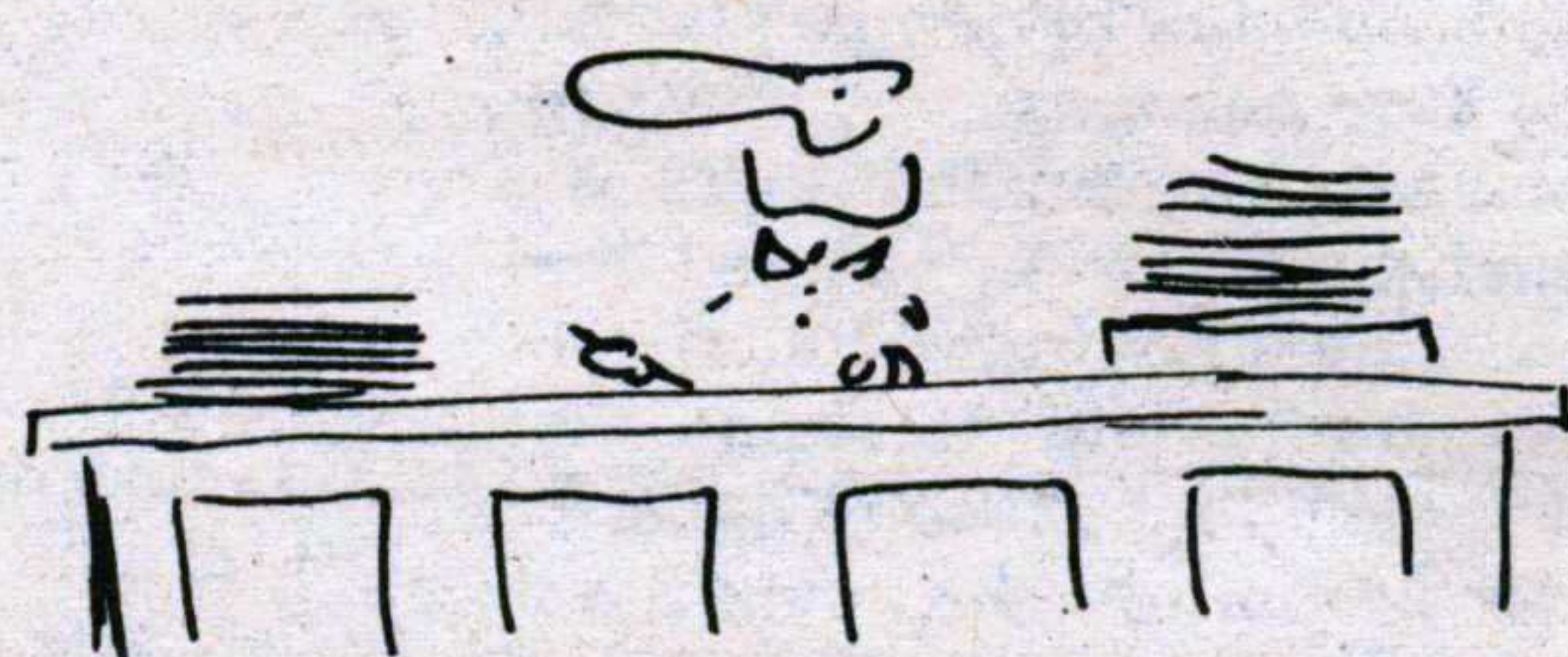
dollar allocated had to be justified by the benefit provided the students who paid the money with their tuition.

The task was not easy. With less cash in the pot, some clubs had to be cut. The job was made no easier when the Dean interjected himself into the process by making Student Government reconsider all of its allocations. The Dean wanted Student Government to reverse its decision not to fund several good functions (such as B.A.L.S.A., minority recruitment program and the moot court trial competition) that were properly the responsibility of the administration to fund.

Student government made hard decisions. Not all of them we agree with. The process was not perfect, but was worthy of respect. Student Government's openness and competence are precious commodities around here. We urge them to continue using the same skills with other problems requiring their attention. We hope they can provide the leadership that seems to be so sorely lacking.

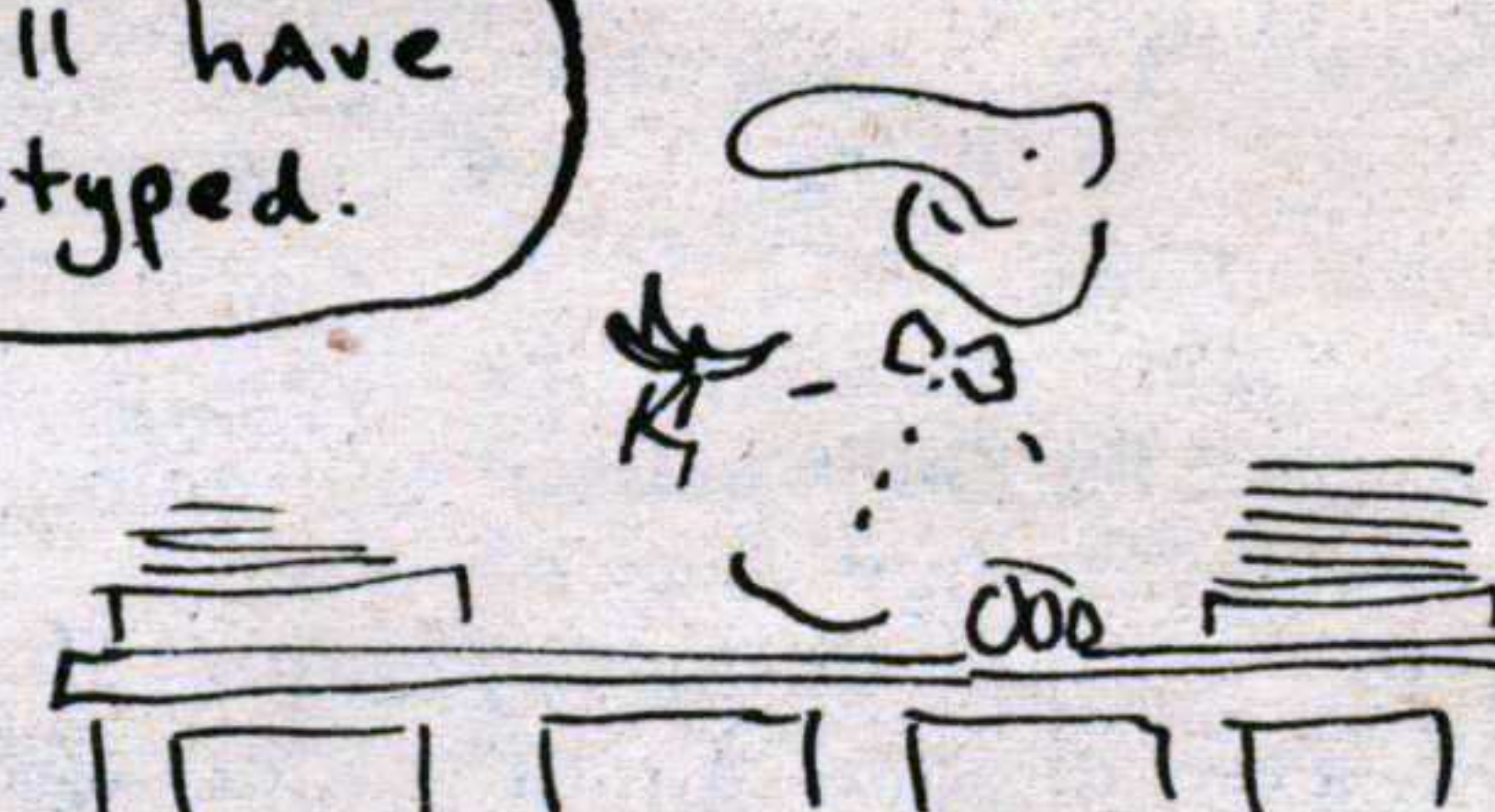
HAVE ANY
SCRAP PAPER?

Just use the backs
of some of these
RESUMES.



TO MAKE SURE the hiring
Committee stays on its toes,
slip in the old Teddy Roosevelt
Resume.

I'll have
it retyped.



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conscience

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The editorial board is committed to bringing Hofstra Law a competent, informative, lively newspaper of professional quality. We encourage everyone to write letters and articles. All submissions should be typed, triple spaced, with name, phone number and year of graduation. Submissions may be dropped off in our box in the library.

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Letters

Kaminsky Causes Controversy

To the Editor:

Alan Kaminsky, during the 1980-81 academic year, experienced difficulties with the physical condition of his apartment in University Apartments. Numerous staff members in the Department of Residential Life responded to his situation, and eventually an arrangement was made which appeared to be satisfactory to him. Mr. Kaminsky is now experiencing difficulties with the security policy for University Apartments. Numerous staff members in the Department have been responding to this situation. Anyone who reads the campus press knows that Mr. Kaminsky is not alone in his complaints, and we are still engaged in fine-tuning the policy. If Mr. Kaminsky dislikes conditions in UA, he, like all residents, can choose to invoke our support system to deal with the conditions or find alternate housing. We guarantee that we will listen to any complaint and respond to any suggestion. We cannot guarantee that we will agree. The fact that Mr. Kaminsky chose to return to UA for another year would seem to indicate to the reasonable observer that he is willing to allow our system to attempt to meet his personal needs. These facts should not be obfuscated by Mr. Kaminsky's personal dislike for Bill Rebolini, the classmate who is his Resident Director. Mr. Rebolini's job performance has consistently been excellent, and we are very pleased with his work. We regret that Mr. Kaminsky chose to submit his personal dispute for publication in the manner that he did, and we are very disappointed that *Conscience* chose to publish it without further editing.

The Department of Residential Life
107 Student Center, x3693

To the Editor:

I am certain that the letter written by Alan Kaminsky concerning the University Apartments has raised many an eyebrow. No doubt Hofstra administrators will write reply letters claiming that there was no truth to the letter, or that Hofstra is not to blame. Well, this letter is to say that everything written about UA was true and to add that there are many more students who feel as frustrated and angry as Alan feels, but who lack the courage to do or say anything about it.

I lived in the UA last year sharing what any rational person would consider a one bedroom apartment with two roommates, not to mention the roaches. Yes, there was often no heat or hot water, shuttle bus or elevator service. I listened to the excuses made by Hofstra administrators and RANA managers (owners of the UA building) why repairs were few and living conditions so horrendous. But repairs were made and sometimes elevators would even be in working order around the time the fire inspectors dropped by.

Aside from the problems concerning the common areas of the building, there were problems unique to each apartment. These included broken windows, holes in the walls and floors, gas leaks from the ovens and missing doors.

Rather than repair, RANA left the building in the sad shape it was in and told Hofstra administrators that the damages were caused by the students. For instance, when I moved into my apartment, it was not only filthy, but the floor in the living room was painted brown. When I moved out eight months later, the floor was still brown, though decidedly cleaner than it was before. My roommates and I were charged \$125.00 for painting the floor brown, which we never did.

I was told by Dean Giardini that Hofstra officials failed to inspect the building before we move in last August and so when RANA assessed "damages" caused by Hofstra students, Hofstra swiftly wrote them out a check.

Now where did Hofstra get the money to pay for these phony damages? You guessed it—from the breakage deposits we paid last year. No, we are not getting interest on that money. In fact, in many cases, including mine, we are not even getting any of it back! (Actually I did recently receive a check for \$1.37 out of \$50.00.) Yes, I am appealing the matter and no, I haven't heard anything yet.

RANA also assessed "common area" damages. Hofstra administrators said that these were divided evenly among all the students who lived there. I find it interesting that I know of many students who received their full \$50.00 back.

Figure this one out. Two years ago, when my ex-roommate was a first year law student, she lived in the UA. The door lock on her apartment was loose. Last year when one of the first year students moved into that same apartment, she complained to RANA that her apartment door lock was loose. The super—what a joke—told her it was fine and not to worry about it. Needless to say, RANA charged Hofstra about \$10.00 to repair that same loose door lock which was like that for two years. Do you really think they repaired it?

Contrary to what many apathetic students think, topics like this one are, or rather should be, of concern to the Law School. The Law School community should take an active role in assuring adequate housing for its students. To achieve recognition as a "national" law school, administrators seek to attract students from areas outside commuting distances. Where do they plan to house them?

I hope that this letter has the effect of lending credence to the letter written by Alan Kaminsky. The UA building was in terrible shape when we moved in. It remained that way all year. We were forced to live in disgusting, unsanitary and unsafe conditions for the entire academic year. The least Hofstra could do is stop passing the buck. Since Hofstra neglected to inspect the building before we moved in and chooses to take RANA's word on what damages were allegedly caused by Hofstra students, is it fair that RANA was paid with our money? It really is easier to be generous with other people's money.

Annette Guarisco
Class of 1983

Values Threatened.

Dear Editor:

I wholeheartedly agree with the comments of Betty Cambridge, in the October issue of *Conscience*.

I too am a social worker who left a rewarding job to come to law school to learn how to better represent my clients. In addition, since most of my clients were troubled young people, I learned about the ineffective justice system that was so deeply ruining their lives.

Like Ms. Cambridge, I too am ambivalent about being associated with the legal profession. Social workers help people. Too many lawyers are out to win cases, to make names for themselves and to make money. I didn't expect my fellow students to be Saul Alinskys, but I was surprised at their indifference to those in need in our community.

I often wish that these law students could spend some time with families just blocks from the school. Their contempt would dissolve into hopeful compassion as they came to appreciate the strength and love in these struggling families.

My classmates often complain about problems and injustices in our society without lifting a finger or a pen to help

solve them. They claim their input would not make a difference. I know from personal experience that they are wrong, and I am growing weary of their excuses. I am also growing weary of a law school that enjoys a liberal reputation, but makes little more than a token effort at serving the community.

I fully understand Ms. Cambridge's dilemma; I too am resisting being identified with the legal profession. I have trouble relating to people who value making a killing on a case more than saving a family or righting an injustice.

I appreciate the positive effect legal training is having on my mind and advocacy skills, but my values and the values of many of my fellow students are rapidly deteriorating from lack of use. I am feeling increasingly alone, and wonder how long it will be before I too sell out for the almighty dollar.

Sincerely,
Laura Cecere
Class of 1984

Student Stranded

To The Editor:

I am outraged. On October 29th, I was left stranded at night outside the Law School for 1 hour. It was dark and isolated, waiting outside on California Avenue for the shuttle bus which never arrived. And I am not too proud to admit that I was scared!

The shuttle bus broke down, as I learned later, at 3:30 that afternoon. No one was informed at the Law School. As a result, I unknowingly left the library late that night only to discover myself without means to get back to the U.A.

Why couldn't security have called the Law School to inform us that the bus was broken? Then at least I could have had warning to either find alternative means to get home or to leave earlier so I could walk home during the day. I discovered later at the security office that a white van was available to drive people back to the U.A., but waiting in the dark hoping to spot a non-descript white van is a very harrowing experience to say the least.

The shuttle bus is a great convenience to students like myself who do not have cars. But the University must realize that students come to rely on that bus. Although I was shaken up, I was lucky that I was not physically hurt by this experience. But who knows what could happen the next time? One telephone call could have prevented this.

The University should think about that.
Marcia Margules
Class of 1983

Paul Makes Point

To The Editor:

My congratulations to the students who attended the meeting with President Stuart for proving once again Parkinson's law: "the time, effort and energy expended on a subject varies inversely with its importance."

Nearly all the questions to Stuart concerned the parking situation, the most trivial of matters, and little time was spent on ways to improve the school. Are Columbia, N.Y.U. or Fordham worse schools for their lack of parking? Would N.Y. Law School or Brooklyn be improved by parking facilities? Would you have preferred to go to St. John's for its giant lot?

Increased funding of the school, improving its faculty, proper dean selection, and other creative ways to make a better law school deserved far more attention than they received.

David Paul
Class of 1983

Sales' Faux Pas

November 1, 1981

Mr. Sales,

I am disappointed to see that a prospective lawyer like yourself has overglossed one of the major factors on which the "Universal Gas Law" operates. It is common knowledge among the scientists and medical students who study at the Hofstra Law Library that PV equals nRT operates only up to 1 atmosphere of pressure. This limitation is due to many intervening variables that are too complex for a legal mind to digest. A basic mistake like this in the science field is similar to forgetting to shepherdize a case for trial. Obviously, you must have been cut by the medical school requirements and thus entered law school. Just because you are in an environment saturated by political science majors, don't think you can impress yourself and colleagues with foreign formulas that are not even correct. From criminal law you should know that ignorance of the law is no excuse and in science this materializes also. But don't feel bad Mr. Sales, you can always get your M.B.A.

Mark D. Epstein
B.S. Biomedical-Electrical
Engineering
Northwestern University, 1980
Class of 1984
S.U.N.Y. Downstate Medical College

Francine Gross
B.A. Hofstra University 1979 Biology
S.U.N.Y. Downstate Medical College
1984

Cramped Quarters

To the Editor:

After successfully parking in the "small car parking lot" in back of the Law School with my Plymouth Duster for approximately five months, my luck finally ran out. It was irrelevant that my car was parked perfectly between the lines with room to spare, or that the rear tires of my car were touching the curb leaving enough room for any small car to park or back out of the space ahead of me. I received the inevitable ticket.

I was wrong, I admit it. If I remember correctly, there were so many empty spaces in this reserved parking area and not one empty space for bigger cars who were lucky enough to have reserved space privileges were not taking advantage of this opportunity, but were parked in spaces reserved for the bigger cars. In my opinion, the small car owners who park in regular parking spaces when space is available for them in the "small car parking lot" which limits the possibility for a bigger car owner to find a treasured parking space at five or nine in the morning, are just as guilty as I am.

I would like to see a small car owner who parked in my space instead of his reserved space pay my \$5 ticket!

Mary Jane Pirto
Law School Staff

CONSCIENCE invites letters and columns from all members of the Hofstra Law Community. Our next deadline is November 23, 5 p.m. All submissions must be typed and double spaced. Please provide your name, phone number, and year of graduation. All items published at the discretion of the editorial board. *CONSCIENCE* reserves the right to edit or condense if necessary.

Columns

Comments
From the
Back Row

by Arthur H. Kravitz

All of the yelling and screaming over parking bothers me. Don't get me wrong. It is not that I don't think that students shouldn't fight for what they believe is right. It is just that parking is definitely the wrong issue to fight about.

The University administration has done nothing to recruit faculty or ease classroom overcrowding. The law school building can no longer handle the load. The impression is that whoever is making the decisions on class size is determined to stuff as many paying bodies into this place as possible without violating the Town of Hempstead's fire hazard laws. The course offerings are getting very lean and too many of our important classes wind up in 308 with students sitting in the jury boxes. I understand that next year Professor Gans is moving his Wills class to the Nassau Coliseum. The library is a mess. Planning and development has ground to a halt.

None of this seems to bother anyone. There is a lot of grumbling in the halls, a lot of gallows humor and then back to the job scramble. But make a Hofstra student walk two blocks and all hell breaks loose.

Yeah, yeah, I know. It is a big walk with all those books and the University is insensitive to this. I have heard it. I would like to point out that just two years ago the University dropped \$100,000 to make 160 more parking spaces. I ask you, when was the last time the University dropped \$100,000 INSIDE the law school?

You must face a simple fact. As long as 30-40 students are added each year to the law school, there is simply no solution to the parking problem. There are just too many commuter students with too many cars. So it doesn't bother me too much to park on Front Street. But I will be damned if I will pay \$10 to park there, as someone has suggested.

It is a matter of priorities. Scream, yell, call Shuart names, whatever turns you on. But make your stand where it counts, where it matters. Don't do it over the frivolous things in life.

There is a memo from the Director of Sports Facilities buried on the second floor bulletin board to the effect that the field behind the law school belongs to the field hockey team and law students must keep off. Now the thought of being a part of the University community never thrilled me, but I ask you, what are we? Tenants? The use of the field is something that could be worked out. It's a simple allocation of space. So why the decrees and the bans on use? It's stupid and it serves no purpose. It's one thing to treat the law school like a bastard son, but at least have a reason.

Recent estimates are that 85-90 percent of the first year class are natives of Long Island. So much for the goal of a diverse regional law school. But take heart. Hofstra is well on its way to becoming the best law school in Nassau County. Tomorrow, maybe Suffolk.

Arthur Kravitz is graduating this December. The law firm he will be working for promised him a parking space.



Living With the Law

by Marcia Margules

(EDITOR'S NOTE: This column is concerned with how law and law school affects your life. Submissions and replies are encouraged. Share your own hypotheticals with us.)

When common sense fails, try some legal reasoning. Here is some on the Hofstra University Apartment I.D. policy. Think Constitutional Law!

Congress passes a law: Hofstra I.D. must be shown to gain admittance to the University Apartments by residents.

Justification: To insure adequate security and safety from harm to U.A. residents.

The Equal Protection Clause clearly proclaims this "law" irrational. A law is irrational under the Equal Protection Clause when it fails to cover the "evil" it has been enacted to prevent and instead covers other areas not "evil." Under this analysis the U.A. I.D. procedure is clearly irrational, since it is both under inclusive and over inclusive. The evil to be covered is persons imposing a danger to U.A. residents. However, this evil is not covered by the I.D. policy.

Under Inclusive

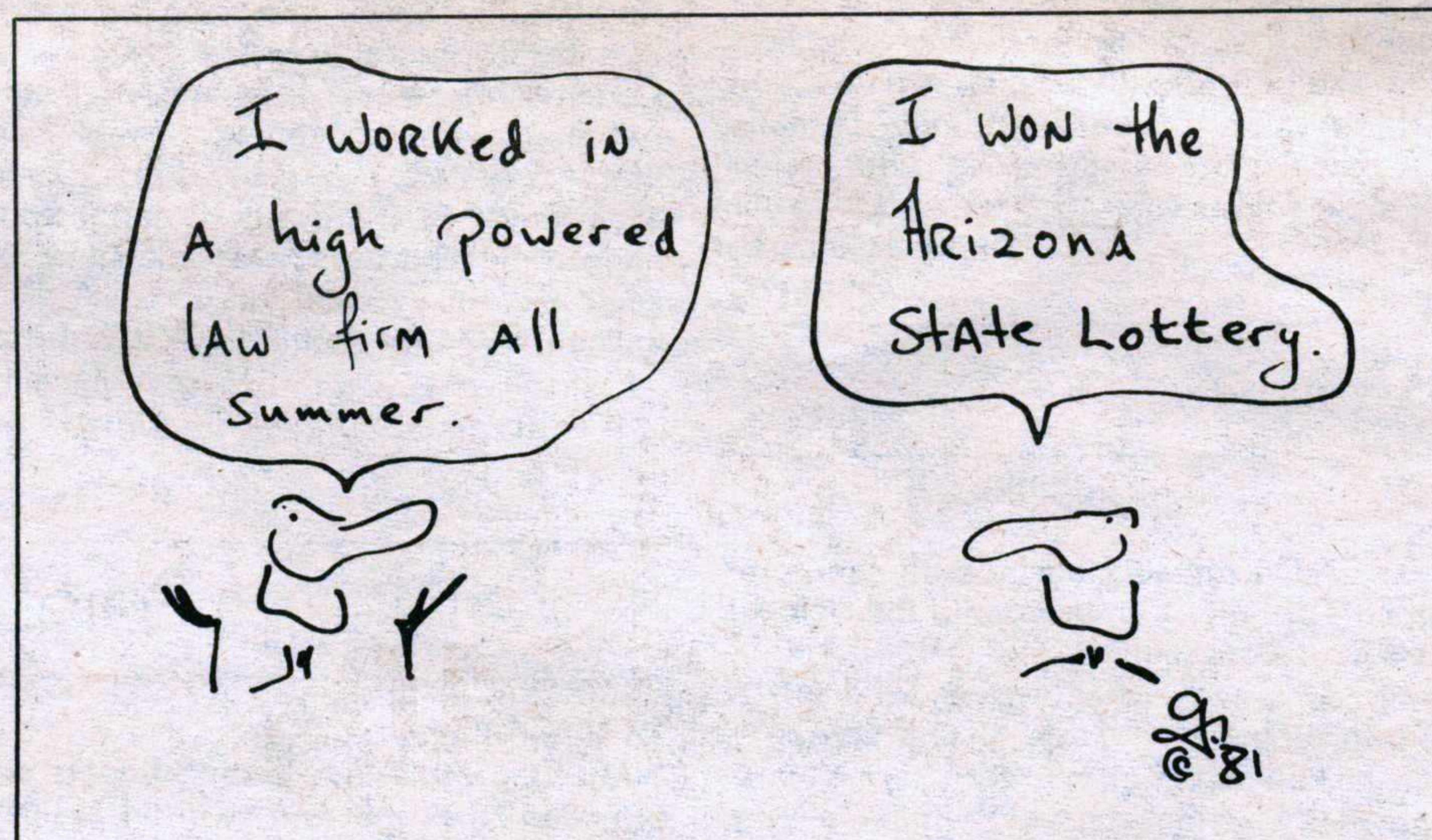
Evil not covered: Persons who pose a security threat who are (1) U.A. residents, (2) Hofstra students with appropriate I.D. and yet who are not U.A. residents, (3) persons who can by-pass the I.D. procedure (and it can be done) and (4) maintenance crews. Besides under-inclusiveness, the I.D. procedure could also be seen as over-inclusive.

Over Inclusive

Areas not evil that are covered: Persons who do not pose a security threat yet are kept out. (1) U.A. residents without proper I.D., (2) residents' parents and family, and (3) visitors. Also covered are persons who are residents without I.D. and who are recognized by "U.A. guards."

Since the Supreme Court would find the "law" implementing the security policy irrational, then why can't the Dept. of Residential Life, through simple common sense, come to the same conclusion?

Marcia Margules is a second year law student and News Editor of Conscience. She hopes she has taken good notes in Con Law.



The Legal Observer

by Bruce Sales

Modern urbanites and suburbanites take for granted the abundance and variety of food available in American supermarkets. Few of them pause to contemplate the amounts of energy—human, chemical and biological—that are necessary to maintain America's amazingly high agricultural productivity.

American agriculture is a sophisticated interaction of high technology in the fields of engineering (combines and milking systems), chemistry (fertilizers and pesticides), biology (nitrogen fixation), and plant hormones and genetics (plant and animal breeding). Through a network combining federal and state governments, industrial and academic advances in these fields are rapidly adopted by farmers resulting in astonishingly high yields. For example, the average dairy cow in the United States, the Holstein, produces approximately 8.5 gallons of milk per day; certain breeds of beef cattle, most notably Santa Gertrutis, gain weight at the rate of 8 pounds per day; and high yield corn routinely yields 12-15 tons of wet matter (the entire corn plant not just the ear) per acre.

There are unfortunate ramifications of our high yield, high technology agriculture. Politically, many small and medium-sized farms are being bought out or forced out of business, and biologically, an increasingly smaller and inbred genetic pool exists.

Genetic uniformity poses great dangers. Disease or pestilence could become established and spread rapidly through a genetically uniform crop system. In fact, such a situation occurred in the late seventies with corn. A major catastrophe which could have spanned numerous growing seasons was averted by the introduction of a new genetic line the following growing season. These genetic lines were stored by government and industry in gene pool "warehouses."

The economic pressures of the 1980's, however, have forced many companies and the government to reduce or eliminate their gene "warehouses." This is causing increasing concern among agricultural scientists. One of nature's methods of protecting species is genetic variability. Even if a pathogen or pest decimates an area, a few plants, possessed of a slightly different genetic blueprint, will survive to reproduce. Since man has reduced the gene pool to create high yielding crops and animals, he must be prepared to confront and remedy the inevitable effects of his actions.

Law schools create a different type of uniformity. They breed intellectual uniformity. Although certain professors discuss policy considerations, it is rare that different philosophical perspectives are mentioned, let alone discussed, in a law school classroom. There is no denying the necessity of a technical aspect in legal education. But law school should be more than a legal vocational college. Expression of alternative views should be an integral part of our education. The academic environment should encourage an aggressive and indignant questioning of our political, economic and social values.

Failure to do so yields intellectual uniformity and, as with genetic uniformity, the results may be devastating. An inability to see beyond our own superstructure for new, dynamic and invigorating ideas may prevent us from recognizing solutions to the many problems comprising our current malaise.

Bruce Sales is a member of the class of 1983. He still thinks cows are man's best friend.

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Faculty Profiles;

Stuart Rabinowitz

by Deb Ezbitski

It is often said that the real strength of any academic institution is its faculty. This is true at Hofstra Law also, and not only because our faculty members are good teachers in the classroom. Our faculty is made up of individuals, people with diverse backgrounds and interests, people who are open, friendly, interesting, and real.

One such person is Professor Stuart Rabinowitz.

Professor Rabinowitz is a graduate of City College, where (if he remembers correctly) he majored in political science and minored in philosophy. He attended Columbia Law School, where he was an editor of the Law Review. After he received his law degree he joined the Columbia Law Faculty for two years as an associate in law. He taught legal research and writing to first year students in the fall semester, and served as a teaching assistant with tenured faculty during the spring. He taught, not surprisingly, Civil Procedure and Conflicts of Law.

Professor Rabinowitz then practiced law with the New York firm Rosenman Colin, Kay, Petschek, Freund and Emil. He was an associate in the litigation department, working on products liability cases, criminal cases concerning fraud in defense contracts, and a complicated bankruptcy case, representing the trustee of seven shipping firms in bankruptcy. This case was especially interesting because it involved meshing bankruptcy law with maritime lien law, something which hadn't been done previously. Professor Rabinowitz also worked on several *pro bono* cases through the Community Legal Assistance Corp.

Professor Rabinowitz is a former Associate Dean of Hofstra Law. He served from 1976 to 1979 under three different Deans (Freedman, Twerski and Regan); an experience he termed "eclectic." He told me he left the position because he felt he had acquired as much administrative experience from the position as could be gotten, and he felt himself "burning out." Being Associate Dean is very different from teaching, and in some ways more

difficult. As Associate Dean, Rabinowitz felt he had an "adversarial relationship" with many students; they would come to him to be excused from exams, to have schedules changed, and just to complain, and he had limited ability to help them because of the need to take institutional factors into account. He enjoys the classroom more because that adversarial relationship does not exist. He feels that both he and the students have the same goal—he is there to help them learn—teaching for him is fun. Rabinowitz believes the goal of legal education is to develop in students those skills required of good professionals, and that the Socratic method is just one way of accomplishing this goal. For first year students, he thinks the Socratic method is valuable if it means obtaining students' reactions and analyses and then working off such responses in teaching. Part of the method, he claims, is also clarifying points where necessary but not giving answers where there are none.

Professor Rabinowitz doesn't use the Socratic method as much with his second and third year students because he says it is more difficult to generate discussion. He says that students are usually not as prepared, because they are either too tired or too busy or just bored, and because most teachers in upper class courses do not berate or hassle them. He thinks that the lack of classroom exchange is unfortunate and detrimental to a good legal education. "A number of students still believe that being a good lawyer is unrelated to what goes on in the classroom, and I disagree with that." He feels that the classroom is very similar to legal practice because it involves the same type of thought process and interaction.

When asked for his opinion of Hofstra Law School generally, he responded very positively. He feels that it is good to be self-critical, but not good to overplay it as has been done at Hofstra. He commented that we have to remember how young Hofstra Law is in relation to other schools of equal calibre, and that we've come a long way in the past eleven years. He

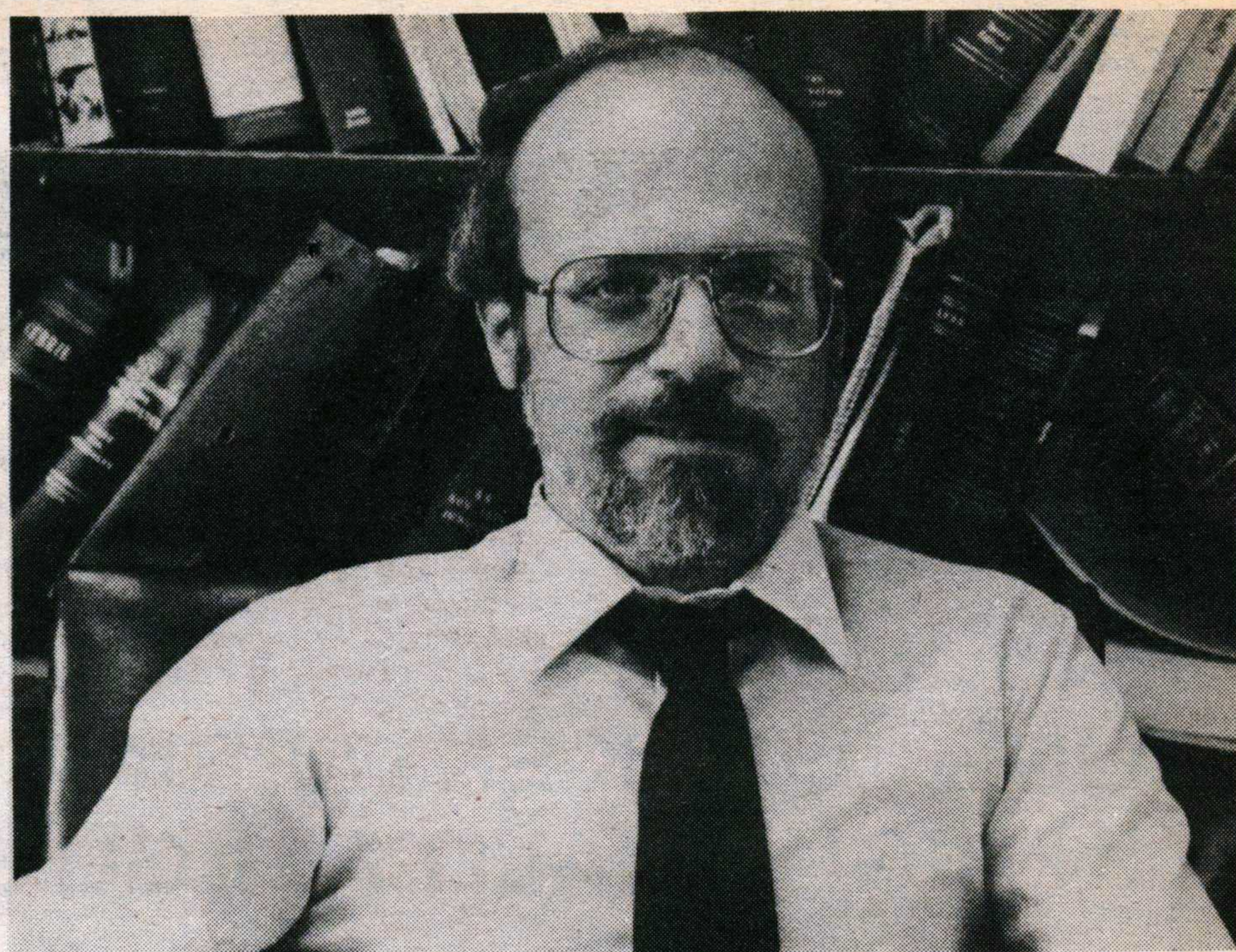


Photo by Nick Gabriele

Stuart Rabinowitz

emphasized how important time is in the development of a truly great school, and that we haven't given Hofstra Law enough time to really prove itself; we are still suffering growing pains. We have accomplished a lot and should feel some satisfaction about how far we've come. Our Placement Office has done extraordinarily well for a school of our age. He has observed faculty members teaching, has had conversations with them about pedagogy, and considers them an excellent teaching faculty. He doesn't think our faculty is any more "restless" about where they teach than any other law school faculty, and he believes there has been a small turnover of faculty in relation to our age. He admitted that changes will happen, but the core is essentially the same.

Professor Rabinowitz is married and has two children. He describes his eight-

year-old boy and his four-year-old girl as brilliant, kind, beautiful children, because it's in the genes (his wife's). He is a fan of all sports, and plays tennis, but not with anyone from Hofstra who knows him. He especially will not play Professor Resnick, because Resnick always wants to play for money. As a matter of fact, Professor Resnick twice sued Professor Rabinowitz, claiming breach of contract to play tennis. Professor Resnick lost both suits because he missed the Erie Issue.

Professor Rabinowitz is a chess player striving to become good enough to beat his eight-year-old son. He enjoys the music of the 60's (when he was young) and his reading list includes 'junk' and spy novels. I asked him if he thought himself to be a boring person. He said he wasn't, that he was a very interesting person. I tend to agree. Professor Resnick disagrees.

Ronald Silverman

by Cindy Orbach

This month's interview is with Professor Ronald Silverman. Professor Silverman came to Hofstra Law in 1975 after private practice and teaching at Syracuse Law for five years.

Professor Silverman believes that the primary function of a law school education should be the training of the lawyer's intellect. Law school can train future lawyers to be better readers, more systematic thinkers and more disciplined in their intellectual habits. At the same time, law school merely begins the lawyer's education. An apprenticeship period should, and does, follow law school.

As anyone who has ever had Professor Silverman knows, his style of teaching is unique. Silverman believes that the Socratic method entails careful questioning and well-planned hypotheticals. Socratic teaching also involves a highly structured form of teaching with the teacher playing a dominant role. He recommends careful reading of various platonic dialogues as a guide to true socratic methodology.

When asked about grades, Professor Silverman stated that people are basically lazy and need the incentive and sanctions that grades offer. He regrets, however, that students and employers often distort the significance of grades and class standing.

Silverman views the lawyer's proper role as virtually limitless. He believes that there are really too few lawyers, especially too few good lawyers. Lawyers as problem solvers and inventors of various social arrangements have powerful transferable skills which qualify them as leaders in virtually all sectors of American life. Only the narrowest definition of a lawyer, in a conventional law firm practice, leads to a conclusion

that we have too many lawyers. As the pool of disciplined problem solvers grows, he expects fairer representation of diverse interests and ultimately more creative leadership in all sectors "blessed" by the lawyers' presence. He is, he says, extremely proud of his profession's versatility and collective achievements.

Professor Silverman also believes that a good law teacher can teach anything with enthusiasm. He says that he is happy as long as he keeps learning and can find interest in any subject matter. His own long-standing interest in both public law and business law led him to his area of expertise. He is most concerned with urban legal problems, particularly land-use regulation, real estate, and housing and community development. These subject matters allow Silverman to indulge his "generalist" impulses. He continues to believe that, "We are the last stronghold of generalist thinking. The greatest lawyers are generalists par excellence."

In his spare time, Professor Silverman enjoys theatre, dance, and imaginative literature. In his youthful days, he used to play football in high school and feels that he learned important lessons related to his professional future.

Professor Silverman's advice to first year students? "Work as hard as humanly possible and remember that a sense of humor is important. The life of a lawyer isn't as complex as one might imagine; one needs a sense of fun about the law." His advice to second and third year students is a little less gentle. He stated that he often sadly reflects on the inertia of second and third year students. The law teacher's greatest challenge, as teacher, may be the motivation of upper class students.

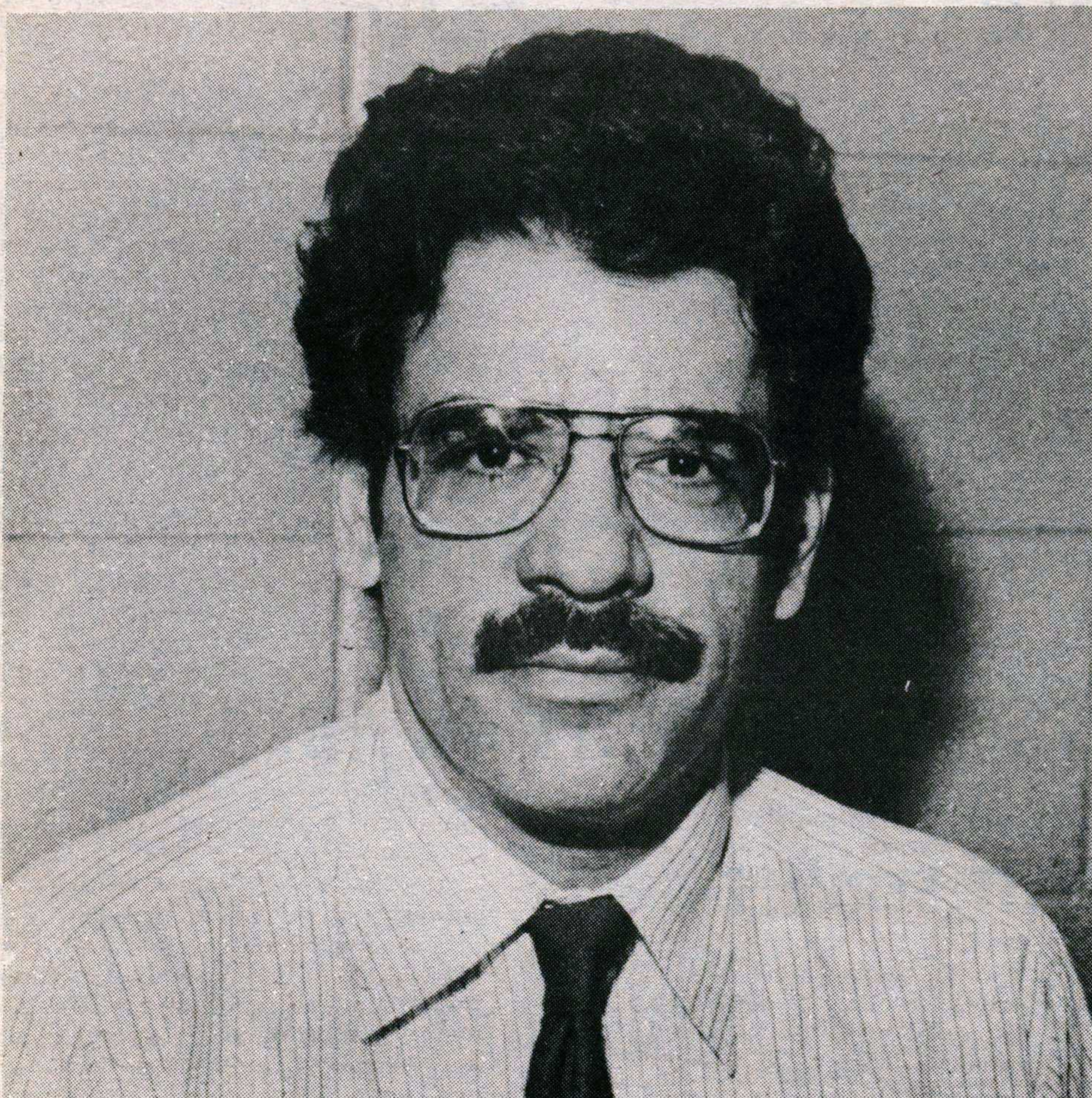


Photo by Nick Gabriele

Ronald Silverman

Law Students In The News

Ann Weiss Rides In National Horse Show at The Garden

At 5:00 A.M. on Tuesday, November 3, 1981, Ann Weiss took the Long Island Railroad into Madison Square Garden. Upon arriving at 5:50 A.M., Ann immediately began warming up her horse, Stage Hand, preparing him for the upcoming events of the day. This was going to be a very important day for Ann, because in just a few hours she would be competing in the most prestigious horse show in America. To make matters worse, Ann had to leave Madison Square Garden and return to Hofstra to catch her first class at 9:00 A.M. Then she had to be back in the Garden by 1:30 P.M., the latest.

At 2:00 P.M., concentrating, yet composed, Ann rode into the ring, wearing the number 152, and mounted on her bay gelding, Stage Hand. Breaking into a gallop, Stage Hand made the first jump smoothly, and for Ann Weiss, the first of three hectic and grueling days of competition had begun.

Ann Weiss is a first-year law student at Hofstra University School of Law. She is originally from Old Westbury, a "horsy town" on the North Shore of Long Island. Ann graduated from Vassar College with a Bachelor of Arts Degree in History, achieving Departmental Honors, General Honors, and participating in the Honors Thesis Writing Competition. She completed her undergraduate education in three and one-half years, dedicating the months that would have been her first semester to qualifying for the National Professional Horseman's Association Medal Finals, which she eventually won. The remainder of this article is an interview that CONSCIENCE held with Ann one week before she was to compete in the National Show at Madison Square Garden on November 3, 1981.

Interview by David Chidekel

CONSCIENCE: When did you become interested in horses, and who inspired you to ride?

Ann: I became interested in riding at a very young age. I had always loved animals, and while in grammar school, my parents sent me to a day-camp where the children were allowed to ride horses. I fell in love with horses there. It was ironic, because my first riding instructor told me that I would never be a good rider. In fact, she wouldn't even let me cantor the horses with the rest of the children. When I was in fifth grade, my parents bought me my first horse, and I've been serious about riding every since.

CONSCIENCE: How did you become involved in horse shows?

Ann: My riding instructor's family had always competed, and it was a sort of natural progression that I would become interested in showing. People either ride for pleasure, or, as in my case, hope that through practice they'll become proficient enough to enter the shows. I started with little horse shows on the farm where I rode, and then I advanced to local shows with better horses. Eventually, I qualified for the National Circuit. Riding in horse shows was totally my idea—I've always had that competitive spirit. It made sense to apply my energy to something that I loved, and I loved to show my horses.

CONSCIENCE: How many tournaments have you competed in?

Ann: I couldn't even guess. Possibly, I've competed in hundreds. I enter at least twenty shows a summer; and then

there is the Florida circuit in the winter, which I went to for the last two years. Basically, there are horse shows year-round, and I repeat the circuit year after year.

CONSCIENCE: Is there a professional class of riders, and if so, are you a professional?

Ann: Yes, there are professional riders, and no, I am not one of them. I have intentionally maintained my amateur status. I have no desire to make my livelihood riding horses, and besides while I'm a very good rider the professional riders are far superior to me. Also, professionals ride other people's horses. As an amateur, I compete with my own horse.

CONSCIENCE: When a person says, "I'm an equestrian," what does he or she mean?



Ann shows her true form.

Ann: Well, I never say anyone is an equestrian. I would say that someone is a horse show rider or horseback rider. What I suppose the term equestrian refers to is an individual who actively competes in horse shows by touring the circuits, as opposed to someone who rides occasionally or for pleasure. I guess as far as you're concerned I'm an equestrian, because I'm hooked. I can't imagine not going to a horse show on the weekend.

CONSCIENCE: How popular are horse shows?

Ann: Not as popular as they should be. It's just so expensive to own and ride horses that few people are able to pursue the sport—which is a shame. Since only a small number of people actively ride in horse shows, little is generally known about them. The National Show at Madison Square Garden is usually well attended, but most horse shows attract a small number of spectators. In fact, the horse show community itself is so small that I could name almost all the riders who continually show. It's a closed community, where ordinarily the same group of riders compete year after year. Most riders know who the favorites are in every competition.

CONSCIENCE: What is a horse show

like?

Ann: A typical show is broken down into different events for people of different ages, and separated by junior, amateur and professional classes. There are events where the riders are judged, and events where the horses themselves are judged. For instance, in the National Show at Madison Square Garden, they have events where the rider is judged by his form, his appearance, and how well he executes the course. These are called "Equitation Events," and are for juniors, eighteen years old and under. There are also "Hunter Competitions," where real hunts are simulated. This year at the Garden I will be competing in the Amateur-Owner Hunter competition judged on performance, manner and soundness. In these events the horses are judged ac-

Garden is brightly lit, and there are so many people watching the show. The ring is circled by brightly colored flags, fences and bushes, and is relatively small. Your heart is beating one-hundred miles an hour and suddenly you have to ride. The colors, sounds and smells hit you so fast. I wonder sometimes if the riders who win at the Garden simply have the best instincts. I know that once I'm in the ring I really don't have time to be nervous and make a mistake.

CONSCIENCE: How do you feel about your chances at Madison Square Garden this year?

Ann: After winning the National Professional Horseman's Association Medal Finals at age eighteen, I moved up to the amateur class. Since then I've placed eighth and fifth at the Garden. Last year I retired my champion horse, James Q, and my new horse, Stage Hand was too inexperienced to ride successfully. This year I have established myself, and I have a fine horse. If I ride well, and if I'm not up studying Contracts the night before, I should be okay.

CONSCIENCE: Is the show itself hard work?

Ann: Ha! Ha! At the National Show in Pennsylvania this year I woke up at five A.M. every morning and was in the ring by six A.M. I rode my horse for an hour and a half to warm him up. Then I studied the course and supervised the care of my horse while I waited for my class to be called. A typical horse show is held outdoors and often runs into all hours of the night. A rider might be at a show for ten to twelve hours before it ends. Also, we ride in all types of weather. When people ask me what happens when it rains, my answer is that I get wet—very wet.

CONSCIENCE: Has riding helped ease the pressures of your first year in law school?

Ann: Riding is a mental and physical discipline. The more time I spend riding, the harder I concentrate on my studies. Although riding detracts from my study time, it actually makes the time I spend studying more productive. After a weekend of showing, I'm one-hundred percent ready to concentrate on the law. Showing while going to law school is a type of dual existence, but each of these aspects of my life balances the other out. I'm so diligent in finishing my work because I'm so anxious to rush off each weekend to ride. I have no choice but to budget my time. Showing is certainly a tremendous outlet—it's something wonderful to look forward to. I really can't imagine being at school, doing just school work. I have to be involved in something. My enjoyment comes from traveling and showing my horse. Everyone must have some sort of interest other than law school. I hope that my classmates pursue their interests, and do not entertain the misbelief that law students have to have a one-sided life. Originally, I had a fear that my workload would preclude riding. However, I've maintained my activities while keeping up with my work. I realize that around finals time in May I might regret all this, but for now I'm enjoying showing, studying, and being with my friends at Hofstra. I don't know about you, but I'm looking forward to three great years at Hofstra School of Law.

Photo by Judith Buck Sisto

cording to overall ability and beauty. There are even separate events for professional riders with inexperienced horses and professional riders with old horses. The judging in a horse show is usually a bit political. What I mean is that the judges know who the good riders are. To qualify for the three national shows, in Pennsylvania, Washington and at Madison Square Garden, a rider must have won a certain amount of competitions during the year. Each show is harder to qualify for than the preceding one, and all the shows culminate in the National Show at Madison Square Garden. Therefore, the riders who have been the most constant throughout the year will probably do the best.

CONSCIENCE: Can you describe the type of pressure a rider experiences when competing in the show at Madison Square Garden?

Ann: Well, let's just say that in my class, only twenty-five riders a year qualify for the show at Madison Square Garden. I have competed at Madison Square Garden for seven years, and I'm still terrified. Although the National Shows in Pennsylvania and Washington are prestigious, the Madison Square Garden Show is by far the most spectacular and hectic. The

Munching Madly With M

by Miriam Breier

This month, dear readers, your food editor has a terrible head cold and is finding it difficult to be enthusiastic about eating. But being the responsible committed columnist that I am, I visited a new restaurant just last night. My sinuses were just beginning to close up as dinner was served, so my taste buds were still functional. How lucky for us all!

The subject of this month's column is not one of my "all-time favorite" restaurants. However, that is only because I am not a "restaurant steak-eater" by nature. You see, I never want for steak at home because my parents have been supplying me with kosher meat since my first year of college. I get to eat all the steak, lambchops, chicken, hamburger, veal, franks, and even salami that I want. But enough of me, back to you folks who are desperate for a good steak by now, and are probably plotting to rob my freezer.

I visited Manero's in Syosset. I have always been curious about the place and was delighted with the prospect of dining there. So with sinus spray and tissues in hand, off I went.

Manero's on Jericho Turnpike is under new ownership in a new building across the street from its original store front. It's a big restaurant with so-so atmosphere (nicer than a Cooky's or Beefsteak Charlie's, but big). The service was good; the staff congenial. And now for the crux of the review: the food. (No, I did not write this column only to complain about my cold, which, by the way, is getting worse.)

I had prime ribs. Wow! My prime rib was at least one inch thick, and rare and juicy and tasty. Yum! My friend had the Delmonico steak which I had a number of bites of. (Research for the column, I told him, much to his chagrin.) I liked that alot too.

Included with our dinners was real garlicky garlic bread, a choice of millions of appetizers, salad, potato, onion rings, coffee, and a cordial or dessert. We both had shrimp cocktail which was fresh and served with a spicy cocktail sauce. I happen to love bleu cheese dressing, so I

had the "cheese" dressing on my salad. It's spicy Italian dressing with a ton of Gorgonzola cheese sprinkled on it. Great stuff.

All in all, I really enjoyed the meal and I would return for steak again. The prices at Manero's are steep but affordable and include the entire meal. Wines are available. I wasn't impressed with the wine list, but the Chianti we chose was really good. For dessert I had deep-dish strawberry shortcake which was nothing special. My friend's blackout cake was great, though!

Anyway, go and treat yourself to a good steak.

M's Rating: /// (3 out of a possible 4 steakknives)

The Raving Reviewer

By Stephen Kaufman

Last month, amid the decidedly lukewarm reaction to my column on TV gameshows, one of my colleagues admitted to playing hookey to watch daytime TV, too. "But," he added, with an obvious air of superiority, "I watch *The People's Court*." With that, he returned to his UCC, secure in the knowledge that he, at least, was getting an education.

Intrigued, I tore myself away from Las Vegas Gambit the very next day, and tuned in *The People's Court*, (10:30 AM, Ch. 7) half-expecting to see Abbie Hoffman and Jerry Rubin torturing some hapless corporate executive. What I actually saw was better—and for those of you who have not been so fortunate, a typical show goes like this: plaintiff and defendant come into court and tell it to the judge. The judge retires while we cut to a commercial. The judge comes back and delivers his verdict. Repeat process two or three times a show.

But here's the kicker, future lawyers—these people are real! Real litigants with real beefs playing for real buckaroos in front of a real judge. The participants receive a fee which helps to pay the judgment in the event they lose, and

(Continued from page 1)

the Editors urged the president to allow more input from the Law School community. Shuart said the *Conscience* letter might be extortion but confessed, not being a lawyer, that he was not sure. He said he was consulting legal counsel.

Commenting on the fact that the Law School has employed so many deans in its short existence, the president said merely, "That's America." He notes that most deans and university presidents serve for only a few years. When queried upon the chance of a minority member becoming dean, Shuart replied that he had no specific statistics, but to the best of his knowledge, a solid attempt was being made by the search firm to generate

agree to submit, and I mean submit, to an interview in the courtroom lobby by the stupidest reporter you've ever seen. The disputes, all small claims, are settled by Judge Wapner, a retired Los Angeles County justice, with clear explanations and a sense of humor. (Of course, if you'd retired from the bench to a TV star's salary, you'd be smiling, too.)

My favorite case so far was the two roommates who were fighting over the rent, the phone and gas bills and the quilt the puppy chewed. (Sound familiar?) Plaintiff roommate got the rent and utilities money, but not a new quilt since the judge refused to rule on the validity of the bitemarks plaintiff proffered as evidence. Defendant roommate, in the post-decision interview, admitted to going out with plaintiff's boyfriend on the sly, and stated unequivocally that she was no longer a friend of the plaintiff's. Other cases have involved defective auto repairs, wrongful repossession of an automobile, and a gardening dispute between neighbors. Anyway, you get the idea.

In case you haven't heard, this sort of "reality programming" is the latest rage on the tube, and the producers of this show have hit upon a winner. In fact, *The People's Court* is now outdrawing my old standby Phil Donahue in the Los Angeles market. As for my scholarly law school friend, the last I heard he was looking for a set of Evidence notes. Anyone with an outline available should contact the *Conscience*.

BAR EXAMS AREN'T LIKE LAW SCHOOL EXAMS

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Pres. Shuart Visits

minority candidates. When asked why the Law School's role in the search for a new dean was so limited, Shuart replied that had he more of an ego, he would not have allowed any choice; the Board holds all the cards, he noted, and the voice of the Law School is channeled through the law school committee.

One student asked whether Shuart would promise to name only a dean approved by the law school, as the administration had promised during the last search. Dr. Shuart replied that no such promise could be given because this search differs from the previous search.

Parking

In addressing the parking situation, President Shuart characterized the recurring problem as an "administrative scourge." He explained that the Parking Committee was exploring several solutions to the parking shortage including approaching the mayor of the Village of Hempstead in order to have the "No Parking" signs on California Avenue south of Hempstead Turnpike removed and staggering classes at the Law School to provide more parking. He told the audience that parking was a major problem on most American college campuses and that instead of just saying "that's the way it is," he is trying to minimize the problem.

When confronted with the proposal to restrict the Law School lots to law student, graduate students and faculty, Shuart responded that the Administration has considered the idea and decided against it. The Law School, according to the president, is only one segment of the competing constituencies on campus.

When asked why the parking Committee had met in closed session, President Shuart expressed his belief that all Parking Committee meetings are open. The president told the audience that the next Parking Committee meeting "could take place right here (room 308) if you want."

Affirmative Action

On the topic of affirmative action and minority student recruitment and placement, the president stated that he believes Hofstra has done a good job but it can do better. With the employment of Roland Davis to generate a network of influence in minority communities, Shuart feels that Hofstra's reputation in these communities will continue to grow.

The president's visit ended on a feverish note as one student challenged his credibility and accused Shuart of lying to the Law School regarding its input into the dean search and Parking Committee. Shuart, only mildly ruffled, indicated that he felt good about himself and the job he was doing.

Student Reaction

(Continued from page 1)

he might close his ears to the Law School's future grievances. Professor Douglas Thomas commented that he did not think it was proper to call an invited guest a liar, or not to respond in a professionally appropriate manner. Thomas agreed with Story that the President might get the impression that he could not sit down and reason with law students on legitimate problems.

The student involved backed up his actions, claiming that the statement was in no way vituperative and that the President was about to leave to avoid answering some important questions.

Student feelings were mixed regarding the propriety of the statement, some claiming that it was unnecessary, but a substantial number were supportive of the outburst. One comment was "it is about time that they, (the Administration) know that we know we are getting the short end of the stick."

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Labor Law Publication Approved by Faculty

At its October 15th meeting the faculty voted to accept the Curriculum Committee's recommendation to approve the creation of a labor law publication. The main debate concerning the labor law journal centered on the Committee's recommendation that the editors of the publication receive academic credit for their work. The faculty voted to approve the Committee's recommendation. Additionally, Professor Kessler reported on the possibility of integrating the law school's academic life with the activities of the new Federal Courthouse.

On September 1, 1981, Professor Schmetz sent a memo to the Curriculum Committee outlining the establishment and organization of a labor law publication. His initial plans are to publish one issue per year, made up primarily of the scholarly papers presented by the participants of the annual Edward F. Carrough Labor Conference. The first conference is scheduled for either May or June, 1982. The publication would be organized much like the *Law Review* and the *IPIJ*, with a staff of 8 to 10 students. The students would be responsible for preparing the Conference papers for publication and would write notes for the publication related to those papers. (see story this issue.)

At the faculty meeting, Professor Diamond, Chairman of the Curriculum Committee, presented that Committee's report and recommendations. The Committee considered only "whether the students who worked on the journal would perform adequately and be sufficiently supervised to warrant the granting of academic credit." They did not consider the desirability nor wisdom of a third publication at Hofstra. The Committee recommended that the publication be approved for two years with faculty review at the end of that time, and that the editors receive academic credit "in the same amount and for the performance of the same types of tasks as are now relevant to the *Law Review* and the *IPIJ*. The standards for the earning of academic credit will be set up by faculty supervisors to approximate in quality and quantity what is required of students on *Law Review* and the *IPIJ*, including a substantial piece of writing which shall be adequate to satisfy the upper class writing requirement; and the earning of such credit shall satisfy the upper class writing requirement." The faculty discussion also centered around the issue of academic credit, and what amounts and type of work would be required of the staff. A concern was expressed that the students would not be properly supervised, or would not produce writing sufficient to meet the upper class writing requirement independent of the publication. The faculty was assured that the Committee had considered these areas, and had concluded that the student performance would be academically adequate. The Labor Law publication was approved for two years, with a faculty examination of it once the first issue is in print. The faculty voted to accept the Committee's recommendation concerning the granting of academic credit to the publication's student staff.

Professor Diamond also asked those present to submit their comments and criticisms of the first-year Lawyering Skills and Moot Court Programs to the Curriculum Committee. The Committee is currently evaluating these programs, and needs community input in order to make the most beneficial and desired changes. Professor Diamond commented that without such input "inertia will carry the day."

Professor Kessler reported on the meeting which he and Professors Silverman, Friedman, and Bryant had with Federal District Court Judge Pratt about integrating the law school's

academic life with that of the new Federal District Courthouse now in the old IRS building near the law school (see page 1). Professor Kessler said that Judge Pratt was very interested in having students "in the audience" while motions are being argued and trials are going on. Judge Pratt will be sending Professor Kessler a monthly calendar of the Courthouse's activities, and will alert him of especially interesting motion days and opening and closing statements. Additionally, Judge Pratt will instruct his staff to brief those students who attend the particular cases before the courts so as to increase the educational value of their visits.

Michael Glassman, Student Government President, reported that Student Government had allocated its \$15,000 among those student groups requesting funds. He told the faculty that Student Government felt that more should be done to assist groups which wanted to travel and participate in national competition and organizational events, but because of Student Government's limited resources Student Government couldn't give these groups adequate funds. The Dean replied that the issue of student group financing was not a proper topic for discussion at a faculty meeting, as it is more appropriately an area covered by his office. He said that his office was always open to students who needed money for such events, and that he would continue to try to meet the student groups' financial needs in those areas.

The meeting was attended by Dean Regan, Professors Adamski, Agata, Birkett, Bush, Champlin, Diamond, Gans, Ginsberg, Gorham, Gregory, Kessler, Mann, Rabinowitz, Resnick and Wypyski, Associate Director of Placement Francine Rozenberg, and Student Government members Michael Glassman, Tony Calvacca, Andrea Shapiro and Glen Berger.

Faculty meetings are open to the law school community (except when executive sessions are held); the next meeting is Monday, Dec. 7th at 3:15 in the Faculty Lounge.

Restaurateurs Score Touchdown

by Anthony T. Colleluori

This month the N.Y. Jets will play the Baltimore Colts to continue a classic football rivalry. In keeping with the spirit of the rivalry, I have been running my own version of the contest. There are two restaurant-bars in the Hofstra area owned by football players. One is in the Modell Shopping Center on Hempstead Turnpike in East Meadow and is named Buttle's after the proprietor and New York Jet linebacker Greg Buttle (No. 51). The other is located next door to the law students' haven, Island Books on Seventh Avenue and Franklin Avenue in Garden City. It is named McCauley's after the proprietor and Baltimore Colt running back Don McCauley (No. 21). Both are fun places and easy to get to from good old H.L.S.

This month I review the visiting team, McCauley's. McCauley was a local high school talent. His restaurant has a spacious bar with booths, a front room that seats 20 comfortably, and an upstairs that overlooks the bar, booths and front room. The menu consists of soup, salad, quiche, burgers and, of course, beer. There are also fine specialty sandwiches.

The chef salad (\$4.75) is big, stuffed with ham, turkey, cheese and lots of greens. It is a big meal worth its price. The soups are hot but often need to be peppered or salted at the table, a habit most food connoisseurs frown upon. The chili is not very spicy either, so if you're looking for Texas-type chili, go to Dallas. The clientele at McCauley's are young, 22-40 years of age and professional or semi-professionals. A lot of young attorneys, judges and famous Hofstra Law types lunch here. (The chili is probably not so spicy as to force some defendant or first-year law student to face sentencing in front of a judge with heartburn.)

The burgers are big, juicy and filling. The G.C. burgers (\$4.25) made with bacon, mushroom, onion and Swiss cheese and served on an English muffin are very hard to fit in your mouth and must be eaten with fork and knife. The French

burger (\$3.75) served with blue cheese dressing makes you feel like a cowboy in Paris.

The quiche of the day on Friday is a poor crabmeat quiche. It is not filling; it is rather bland; and it is too milky—no cheese taste, no crab taste; its consistency is weak and the crust does not taste homemade. The quiche lorraine is better, but the burgers are still a better bet. Of the specialty dishes and luncheon entrees, the Monte Cristo (\$3.75) which is basically ham, cheese and turkey on French toast, is one of my favorites. The hot roast beef with garlic bread served with melted Swiss on top (\$3.95) will fill you up and keep goblins away. The open-steak sandwich at \$5.95 is filling and the steaks are usually tender. I'd still rather have a burger.

The bar at McCauley's is very good and well stocked. You can taste the alcohol in the drinks, but they're not strong enough to knock you out after just a few. The bartenders are to be commended for getting more liquid and less ice into your drink than most places. The specialty drinks made with ice cream are very good. A special favorite with the ladies is the "strawberry kiss." Try it. It is sure to short-circuit your taste buds in a delectable fashion.

McCauley's during a busy lunch hour usually has a wait of 15-20 minutes and at dinner it is about the same. The hostess is usually accurate with her approximation of waiting time. Reservations are accepted as are major credit cards. The price for a good lunch at McCauley's with a drink goes for about \$7-\$10 and dinner is between \$10-\$15. In all, it is friendly, lively, and fun. The food is above average for the genre. Try it.

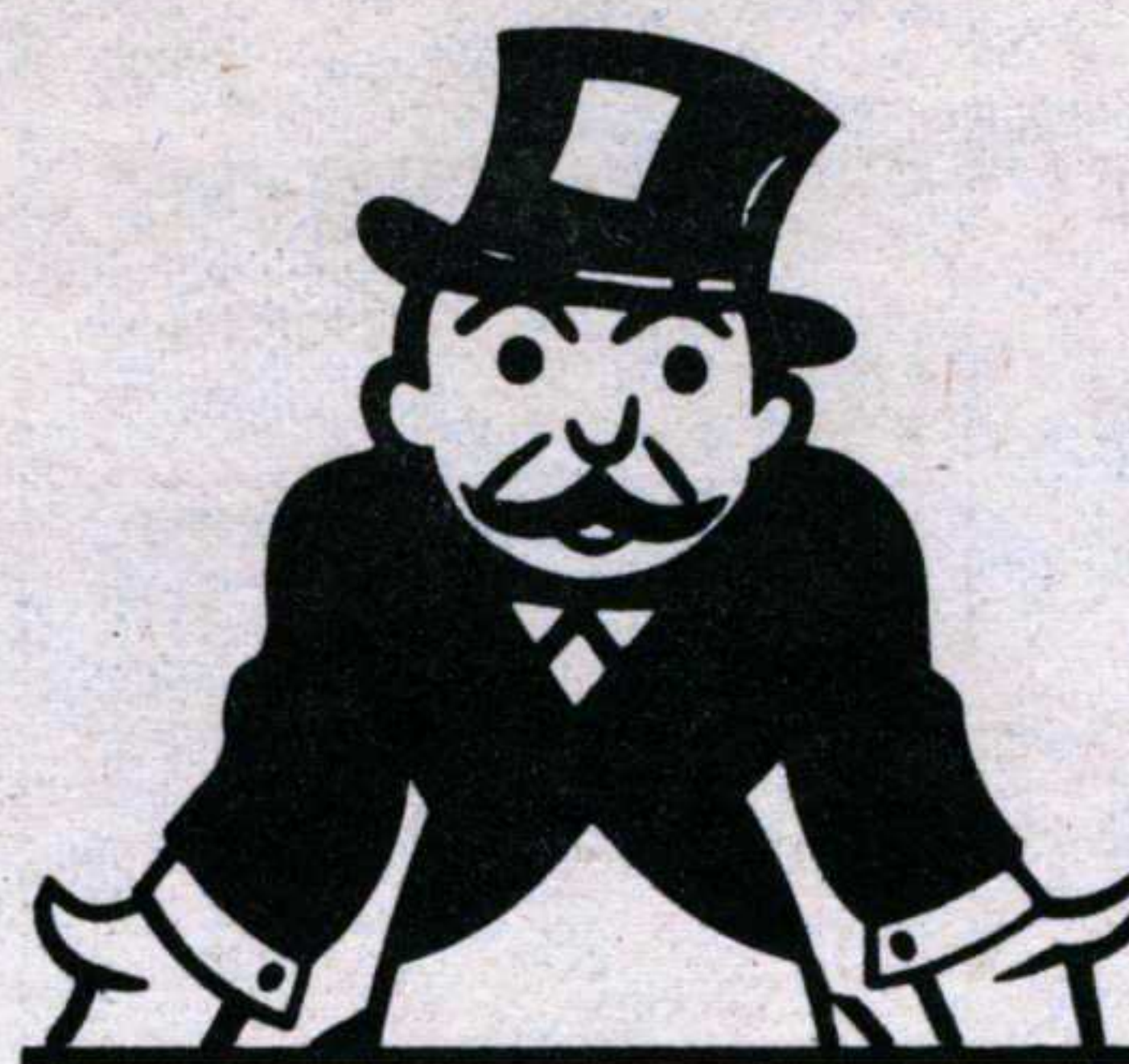
Next time, three cheers for the home team, Buttle's, the name game cafe.

LATE BREAKING NEWS— McCauley's now serves Sunday brunch. We haven't tried it, but if you're feeling adventurous...

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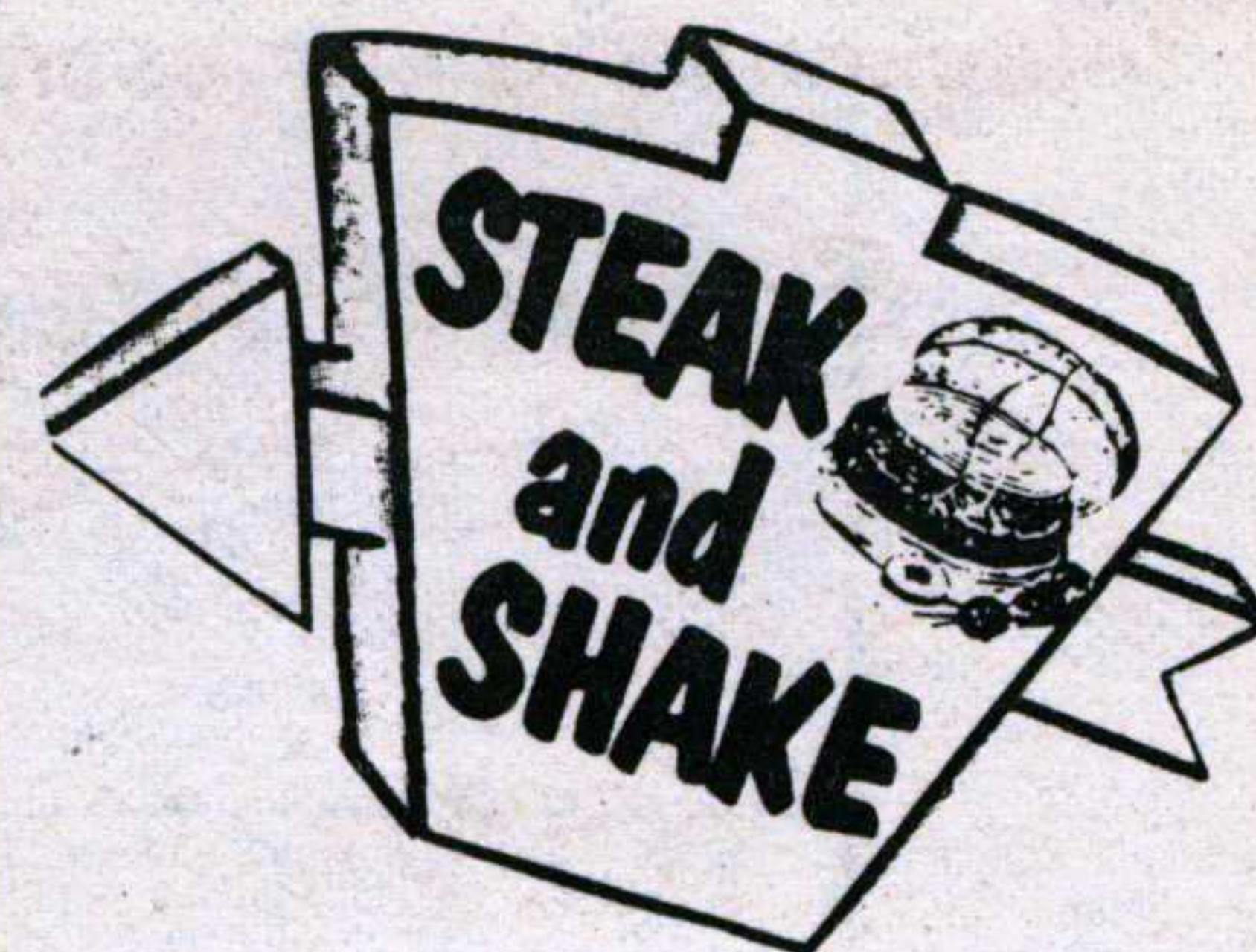
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PERIOD	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
8:10 to 9:00	8:45 Bus.Drafting Thomas 204	8:10 Sex Based Discr. Mintzer 227		8:45 Bus.Drafting Thomas 204	
9:10 to 10:00	Indiv.Income Tax Posin 308 Bus.Drafting Thomas 204 Appellate Litig. Freedman 227	Sex Based Discr. Mintzer 227 Wills,Tr.&Ests. Kadane 206	Law & Race Birkett 204 Child,Fam.State Gregory 227 Corp.Finance Kadane 206 Indiv.Income Tax Posin 308	Evidence Agata 308 Tax.ofPartnershp. Gans 205 Environ.Law Ginsberg 206 Bus.Drafting Thomas 204	Int'l.Bus.Trans. Geraghty 204 Wills,Tr.&Ests. Kadane 206 Adv.Anti Trust Alcorn 227 Legis.Process Lane 230 Tax Clinic Orlofsky 301
10:10 to 11:00	Appellate Litig. Freedman 227 Family Law Gregory 238 Indiv.Income Tax Posin 308	Crim.Pro. A Kessler 308 Crim.Pro. B Regan 206 Child,Fam.State Gregory 227 Debtor Rehab. Resnick 204	Law & Race Birkett 204 Fed.Courts Rabinowitz 205 Evidence Agata 308 Corp.Finance Kadane 206	Evidence Agata 308 Tax.ofPartnershp. Gans 205 Environ.Law Ginsberg 206	Int'l.Bus.Trans. Geraghty 204 Legis.Process Lane 230 1st Amend.Torts Friedman 205 Adv.Anti Trust Alcorn 227
11:10 to 12:00	Con.Law A Champlin 238 Con.Law B Friedman 308 Adv.Corp.Tax Gans 204	Crim.Pro. A Kessler 308 Crim.Pro. B Regan 206 Child,Fam.State Gregory 227 Debtor Rehab. Resnick 204	Remedies Mahon 206 Financial Inst. Thomas 204	Secured Trans. Mahon 308 Family Law Gregory 238 Wills,Tr.&Ests. Kadane 206	Crim.Pro. A Kessler 308 Crim.Pro. B Regan 206 Tax.Exempt.Org. Orlofsky 204
12:10 to 1:00	Remedies Mahon 206 Financial Inst. Thomas 204	Remedies Mahon 206 Financial Inst. Thomas 204 Prob.Crim.Leg. Agata 301 1st Amend.Torts Friedman 205		Secured Trans. Mahon 308 Family Law Gregory 238 Wills,Tr.&Ests. Kadane 206	Tax.Exempt.Org. Orlofsky 204 Hsng.&Comm.Dev. Silverman 227 Crim.Pro. A Kessler 308 Crim.Pro. B Regan 206
1:10 to 2:00	Fed.Courts Rabinowitz 205 Evidence Agata 308 Insurance Lesnick 204	Indiv.Income Tax Posin 308 Corp.Finance Kadane 206 1st Amend.Torts Friedman 205 Prob.Crim.Leg. Agata 301	Con.Law A Champlin 238 Con.Law B Friedman 308 Adv.Corp.Tax Gans 204	Business Plan. Posin 204 Real Estate Jacob 230 Adv.Admin.Law Bohrer 301 Eco.Anal.Law Bush 205	Con.Law A Champlin 238 Con.Law B Friedman 308
2:10 to 3:00	Fed.Courts Rabinowitz 205 Environ.Law Ginsberg 206 Adv.Prob.Sec. Adamski 301 Insurance Lesnick 204	Adv.Legal Res. Wypyski Lib Corp.Tax Orlofsky 230 Comp.Asp.Jew.Law Klapperman 227 Pub.Sect.Lab.Law MacDonald 204 Pre-trial Lit. Neumann-Bryant 308	Real Estate Jacob 230 Corp.Govn.&Acct. Adamski 227	Business Plan. Posin 204 Eco.Anal.Law Bush 205 Corp.Tax Orlofsky 230 Adv.Admin.Law Bohrer 301	Pre-trial Lit. Neumann-Bryant 308
3:10 to 4:00	Legal Intervwg.& Counseling Neumann 204 Adv.Prob.Sec. Adamski 301 NLO Seminar Bryant 227	Real Estate Jacob 238 Adv.Legal Res. Wypyski Lib Corp.Tax Orlofsky 230 Pub.Sect.Lab.Law MacDonald 204 Pre-trial Lit. Neumann-Bryant 308	Real Estate Jacob 230 Corp.Govn.&Acct. Adamski 227	Collective Barg. Horvitz 205 Labor Arbitra. Schmertz 204	Pre-trial Lit. Neumann-Bryant 308
4:10 to 5:00	Law & Psych. Regan 206 Legal Intervwg.& Counseling Neumann 204 Equal Employ. Pogrebin 205 NLO Seminar Bryant 227	Comp.Asp.Jew.Law Klapperman 227 Pre-trial Lit. Neumann-Bryant 308 Pub.Sect.Lab.Law MacDonald 204 Admiralty Law Curtin 205 Entertain.Law Pieniek 206	Adv.Crim.Pro. McCloskey 205 Hsng.&Commun.Dev Silverman 227 Estate Plan. Radigan 204	Collective Barg. Horvitz 205 Labor Arbitra. Schmertz 204 Adv.Patent Law Scully 301 Const'l.Litig. Pratt 227	Pre-trial Lit. Neumann-Bryant 308
5:10 to 6:00	Equal Employ. Pogrebin 205 Law & Psych. Regan 206	Admiralty Law Curtin 205 Entertain.Law Pieniek 206	Adv.Crim.Pro. McCloskey 205 Hsng.&Commun.Dev Silverman 227 Estate Plan. Radigan 204	Const'l.Litig. Pratt 227 Collective Barg. Horvitz 205 Labor Arbitra. Schmertz 204 Adv.Patent Law Scully 301	

All seminar courses are listed on "Spring 1982 Course List"

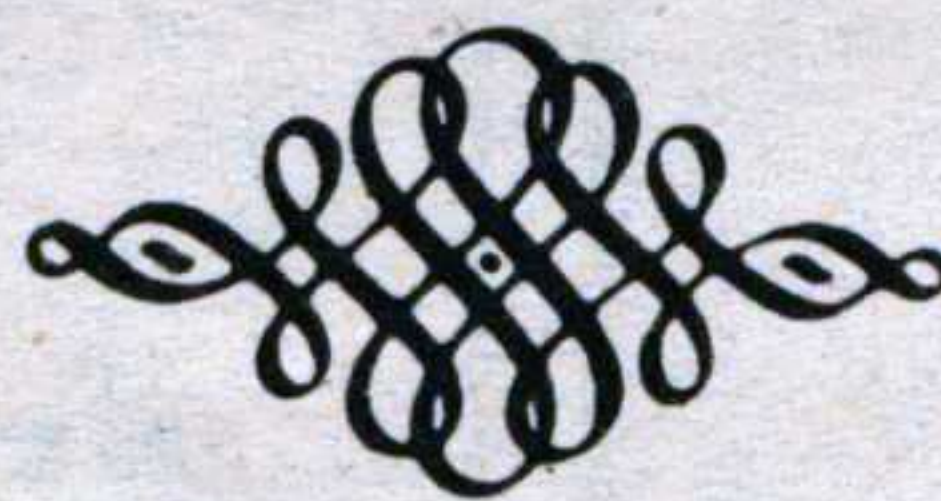
Finals Schedule Fall 1981

	FRIDAY Dec. 11	MONDAY Dec. 14	TUESDAY Dec. 15	WEDNESDAY Dec. 16	THURSDAY Dec. 17	FRIDAY Dec. 18
*9 am.	Bus.Org.A (A-L) 230 (M-Z) 238 Bus.Org.B 308 Debtor/Creditor A-L 205 M-Z 206	Est.& Gift 308 Con.Law A (arranged) Con.Law B (arranged)	Wills,Trusts,Est. A-M 308 N-Z 238 Int'l. Law 230 Lawyers' Ethics 206 Commodity Futures 205	Immig. Law 230 Land Use Reg. 206	*Indiv.Inc.Tax 308 Anti-trust 206 Comm'l.Paper 238	Real Estate 308 Conflicts 230 Fed.Tax Proc.206 Unfair Trade 238
1 pm.		Contracts A 308 B 238 C 230			Torts A 308 B 238 C 230	
		MONDAY Dec. 21	TUESDAY Dec. 22	WEDNESDAY Dec. 23	THURSDAY Dec. 24	FRIDAY Dec. 25
9 am.		Copyright 308 Sec.Reg. 238 Acct.for Lawyers 230	Evidence A-M 308 N-Z 238 Labor Law 230 Family Law 206	Property A 308 B 230 C 238 Patent Law 205 Commun.Law 206		
1 pm.		Crim.Law A 308 B 238 C 230				

* Indiv.Income Tax 12/17 starts at 8:30 am.



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ABA Reports:

Second Circuit Fall Round Table

by Erica Lieberman

As I promised last issue, I will divulge the contents of the ABA Second Circuit Fall Roundtable. The main focus was on membership—not simply on attaining new members, but also on why. Several things were pointed out and I'd like to pass them on.

It is the ABA that awards each law school its accreditation. Being a member of the ABA-LSD provides you with information on input into the very system and that regulates your school. You might scoff and say I'm being a bit unrealistic to think that you, a lowly law student (one must accept their role in life graciously), can have input, but it is true. The Law Student Division carries plenty of weight by passing resolutions and voting at the national convention. By the way, any member of the ABA-LSD is welcomed at the annual convention.

In addition, members of specialized ABA sections receive notice of their section's meetings and are encouraged to attend. I'd really like to stress the benefits available to those who choose to join one of the many sections. The attorneys who comprise the individual sections are tops in their field and take their jobs very seriously. Much can be learned from these people. Also, joining a section helps you get the feel of a certain area of law if you're not sure what you want to do with your life after law school (if there is such a thing). The litigation section is especially popular, and living in New York is a plus because many of the meetings are held in the Tri-State area. So, join the ABA and join a section!

There has been some talk about requiring attorneys to choose a field of specialization and imposing regulations on them. Not much was said about this; I'll let you know what I hear. Sounds scary to me.

More major points were discussed. The first concerned the ABA-LSD Liaison positions. These positions are a well kept secret and I can understand why. They are ideal for special interests and only 50 positions are available each year. A Liaison has a lot of independence and travels around the country to section meetings with all expenses paid. He or she serves as a link between the section and the division. Selection is based upon three criteria: 1. the person must show an interest in the area of law; 2. the person must be personable; 3. and the person should have prior service to the LSD. You can get more information in November's *Student Lawyer*. Deadline is sometime in February.

Number two: Matching Funds Grants are available to special interest groups. Those organizations that need money to sponsor special programs (\$100-\$750) should contact me.

Last, I would like to announce that the ABA sponsors several competitions such as Moot Court and the National Client Counseling Competition. The regionals for both these contests will probably be held at N.Y.U. in March. Deadline is December 1st so, once again, see me for details. I will post information regarding other contests.

See you next issue (I dread December!!)

THE QUERYING

by Jeremy

What do you think of capital



RONDA HOROWITZ (Class of '84)

I do believe in capital punishment under certain circumstances for purposes of general deterrence. However, to take the life of a minor is repulsive to social mores. A substantial sentence will adequately serve the purpose of deterrence to youths. A minor does not possess the same mental capacity as an adult and therefore should not be subject to the same punishment as an adult. The minor, through rehabilitation, has the ability to learn from his mistakes, whereas it is unlikely that rehabilitation would change an adult's behavior.



MYRKA GONZALEZ (Class of '82)

While some juveniles don't belong in child detention centers because of the severity of their crimes, I can never see a sixteen year old being put to death. At sixteen there is still so much in the world which could shape him and change him.

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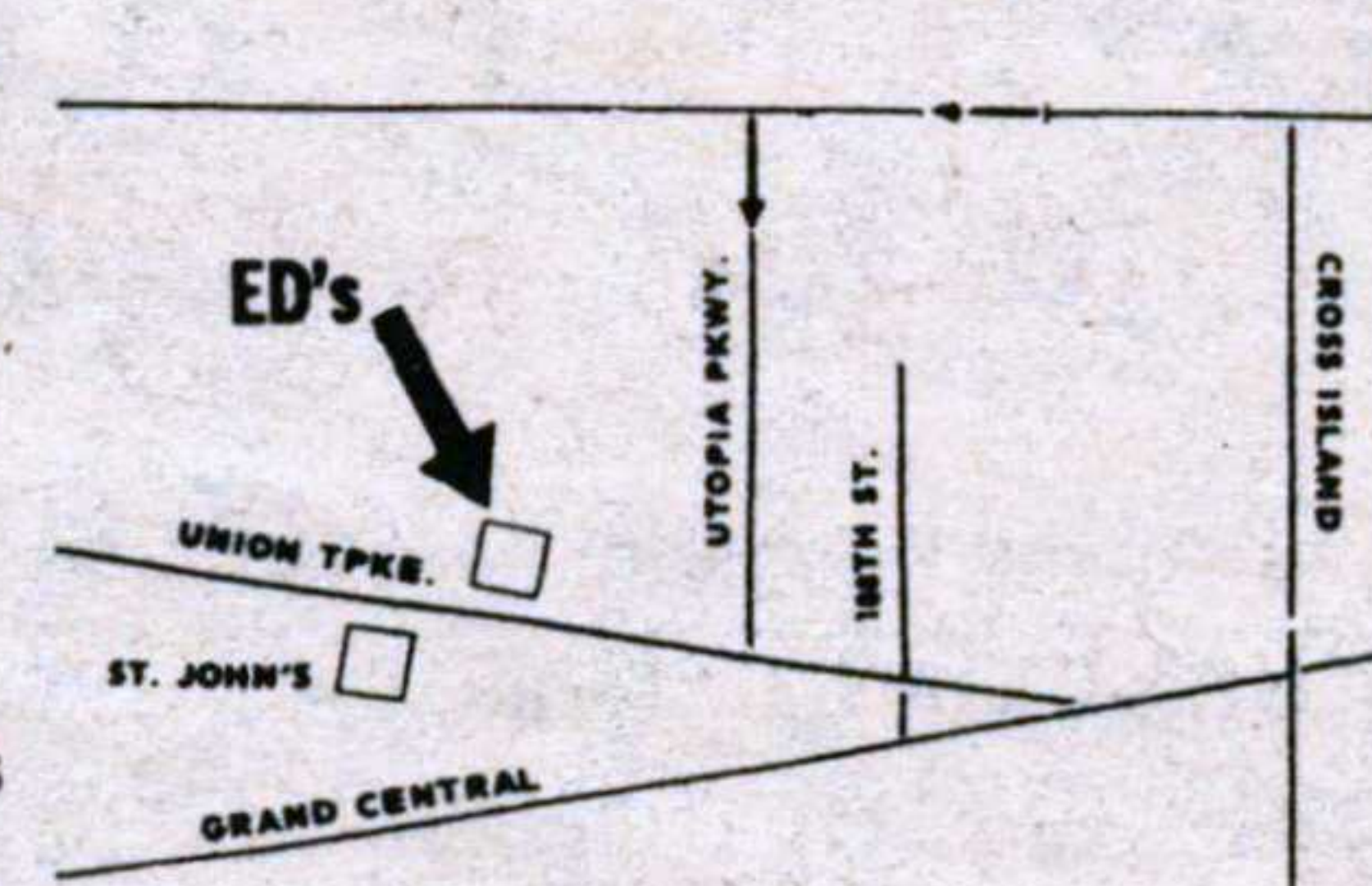
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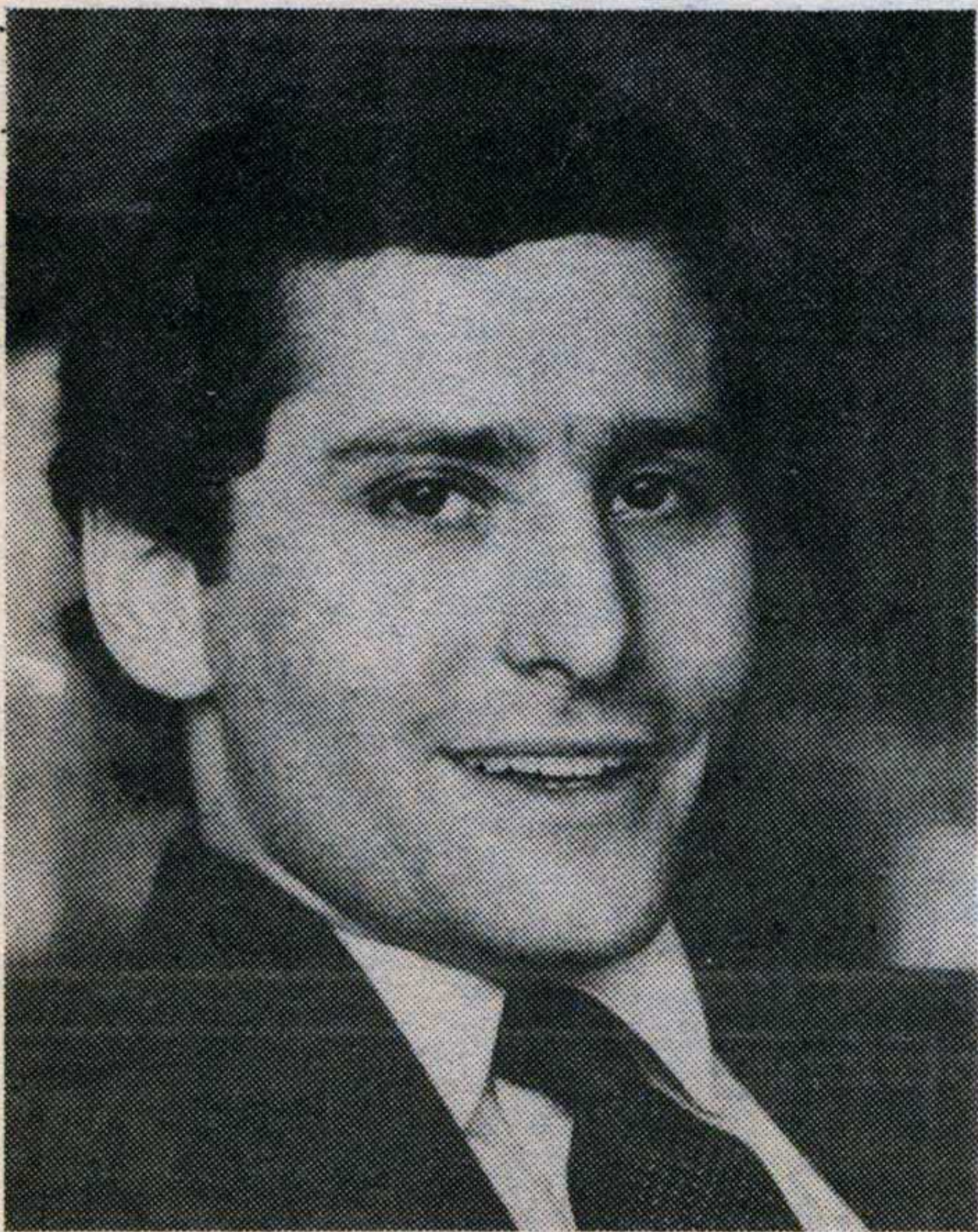
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Metz

punishment for a sixteen-year old?



PETER P. GOLDSTEIN (Class of '83)

If capital punishment is taken as a given, and the morality or effectiveness of the punishment is not to be questioned, then age should not be the sole criterion by which the sentence is imposed. Criminals should not be able to use their age as a means of escaping punishment. Courts, however, must still recognize the fact that the level of maturity of some sixteen-year-olds is such that they may not fully understand the implications and consequences of their actions. Therefore, the determination should not rest upon rigid standards, but should be examined on a case by case basis, taking into account the level of maturity of the offender and his or her capacity for change. Courts must examine the danger the youthful offender presents to society and determine whether it is worth the risk to treat him differently from an adult.



TOM O'CONNELL (Class of '82)

Capital punishment for a sixteen-year-old certainly does sound like cruel and unusual punishment, but viewed from the victim's perspective, it may not seem so cruel or so unusual. If a crime is committed in a cruel and unusual manner, should not the punishment fit the crime?

A 16-year-old is certainly capable of knowing full well what he or she is doing and why he or she is doing it.

I have always advocated realistic life sentences for those who commit premeditated homicides, excluding those individuals who murder for profit, kill while incarcerated, or take a police officer's life while committing a crime and are fully cognizant of the police officer's identity. The latter type of feral animal should be executed, as should the species who kill in a cruel, unusual and heinous manner.

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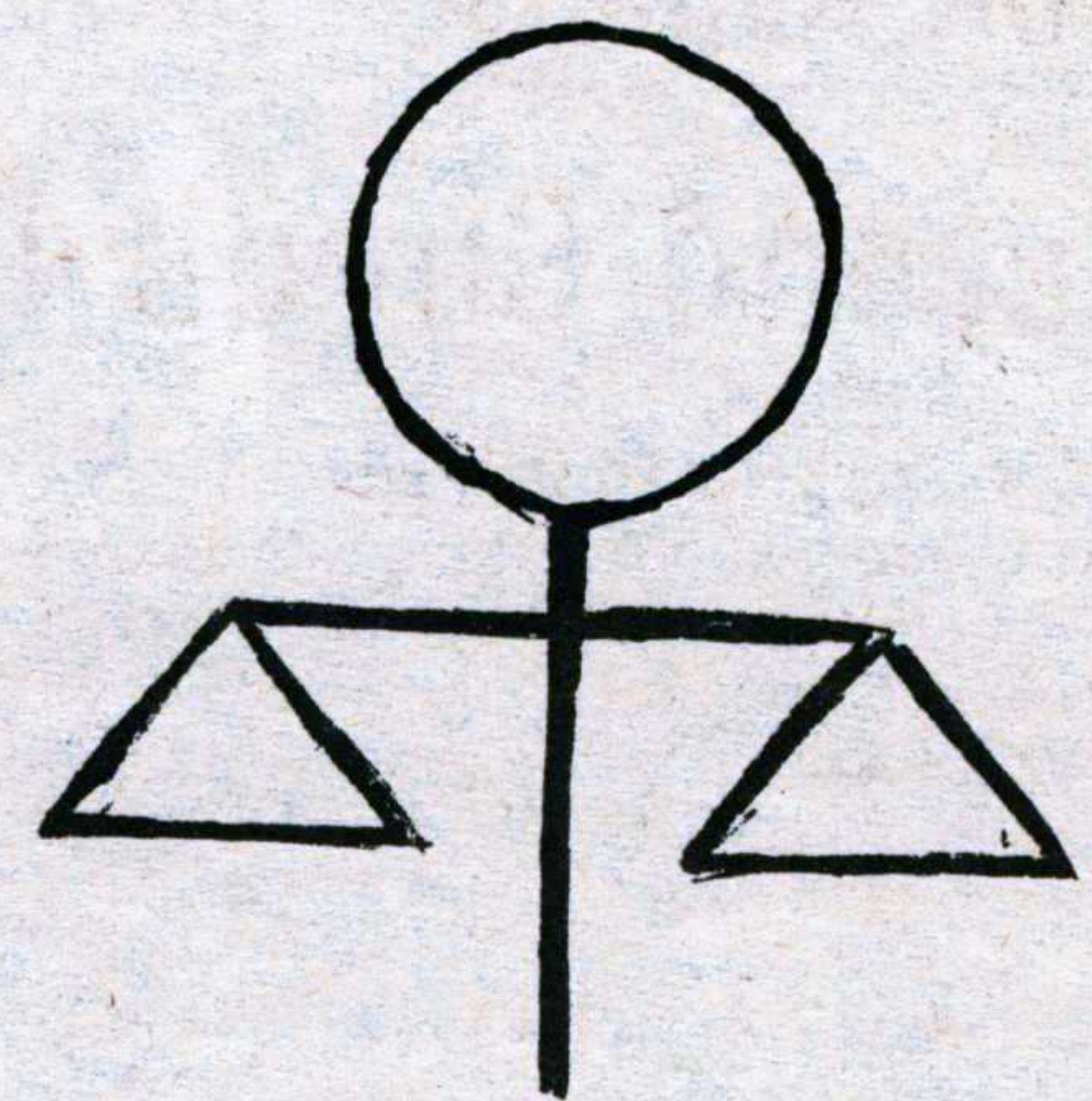
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