

conscience

Vol. 10 No. 2

Newspaper of the Hofstra School of Law

© 1982 October 1982

Please Do Not Open
Classroom Windows When
Aired Conditioner Is
Running ...

photo by Nick Gabriele

For Postal Information, See Page 8

conscience

Vol. 10 No. 2

Newspaper of the Hofstra School of Law

Conscience © October 1982

Resumes Stolen From Placement

Students Lift Resumes From ORCP File

by Alan Kaminsky

Amidst growing student concern that resumes filed in the placement office may have been tampered with by unauthorized individuals, placement director Hugh Christenson confirmed that there has been at least one incident in which a student, or "body of students," have "purged" the resume files and "removed another student's resumes." Christenson was adamant, however, in stressing that this was an isolated incident, and that steps are being taken to insure that similar occurrences will be avoided.

The current system of having students file their own resumes for the resume referral program has been criticized for providing students with easy access to other's resumes. Christenson acknowledged that if someone was determined to remove someone else's resume from the files, he would have ample opportunity to do so.

Although the names of the offender(s) are not known, the placement office is urging that the perpetrators, if caught, should appear before a student committee and receive proper sanctions. Several outraged students have already called for the violators' expulsion from the Law School. The issue has been forwarded to the Dean's office.

Christenson said that the current system is a "dramatic improvement from the filing methods of previous years," but because of this incident, and the possibility of similar future occurrences, the placement office intends to implement a new system next year. Under the new system a "student aide would be hired to file all resumes and prohibit student access to the folders." "All resumes will be kept under lock and key," said Christenson. While resumes are currently guarded during school hours, there is "no way" of securing their safety after the placement office closes. The alleged resume removal incident occurred at approximately 8:30 a.m.

The "resume rip-off" escapade is apparently the first such problem the placement office has experienced of its kind. It has been speculated that a student's motive for removing another's resume from the folders is to reduce the competition for interviews, or simply to make life difficult for one of his or her peers. Christenson was confident, however, that there was no need to worry that a full scale problem was about to erupt.

Anyone concerned about the possibility of their resumes not being forwarded to the firms of their choice is advised to stop in to the placement office and speak with one of the personnel, who can hopefully verify that all resumes were indeed sent as instructed.

photo by Nick Gabriele



Students Fight Twin Oaks Conditions

by Lisa Kovalsky

Over twenty students crowded into Juanita Anderson's Twin Oaks apartment on Sept. 23 with the new Director of Residential Life, Pam Pelliccia to complain about the Twin Oaks Apartments.

The students charged that the University failed to have the apartments ready when school opened and still aren't ready. The students feel that they are not getting their money's worth because the apartments still fall short of the promises made. Students were told during the summer, after it was too late to get back their \$100 room deposit, that there would be a delay in air conditioning and laundry facilities. The University never told students that the Security Booth would be unconstructed when they moved in and that their apartments would not be equipped with venetian blinds. Students also complained about a shortage of parking.

According to Law School Student

Government President Jordan Fox, the Twin Oaks residents deserve a rebate for their room and board.

Pelliccia stated that she had received a petition complaining about the lack of parking spaces. With this in mind, she took the shuttle bus to Twin Oaks instead of her car. To remedy the problem, Hofstra is negotiating with the owners of the lot across the street to lease parking space.

According to Fox, a rebate at this point would be fair since students paid for services they did not receive. The University included the cost of washers, dryers, and air conditioners in their fixed costs when determining what to charge students. The University has so far refused to give Jordan a copy of the budget to figure the amount of a reasonable rebate. Pelliccia thinks that the students will not get a rebate, but Fox disagreed. "They owe us money and we're going to get it through whatever avenues we can."

SMOKE CLEARS STUDENTS ALARMS DON'T

by Peter Shafran

October 4, 10 A.M. Students and faculty were forced to evacuate the Law School building as smoke billowed out of the lighting fixtures in room 308. The problem, caused by a motor burnout in the air conditioning unit on the roof of the law building, affected several other buildings on campus, including Emily Lowe Gallery, Calkins Hall, the West End Theater, and part of Memorial Hall.

The Hempstead Fire Department responded with two hook and ladders and two pumpers while Hempstead Police arrived with an ambulance. Hempstead Fire Chief Fahey sealed off the law building and the Lowe Gallery, but he was unable to locate any fire. Vice Dean Rabinowitz explained that the fire department was investigating to see whether there was any fire in the

duct system or in the walls.

At noon the Fire Chief reported that the building was safe and clear. Classes, however, were cancelled for the remainder of the day.

Incident Caused by Air Conditioner

The incident began several minutes before 10 A.M. when a motor on the rooftop air conditioning unit overheated and started burning. The distressed unit caused a thirteen thousand volt fuse in the South Campus circuitry to blow. After the law school air conditioner shut down, a signal was sent to the Campus' central plant causing officials there to manually shut down all three phase motor driven equipment on the South Campus. This shut down every air conditioning and major electrical unit on the South Campus.

Public Safety was notified of the inci-

dent by an automatic alarm set off when the three phase equipment was shut down.

Alarm System Problems

Professor Gans' Wills class first became aware something was wrong when Gans said he smelled smoke and declared, "Let's get out of here." Several students remained on the third floor while second year student Judy Scheinfeld pulled the fire alarm. The students claim that no alarm sounded.

According to Richard Drury, Director of the Physical Plant, the building is equipped with heat sensors rather than smoke detectors. These sensors are only activated by heat, not smoke. The manual alarm pull-boxes failed to operate because by this time the electricity had been turned off. There is no backup electrical system to the fire alarm or the lights.

INSIDE:

Bankruptcy courts
lose power . . . pg. 3

Abortion pg. 4

Community Forum.
pg. 8

Sports . . pgs. 14&15

Cover photo by Nick Gabriele winner of the "Hungry Joe Photo-of-the-Month". We congratulate Nick and we salute Hofstra's maintenance crew in solving the problem of arctic conditions in the classrooms. Keep up the good work!

Pocket Part Facing Extinction

by Pete Aloe

Pocketpart, Hofstra Law School's very own yearbook appears to be on the verge of extinction. The cause of the book's likely demise is a lack of interest. *Pocketpart* has been published for more than seven years.

According to Student Government President Jordan Fox, no one seems interested in picking up the project. Fox said that he would like to see a yearbook, but maintained that if students show no interest, he is not going to make the book a priority. Last year the book received \$3,000 from Student Government.

The yearbook's problems may be traced

to the fact that last year's yearbook has not yet been published. However, according to last year's editor-in-chief, Robert Fischl, the book was recently laid out. The book, says Fischl, should be out in several weeks.

"It's sad to see the yearbook go under," said last year's business manager Ray Smolenski, "but it takes a lot of work and not too many students are willing to do it." Fischl said that he has been looking vainly for his successor, but no one was interested in the job. "I hope somebody takes an interest, because it is a worthwhile project."

S.G.A. President Fox urged any students interested in working on the yearbook to contact him as soon as possible.

IPIJ IN FULL SWING

The *International Property Investment Journal*, has announced publication of its first issue. Publication of Volume 1, Numbers 2 and 3, as a joint symposium issue on the United Nations Law of the Sea, is scheduled for the end of October, 1982.

Lecture Series

In conjunction with publication of its first issue, the I.P.I.J. has also inaugurated a Lecture Series to which the whole law school community is invited. The first presentation in the series, a lecture entitled "What Do Real Estate Lawyers Do?" was delivered on Wednesday evening, September 22, in Room 238 of the Law School. The speaker

was Emanuel B. Halper, a partner in the New York City firm of Zissu, Berman, Halper, Barron & Gumbinger, one of the city's largest real estate firms. Mr. Halper is also one of the I.P.I.J.'s founders.

The I.P.I.J. is jointly sponsored by the Law School, the World Association of Lawyers, and the International Institute for Real Estate Studies. Mr. Halper is an official of both of the latter organizations. Future lecturers in the series will be Professor Daniel Q. Posin of Hofstra Law School's own faculty, Mr. Victor Druskin, General Counsel of The Consolidated Capital Companies, a large West Coast real estate financing concern, and Mr. David Alan Richards of Coudert Brothers in New York City.

In his presentation, Mr. Halper described the real estate lawyer as "part philosopher, part legislator," explaining that the process of negotiating real estate deals requires that the attorney be sensitive to the philosophical issues that underlie land use and transfer, and that the attorney also be creative enough to "legislate" the legal constraints and opportunities that will govern a particular real estate development project. Mr. Halper made effective use of hypotheticals drawn from his own extensive experience in real estate law, and engaged his audience of approximately forty persons in an exchange of ideas and approaches.

Future presentations in the Lecture Series will be advertised on bulletin boards around the Law School building.

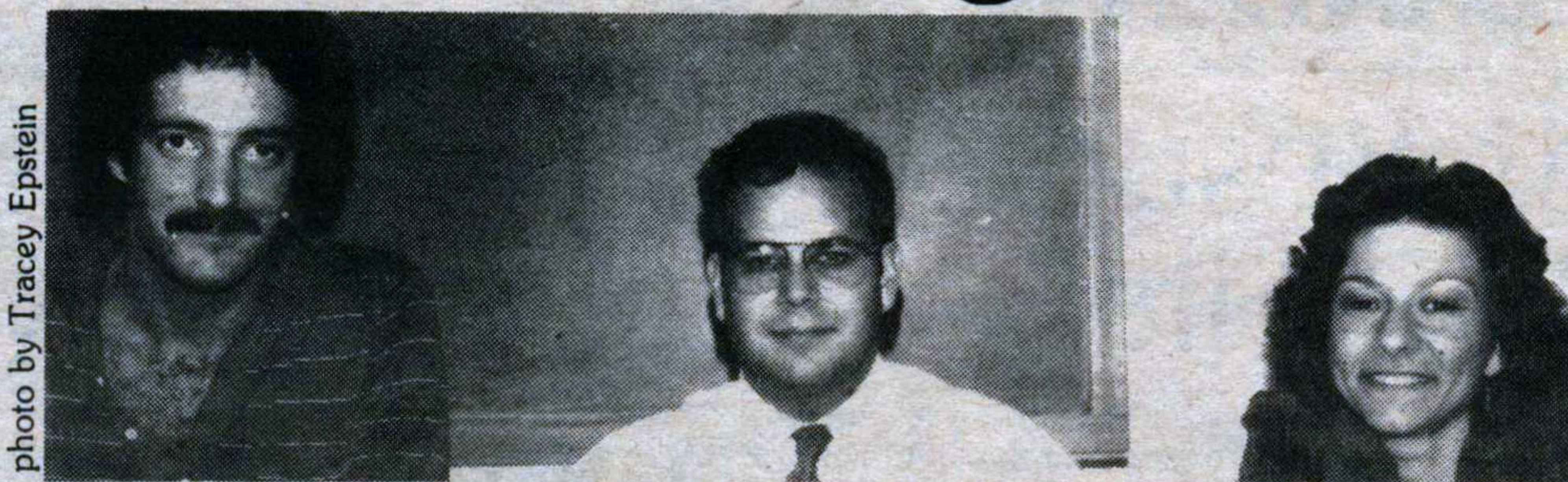
Student Government Organizes

by Tracey Epstein

Tuesday, September 21st was Election Day at Hofstra. Representatives to the Student Government were chosen from each 1st year section: Loretta Ahlfeld (Section A), Anne Marie Chmielewski (Section B), and Lou Ruggiero (Section C). Although elections were publicized by campaign speeches and posters, turnout was minimal; only sixty-six students voted.

In addition to the classroom temperature and parking issues, which need no further elaboration, student government is working on a variety of issues facing the law school community. For instance, the '82-'83 student activity budget is being allocated, expected to be a difficult and timely process.

On Thursday, September 23rd, student government called its first "cabinet" meeting of the leaders of Law School student organizations. SGA Treasurer Kathy Sagos told the groups that they must calculate their monetary needs for the year, and come up with a figure by Oct. 5. Student government members then will decide if these figures are justified, and either grant, deny or modify



the request. With an estimated total budget of \$14,500 this will not be an easy task. SGA President Jordan Fox also added that functions that are solely religious or political would not be funded this year.

Another issue, gaining little headway, is the University tampon policy. In addition to the fear of vandalism in the lavatories, the most recent administrative statement was that the maintenance people dislike the "messes" that are made by these machines. They also complained of the responsibilities involved in refilling the machines. It was suggested that a box of tampons be kept behind the desk in the lounge, but questions over the adequacy of this method were in the

minds of many.

On September 28th the Student Government met again. Whether or not to allocate funds to build a sukkah was the subject of the meeting. A sukkah is a small hut of branches and leaves built on the Jewish holiday of Sukkoth to commemorate the temporary shelters used by Jews during their wanderings in the wilderness. Meals are prepared and eaten in the sukkah during this festive, Thanksgiving-like holiday. Permission to build a sukkah was granted by the University administration, and the cost would be about \$75. Partial funding was discussed, due to the religious nature of the request, but funding was voted down by a 5-3 margin.

Help needed to organize a Formal Dinner/Dance for graduating students to be held after Spring Finals (in May). Interested people can contact Annette Guarisco or Alan Kaminsky. Leave message in Conscience mailbox.

ON TARGET AGAIN!

BRC students had no cause for concern on 3 of the six essay questions on the July 1982 New York Bar Exam, because Joe Marino, Sr., a virtual legend in New York bar review (with over 35 years of experience) thoroughly analyzed the issues that appeared on those questions during the bar review lectures.

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

Eastern Regional Office:
71 Broadway, 17th Floor
New York, New York 10006
212-344-6180



Marino-Josephson/BRC

FIRST YEAR REPRESENTATIVES

by Tracey Epstein

photo by Tracey Epstein



Lou Ruggiero



Loretta Ahlfeld



Anne Marie Chmielewski

Loretta Ahlfeld is from Stony Brook, New York. She graduated from Adelphi University and has been a registered nurse for 10 years. Loretta's interest in medicolegal issues played a large part in her decision to attend law school. She is also interested in labor and education law.

Because 1L's do not always know where and how to get information, Loretta sees her function as a channeller. She would like to be able to keep section A members informed on important issues, and hopes to help them deal with their problems.

Anne Marie Chmielewski is originally from Bensalem, PA. She attended Drexel University where she majored in business and minored in accounting and computers. In her spare time she raises frogs, keeping several in her room in South Hall.

Anne Marie's first impressions of Hofstra have been quite positive. She is enjoying the grassy campus, which is a sharp contrast to Drexel in downtown Philadelphia. Organizing section parties, such as a New Year's bash, are on her agenda, and she hopes her fellow students are as enthusiastic as she is about it. Anne Marie feels that student apathy at Hofstra is unavoidable due to the huge amounts of work, but hopes to be able to organize several social functions during the year.

Lou Ruggiero is equally enthusiastic about the year ahead. Lou lives in Rosedale, New York, and attended Catholic University in Washington, D.C. Lou was a bit disappointed in the lack of orientation activities for 1L's and would like to see more cohesiveness amongst 1, 2 and 3L's. He feels that upperclassmen can provide helpful advice into many areas of difficulty for 1Ls. As for those who think Lou is doing this "just for the resume," they are quite mistaken. Lou loves people and wants to make a conscious effort to help out his section.

New Recruitment Program Underway

by Erica Lieberman

Hofstra Law School has launched a new recruitment program under the direction of Assistant Dean, Robert Douglas. According to Douglas, the ultimate goal of the program is to create a Hofstra Law School presence on campuses throughout the country in order to attract the most highly qualified students from differing regions. Douglas' plan comes at an appropriate time; although the law school has developed a fine reputation in its short existence, many of its critics feel that the time has come to expand this reputation beyond the tri-state area. An enhanced recruitment program may be the answer to these critics' prayers.

To help create a "Hofstra presence," the law school will send a representative to meet with pre-law advisors and individual students at various colleges and universities. The purpose of this strategy is two-fold. The advisors can convey that Hofstra has a fine faculty, an interesting mix of programs, and offers an excellent education in a friendly environment. When meeting with individual students, the representative will have a better opportunity to detail why a student should attend Hofstra. "The law school has many selling points," stated Douglas, "for example the Clinical Program is very attractive, as well as the Tax Program, student publications and scholarly journals." In addition, copies of the different journals will be left for students to view.

Douglas has already initiated the program with a visit to Cornell University on Sept. 29 and 30. When asked whether recruitment activities will be limited to Ivy League caliber schools, Douglas emphasized that the program will extend to all types of schools around the country. "I'm convinced there are excellent students at other schools," he stated. Douglas explained that, in view of today's economic situation, a student may choose a college based on many different reasons, such as the availability of scholarships. Since many qualified students attend these "other" schools, Hofstra will not overlook them.

Douglas made no mention of specific requirements when asked about possible LSAT and GPA cut-off points, but simply stated that he hoped Hofstra's efforts will increase the quality and diversity of the applicant pool. The actual choosing is up to the admissions committee. Douglas did stress, however, that a special interest is being taken in increasing the number of minority students. Discussions have been held with BALSAs members to determine what colleges should be approached in order to achieve this goal.

A lot of time and energy will be needed in order to make the recruitment program successful. A crucial element in its success is the assistance of the entire law school community (faculty, students and alumni included). For instance, students and members of the faculty may have contacts at various univer-

sities that can be used to the law school's advantage. Faculty members with expertise can be of special help by contacting potential students who express an interest in their field of law. Alumni can have similar types of input by serving as ambassadors and visiting colleges in their vicinity.

A final caveat for the impatient: Douglas points out that success can not be achieved overnight. "I would be satisfied if in 2 or 3 years we can start to see the profile of entering classes improving in terms of GPA and LSAT scores, student diversity, and the size of minority representation." Anyone who wishes to help or submit a suggestion should contact the Assistant Dean in writing.

**Write for Conscience
It's Your Newspaper**

photo by Tracey Epstein



Ass't Dean Robert Douglas

Bankruptcy Courts Lose Power

by Ken Barnard

Absent some Congressional action, the United States Bankruptcy Court system, and the over 200 judges employed by it, will lose the power to independently decide matters of substantive law on October 4, 1982. Until officials agree as to what portion of existing bankruptcy law is still in force, and who has the power to enforce it, all bankruptcy litigation must stop! All of this, and the potential chaos that may follow, is the result of the Supreme Court's decision in *Northern Pipeline Co. v. Marathon Pipeline*, No. 81-150 (1982), which held the Bankruptcy Reform Act of 1978 unconstitutional.

Among its sweeping changes, the Bankruptcy Reform Act of 1978 focused greater attention on debtor rehabilitation, characterized by the "fresh start" concept. The act created a Bankruptcy Court system and "Bankruptcy Judges" to replace the

"referees," who acted as an arm of the district court under the old system. Most notable amongst its substantive changes was the broad grant of jurisdiction over all matters "related to a case under Title 11 (Bankruptcy)" given under 28 U.S.C. S 1471. Under such a grant of jurisdiction, Bankruptcy Courts might decide claims based on both federal and state law.

In *Northern Pipeline*, the Supreme Court upheld the defendant's argument that the Bankruptcy Reform Act unconstitutionally conferred Article III powers in a non-Article III adjunct. Article III grants Congress the power to establish courts whose judges shall hold office "during good behavior," and whose salaries "shall not be diminished during their continuance in office." This requirement reflects a fundamental attribute of American government, separation of powers. It establishes the independence of the judiciary.

Bankruptcy Courts, however, are not "judicial courts." They are "legislative courts" established under the power granted Congress in Article I, to establish "uniform laws on the subject of Bankruptcies..." Judges under this system serve for a 14 year term, during which time their salaries may be reduced by Congress.

Stated quite briefly, *Northern Pipeline* held that Section 1471 vested Article III powers to adjudicate constitutionally recognized and state created rights in Article I legislative courts. They said that only judges who have life tenure and protection against reductions in salary may exercise the kind of jurisdiction granted by Section 1471.

This defect would appear to be relatively simple to remedy. Congress might either reduce the jurisdiction allowed to bankruptcy courts, or grant its judges life tenure and protection against salary diminution. However, this relatively uncomplicated process has

become bogged down in politics. The liberal administration that enacted a more debtor conscious code has been replaced by a conservative one. Many legislators and special interest groups see this as an opportunity to change substantive bankruptcy law in ways that favor creditors. Banks and finance companies are, of course, in favor of such changes. At a time when business failures are at their highest level in many years, everyone seems to want some change in debtor-creditor laws.

If Congress does decide to grant bankruptcy judges Article III status, this may give President Reagan the opportunity to select many new judges, since reappointment might become necessary.

As the clock ticks, the only thing that everyone can agree on is that no one can agree about the effect on current bankruptcy litigation after October 4.

ABORTIONS

Parental Consent

by Janlori Goldman

The extent to which a state can constitutionally legislate abortion has been greatly litigated since *Roe v. Wade* (1973). The *Wade* court ruled that a woman's fundamental right to privacy, as guaranteed by the Fourteenth Amendment, includes the right to terminate her pregnancy during the first trimester without regulation by the state.

Last year the Supreme Court ruled that a Utah statute requiring physicians to notify, if possible, the parents of immature, unemancipated minors before terminating their pregnancies, does not violate the minor's fundamental right to have an abortion. The *Matheson* court emphasized the narrowness of their ruling, stating that a statute may not give a minor's parents unreviewable veto power over their daughter's decision to have an abortion. The court suggested that notification statutes would be unconstitutional if applied to independent, mature minors, or if a hostile home environment would be against the best interests of the girl. The *Matheson* opinion failed to define the standards a court should apply in determining the maturity of a pregnant minor.

The Supreme Court does distinguish between notification and consent statutes, as illustrated by the *Danforth* ruling a few years ago. There, the Court deemed unconstitutional a blanket parental consent statute allowing a third party veto over a minor's decision to obtain an abortion. The same court found that although minors do possess constitutional rights, the state has broader authority to regulate minors' conduct than they do adults' conduct. The fundamental right to privacy is not absolute, the Court held, and thus the regulation of abortion may be justified by a compelling state interest.

The Supreme Court's opinion in *Bellotti* articulated a rationale for limiting a minor's constitutional rights. The Court argued that notification statutes pertaining to minors buttressed the state's interests in the welfare of minors and the safeguarding of family relationships. Recently, a district court expanded on this notion by ruling that a Florida statute which requires a married woman to notify her husband of the proposed termination of her pregnancy does not violate the Constitution. The Court found that Florida had compelling interests in promoting the marital relationship and protecting the husband's interest in his "procreative potential."

The latest addition to this judicial entanglement was last week's decision by the Supreme Court of New York authorizing an abortion for a profoundly retarded twenty-five year-old woman, after accepting the consent of her parents as a substitute for her consent. The woman, purported to have an I.Q. of twelve, has been institutionalized for the past twenty-two years. A court-appointed attorney, appearing on her behalf, opposed the state's argument for parental consent for an abortion, even when the woman is "incompetent" to choose.

Three abortion cases dealing with the states' interests in regulating abortion are currently on the Supreme Court docket. The issues presented are: whether a child under fifteen years of age can be required to obtain parental consent or a court order; whether the state can require a doctor to inform the woman of facts relating to the abortion procedure and fetal development; whether a mandatory twenty-four hour waiting period can be imposed on a woman between the signing of the consent form and the abortion; whether the Supreme Court should impose standards upon state courts in determining who is an "immature" minor.

judge friedenberg

Addresses Student Body

Judge Marilyn R. Friedenbergl of the Nassau County Family Court will address the student body and members of the Faculty on Wednesday, October 13th, 1982, during the Dean's Hour from 12-1 p.m. in room 230.

Judge Friedenbergl is a dynamic speaker and is sure to clarify any and all misconceptions you may have had regarding Family Court. Have you ever wondered how the Court handles "Children in trouble?" How do you feel about juvenile delinquents that commit offenses? Should they be treated differently than adults who commit the same offense? Are you aware of the distinction between a juvenile delinquent and Persons in Need of Supervision (P.I.N.S.)?

Have you ever wondered who the juvenile delinquents in Nassau County are? What their socio-economic or ethnic backgrounds are? Is it of any importance? More importantly, what causes one to become a J.D. or a P.I.N.S.? And what about the child who commits his first offense, how will he be treated in Family Court?

Judge Friedenbergl will authoritatively discuss the juvenile proceeding; from the moment a child is either apprehended for some offense or brought to the court because others find him in need of supervision, until the final disposition is made in the case. The major issue she will address is how and when the Court decides that a child needs to be placed in a facility, and how difficult it is to find the proper placement. There is a campaign currently being waged to remove P.I.N.S. from the jurisdiction of the Family Court. It is claimed that the confrontation in the Court between parents and children causes psychological damage, which might be avoided by allowing social service agencies to handle such cases.

Since Judge Friedenbergl is recognized as an outstanding practitioner in the field of

Family Law, her viewpoint on this controversy will be very enlightening. The judge has served 8 years of a 10 year term as a Family Court Judge. Her prior experience includes the practice of matrimonial and family law with the firm of Goodman and DaSilvar, and in her capacity as Deputy County Attorney she was assigned to the Nassau County Family Court from 1965 to 1970.

Judge Friedenbergl is an active committee member as well as an officer of numerous professional associations, including many County and State Bar Associations. She is also a member of and serves on the board of directors of many health related agencies. She is listed in *Who's Who in American Women*, and holds honorary memberships in the N.Y.S. P.T.A. and Delta Kappa Gamma, Omicron Chapter.

This program is being sponsored by the Trail Advocacy Club, Monroe H. Freedman Chapter of A.T.L.A. in conjunction with the Women's Center.

Besides sponsoring programs on the "Art of Advocacy Skills," the Trial Club offers students the opportunity to learn about and sharpen their trial skills at weekly meetings in preparation for trial competitions and eventual trial practice. The Women's Center is pleased to co-sponsor this event because Judge Friedenbergl is representative of the many fine contributions made by women to the legal profession. Additionally, this talk furthers the objectives of the Women's Center to promote informative and provocative discussions.

**Next Conscience
Deadline is Tues.
October 26th**

FALSTAFF'S

Fine Food & Drink

**Daily Lunch
Specials**

**Happy Hour
4-7 P.M.**

Food Served 11 A.M. till 3 A.M.

Corner California Ave. & Front St.

1/2 Block South of Hofstra Law School



by Stephen Mendelsohn

The Mexican economy was once viewed as one of the true success stories in the poverty stricken Third World. Today, however, Mexican laborers are desperately clamoring to escape the death of the peso. American and Western bankers are fighting to sell pesos for almost any value they can receive. The Mexican economy may potentially lead Latin America, but only time will tell whether the dreams of Mexico will be fulfilled.

The history of the Mexican economy has been one of servitude towards its massive neighbor to the north, the United States. Unfortunately, Mexican workers have been a cheap and readily exploitable commodity, both inside the United States and in Mexico. Mexican campesinos have picked our fruit and vegetables, and have willingly worked at other jobs that most Americans traditionally spurned.

American investment in Mexico was also tied to the land in the form of large corporate plantations and the exploitation of mineral resources. For many decades, American business seemed to control the Mexican economy, and the Mexicans hesitantly appeared to comply. The discovery of enormous reserves of oil in the Gulf of Mexico, however, altered the relationship between the United States and Mexico. The ruling

political party, the Institutional Revolutionary Party, began to assert its political and economic independence from the United States. Former President Luis Echevarria and current outgoing President Jose Lopez-Portillo greatly accelerated this process by expanding Mexico's ties with Cuba and by nationalizing all oil and gas holdings. Investment began to pour in as Japanese and American bankers saw the huge potential that Mexican oil profits could bring. The economy grew at unprecedented rates throughout the 1970's, and economic development appeared to be at hand.

A booming economy brought changes in the structure of Mexican society. A relatively large middle class emerged that could now travel to the United States for shopping and vacation trips. The Mexican birth rate, already one of the highest in the world, grew at enormous rates. Peasants began to leave the farms to seek factory work in Mexico City, creating extensive slums and further straining social services. Pollution is an ever-growing problem, and sanitation, never adequately dealt with, has been deteriorating in a number of cities.

As Mexico appeared to be coming to grips with its new-found prosperity, the oil boom suddenly collapsed. The world supply of oil was far outstripping demand, and prices were unexpectedly lower for the first time in many years. The extensive borrowing by the Mexican government on the strength of previous oil production became a severe strain on the economy. Western bankers (rather than realistically recognizing their

overzealousness) began to pump more loans into an already ailing economy. The collapse of the peso occurred at the point where Mexico could no longer service its foreign debt without massive refinancing. Investors holding pesos were crushed as the peso lost upwards to 80% of its previous value. Mexican consumers saw prices of imported and domestic items soar as the value of wages plummeted. Americans lined up to cross the border as Mexican goods became extremely attractive. Mexicans, on the other hand, desperately tried to enter this country in order to earn a living wage.

The response of the Mexican government was swift and predictable. The wealthy were blamed as domestic banks were nationalized and currency restrictions were imposed. Under Lopez-Portillo, the IRP derided American and Mexican businesses and called upon all workers to back the government. Privately, however, Lopez-Portillo has been courting the international banking community to save Mexico from default. It still remains to be seen whether the banks, whose previous loans have been anything but prudent, can work with the Mexican government in order to prevent a severe jolt to the Western banking system.

The future of the Mexican economy has yet to be clearly established. Although the current world recession has plunged Mexico into one of its deepest crises ever, the promise of Mexico's enormous oil reserves gives Mexicans a feeling of optimism. Decisions made by Mexico and the banking community in the near future will determine whether Mexico can fulfill its economic dreams.

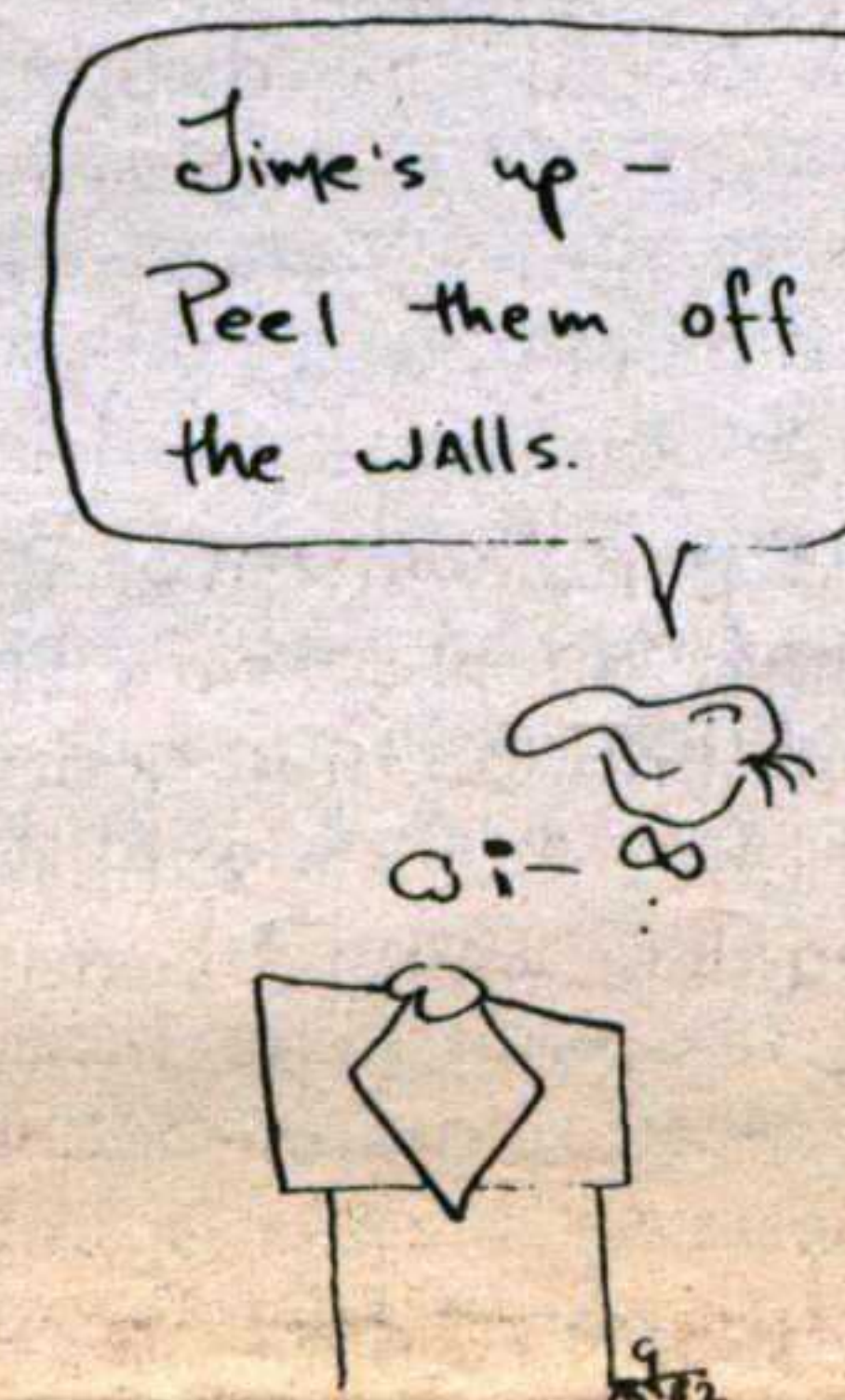
Mendelsohn On Money

The Mexican Economy and the Death of the Peso

The Ballad of E.L.

by Robin Cohen

The professor stood before the class, wearing an old fur coat.
 "Oh, woe, alack, and alas,
 I think you've missed the boat!"
 The delegation was indeed proper,
 flowing through specific river banks.
 But from all the blank stares I'm seeing,
 I think your boat just sank!
 The students sadly shook their heads,
 what could their prof. mean?
 His words made no sense, like a
 hallucinogenic dream.
 "We don't understand," they cried, wishing
 they were dead.
 The prof. looked at them with grief, and sadly
 shook his head.
 "It's all in the case," he said.
 "You didn't read the case?"
 He threw his book to the ground, and quickly
 began to pace.
 The students could see he was upset,
 for red his face was tainted.
 "I'm going back to my office,
 to see if it's been painted."
 The next day the headlines all exclaimed
 the school had been blown up!
 the fur-coated professor declared,
 "I was trying to beat my office up!"



RES IPSA LOQUITUR

The Pieper New York State - Multistate Bar Review offers an integrated approach to the New York Bar Exam. We emphasize sophisticated memory techniques, essay writing skills and a concise, organized presentation of the law. You will be prepared and confident.

PIEPER NEW YORK-MULTISTATE BAR REVIEW It Speaks For Itself.

REPRESENTATIVES
 Helen Gregory
 Annette Guarisco
 Joanne Watson
 Deborah Kurtz

1517 Franklin Avenue
 Mineola, New York, 11501
 (516) 747-4311

Limited Enrollment. Early Registration Discount to Dec. 1, 1982

Supreme Court Decides Book Ban

by Anne Serby

The Island Trees case, which involved a school library suit, was recently decided in the U.S. Supreme Court. The controversy arose six years ago when the Island Trees school board removed several books, upon recommendation from a politically conservative parents' organization, from the high school library.

The case developed in 1977, when several Island Trees students filed suit in the State Supreme Court in Mineola, L.I. for violation of their First Amendment rights. Shortly thereafter, the case was removed to the Federal District Court in Westbury, L.I. In 1979, the Federal Court, making use of a procedure known as summary judgement (which is used to resolve issues of law when there are no facts in dispute), ruled that the removal of the books "did not constitute a sharp and direct infringement of any First Amendment rights."

The U.S. Court of Appeals for the Second Circuit reversed the summary judgement. The Court of Appeals ordered a new trial to establish the motives behind the removal of the books, which might be in violation of the First Amendment. The school board then appealed the case to the U.S. Supreme Court to resolve the issue of whether or not summary judgement was properly granted.

Justice Brennan wrote an opinion for the plurality of the Supreme Court in which he recognized the difficulty of imposing constitutional limits on the curriculum in state-supported schools. However, Brennan reasoned that this case does not present this difficulty since "it does not involve textbooks, or indeed any books that Island Trees students would be required to read. Respondents do not seek to impose limitations upon their school boards' discretion to prescribe the curricula of the Island Trees schools. On the contrary, the only books at issue in this case are library books, books that by their nature are optional rather than required reading." Justice Brennan further reasoned that, "even as to library books, the action before us does not involve the acquisition of books. Rather, the only action challenged in this case is the removal of books from school libraries."

The court reasoned that the students could win the case if they could show that the school board intended to deny the students "access to ideas" with which the board disagreed. However, the court concluded that if the board had removed the books solely because they were "vulgar" or because of their "educational suitability," the removal would be "perfectly permissible." Thus, the motivation behind the removal of the books was a fact issue in dispute which precludes the granting of summary judgement.

The books in question were, "Soul on Ice," by Eldridge Cleaver, "Slaughterhouse-Five," by Kurt Vonnegut, "Down These Mean Streets," by Piri Thomas, "The Fixer," by Bernard Malamud, "A Hero Ain't Nothin' but a Sandwich," by Alice Childress, "The Naked Ape," by Desmond Morris, "A Reader for Writers: A Critical Anthology of Prose Readings," by Jerome Archer, "The Best Short Stories by Negro Writers," by Langston Hughes and "Go Ask Alice." These books were termed by the school board to be "anti-American, anti-Christian, anti-Semitic and just plain filthy."

The plurality opinion of the Supreme Court emphasized the spirit of the Constitution which protects the right to receive information and ideas. The Justices reasoned that, "Our precedents have focused not only on the role of the First Amendment in fostering individual self-expression, but also on its role in affording the public access to discussion, debate, and the dissemination of information and ideas." Thus, the plurality declared that, "the State may not, consistently with the spirit of the First Amendment, contract the spectrum of available knowledge."

Chief Justice Burger wrote a dissenting opinion in which he disagreed with the plurality's application of the First Amendment to the issue of this case. Justice Burger

argued that, "Today the plurality suggests that the constitution distinguishes between school libraries and school classrooms, between removing unwanted books and acquiring books."

Although Justice Burger's point concerning the explicit application of the First Amendment is valid, he failed to properly deal with the spirit of that law. In keeping with this spirit, an important distinction between school libraries and school classrooms and between removing books from school libraries and acquiring books for those libraries can be made. The First Amendment rights, which are not relinquished in the schools, protect "access to ideas." Therefore, the availability of knowledge in school libraries should not be tampered with. Although state funds are used to acquire books, the removal of books does not require the expenditure of funds. Thus, the Supreme Court reasoned that the school board's action could prove unconstitutional if the board intended to "deny the students access to ideas with which the board disagreed."

In light of the recent Supreme Court decision, the school board must decide what to do next. The board members had hoped to avoid an examination of their motives in the District Court by appealing the case to the Supreme Court. They now have two options: they can either proceed with the District Court trial or they can restore the nine books to the library shelves and avoid the trial. The constitutionality of the board's action is still unclear. That issue will have to be further dealt with when, and if, the motives are established in the District Court.

COMING EVENTS

Drama

October 8, 9, 10, 12 through 17: WAITING FOR GODOT, Samuel Beckett's enigmatic first play, directed by Professor Miriam Tulin in the West End Theater on the South Campus in Hempstead at 8:30 p.m., Sundays at 3 p.m. Tickets are \$3. For information call 516-560-6644.

October 28, 29, 30, 31: THE SKIN OF OUR TEETH: Thornton Wilder's joyous comedy directed by Richard Mason in the John Cranford Adams Playhouse, on the South Campus in Hempstead at 8:30 p.m., Sundays at 3 p.m. Tickets are \$3. Call 560-6644.

Emily Lowe Gallery

To October 17: FACULTY EXHIBITION: Hopkins/Nields. Recent paintings by Professor John Hopkins and ceramic sculptures by Professor Elizabeth Nields. Gallery is located on the South Campus in Hempstead. Admission is free. Gallery hours are: Tuesday, 10 a.m. to 9 p.m.; Wednesday, Thursday, Friday, 10 a.m. to 4:45 p.m.; Saturday and Sunday 1 to 5 p.m. Closed Mondays. Call 516-560-3275.

October 4 through 29: JAMES JOYCE AND HIS CONTEMPORARIES: An exhibition marking the centennial of the births of James Joyce, James Stephens and Eamon DeValera. 9th Floor Library on the South Campus in Hempstead. Admission is free. Hours are 9 to 5 Monday through Friday. Call 516-560-5974.

Music

October 8: HOFSTRA STRING QUARTET: Harry Glickman, violin; Ray Kunicki, violin; Harry Zaratzian, viola; Seymour Benstock, cello. John Cranford Adams Playhouse on the South Campus in Hempstead at 8:30 p.m. Admission is \$4; \$2 for senior citizens and non-Hofstra students. Call 516-560-6644.

Conference

October 21, 22, 23: JAMES JOYCE CONFERENCE: A conference to observe the 100th birthday of James Joyce and his contemporaries, particularly including Eamon DeValera; other contemporary artists and writers. Various locations on the North Campus in Hempstead. Admission is \$20 or \$10 for non-Hofstra students. For information call 516-560-6775.



**We're looking for
a few good legal minds
who want to become good lawyers.**

A challenge and a promise from the Marine Corps....

Here's the Challenge: Practice law with us. The Judge Advocate Division (our legal branch) is no rose garden. You've got to be good and want to be better.

Here's the Promise: you'll never be a law clerk. Never. You'll step right into a courtroom with us. You'll be a leader, too.

As a Judge Advocate in the Marines you can stay with us and make a career in the Corps. Or, you can leave the Corps to go into civilian practice after three years.

For your continuing legal education, you have the opportunity to qualify for nearly twenty supplemental law courses... all paid for by the Corps.

If you're a man or a woman in

pre-law, law school, or you've already passed the bar...we have a law program for you.

The total story is too substantial... and exciting...to be told in a few words here. But a Marine Corps Officer Selection Officer can state our case completely and concisely.

If you're looking for responsibility...if you want to practice law in a wide variety of challenging ways...we ask you to do two things:

1) Phone us or mail the coupon, and an Officer Selection Officer will call on you at your convenience.
2) Keep this in mind:

*To be a lawyer is a good thing...
To be a lawyer who is a leader is
a still better thing.*

SALARIES BEGIN AT \$18,000!

For Additional Information Contact:

Captain R.T. Centner

5 Broadway Freeport, New York 11520

Or Call: (516) 223-3439 or 223-3470



**The Few.
The Proud.
The Marines.**

EX LIBRIS:

LEXIS

by Ann Coates

Since mid-September more than two hundred 2L and 3L students have been trained by Professor Eugene Wypyski, head librarian, in the masterful art of LEXIS. For the uninitiated, LEXIS is a software system for computer-assisted legal research. Its purpose is to help locate relevant statutory and case law relating to a legal issue. As the scope of computer assistance grows, seemingly by geometric progression, the need for future lawyers to become both proficient at, and comfortable with using information retrieval systems seems obvious, and the training program at the library becomes a "must."

There are two systems nationally used in computer-assisted legal research, LEXIS and WESTLAW. The former system is by far the more widely used; in fact, according to a survey conducted for an article in the Illinois Bar Journal, in 1979, 100% of all respondents who used computerized legal research had used LEXIS; only 6% had ever used WESTLAW. In response to this problem, WESTLAW has vastly expanded its data base and the two systems are now fairly comparable.

Both have in their data bases: all Supreme Court decisions since 1938, all federal District Court and Court of Appeals decisions since 1961, all state appellate opinions since 1967, the USC, selected federal tax materials and automatic citation checking, including subsequent history.

Each system, however, has its own advantages. WESTLAW's Supreme Court decisions go back to 1931; it allows judges to edit opinions before publishing, and it contains the usual West summaries, headnotes and key number indexing as well as Shephard's citation service. LEXIS' advantages include more years of district court, circuit court and state court decisions, plus patent, copyright and trademark cases, a federal tax and SEC library, and trade regulations and statutes of several states. In addition, it is available 30 hours longer per week, has interface with complex document analysis systems, a faster entry of new cases and you can stop work on a project during the day and pick it up again hours later.*

For office use, both systems are billed on an hours-in-use basis (a cost averaging about \$3,000 a month in normal law office use). As a special service to law libraries, however, only a flat fee is charged and as a result some services are restricted such as LEXIS' new Shephard's citation service and, during the peak hours of business use, 2 to 5 PM Monday through Friday, the terminals are closed

to student use.

Law-related information retrieval systems are not the complete answer to the time constraint problems of legal research, at least not as yet. As you can see from the data base descriptions given, research is limited as to years of decisions available, there is no broad coverage of state statutes (only 4 states are presently available on LEXIS), and it offers no law review articles or learned treatises. In the words of Gerry Giannatasio, reference librarian, "It is not a primary method of academic research." In his opinion, it is only useful if you recognize its limitations, and he urges that students use a combination of LEXIS and the digests to get a really complete picture of opinions and statutes on any point to be researched.

Giannatasio finds it to be especially good, though, on issues that are very current. Some topics are too new to be extracted from digests, whose headings were set years ago. For example, "psychological parent" in custody cases is too new a term and concept. Also, some other current terms would have to be checked in a digest under names originally used to describe them. For instance, nuclear warfare would be found under atomic warfare, labelled in the 50's.

Despite the misgivings of those practitioners who still consider the system suspect, the computer has established itself in the legal profession and is decidedly here to stay. But to quote from G. G. Wood's 1980 article in the Chicago Bar Record, "It is time to recognize that the computer is no more than a high-speed clerk, well suited to assist the lawyer." He urges that "education will dictate how rapidly and how well the legal profession adapts to the future of automation... If legal educators help acquaint tomorrow's lawyers with the available tools, progress will be must faster."

And that progress is just what Professor Wypyski plans to promote. A two hour training session is still available on October 15, 2-4 PM, and as many others will be scheduled throughout the year as demand — and Prof. Wypyski's time — will permit. To take advantage of a training session you can sign up with Mrs. Arndt, assistant to the law librarian. (Sorry 1L's, you're not allowed, but it gives you hope for better things to come next year.) If you don't take advantage of the opportunity now, you're sure to regret it later.

*For a more definitive analysis of the two systems see: Sprowl, WESTLAW vs. LEXIS: Computer Assisted Legal Research Comes of Age, 68 Ill. Bar J. 156 (1979).

Printing Impressions, Inc.

QUALITY PRINTING & CREATIVE DESIGN
OFFICE SUPPLIES • BUSINESS FORMS
SOCIAL INVITATIONS • ANNOUNCEMENTS
RUBBER STAMPS • ENGRAVED NAME PLATES
LABELS • BUSINESS CARDS • RESUMES
LETTERHEADS • ENVELOPES • XEROX COPIES
BLUMBERG LAW FORMS

RESUME PACKAGE

PROFESSIONAL TYPESETTING OF 1 PAGE
100 PRINTED COPIES
100 BLANK COVER LETTERS
100 BLANK ENVELOPES

\$30⁹⁵

on White Bond Paper

Other Packages Available — Priced Accordingly

Xerox
White Bond Copies 15¢
Over 25 copies 10¢

REPORT COVERS

SHEET PROTECTORS

1000 Business Cards \$18⁹⁵

WHITE CARD STOCK — LOGO

CHOICE OF RED • BLACK • BLUE • GREEN OR BROWN INK

DIPLOMAS & CERTIFICATES LAMINATED ON WOOD

EAST MEADOW PLAZA

1948 HEMPSTEAD TPKE., EAST MEADOW

(Near the East Meadow Flick — 1/2 Mile East of Meadowbrook Pkwy.)

794-2640

Open Friday Night till 9 P.M. For Your Shopping Convenience

Cinema Francais

The Hofstra University French Club will sponsor a three-day festival of acclaimed French films on October 18, 19 and 22 in the Student Center Theater on the North Campus in Hempstead.

The offerings run the gamut from slapstick to suspense to gentle comedy.

The three films to be shown are: "The Mad Adventures of Rabbi Jacob," (October 18) a comedy about a bigot posing as a rabbi

to elude his pursuers; "Les Diaboliques," (October 19), starring Simone Signoret as a mistress who plots the murder of a tyrannical headmaster; and "Peppermint Soda," (October 22), about a French schoolgirl's coming of age, told with delicacy, charm and intelligence.

All are in French with English subtitles, and will be shown at 10 a.m., 12:30 p.m. and 7:30 p.m.

The public is invited. Admission is free. Further information is available by calling the French Department at (516) 560-5484.



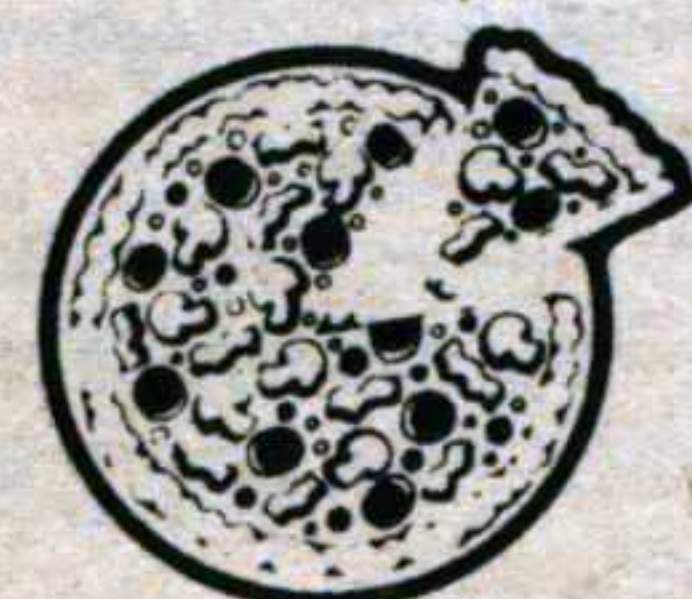
(516) 538-7038

Paul's Pizza and Italian Kitchen

Hot Dishes, Dinners, Heroes & Calzones

LUNCH SPECIAL

2 slices and small soft drink - only \$1.35!



1144 FRONT STREET
UNIONDALE, N.Y. 11553

We Deliver
11 A.M. - Closing

(516) 538-7038

COMMUNITY FORUM

Editorials

Stealing of Resumes

Once again Hofstra Law has been marred by the dishonesty of a few students. It is hard to imagine anything lower than the latest base act — stealing student resumes out of the job placement folders.

Placement Director Hugh Christenson has recognized the problem: Some students cannot be trusted with access to the files. So Christenson will keep the resumes under lock and key and hire additional personnel to file the resumes.

Christenson has taken the appropriate steps. But it is sad that a placement office that could do so much more to help students find jobs has to spend its limited resources playing the role of guardian.

It is time for the administration to crack down on those few students who lack even a trace of morality. We have long suffered — and long been embarrassed — by the many library books with cases removed with a razor blade. Those who would commit such acts show themselves unfit to practice law. The Administration should thoroughly investigate this resume stealing incident. Those caught should be given a full, fair and open hearing before a committee of faculty and students. If found guilty, they should be expelled.

The Promise of Student Government

The Law School student government has made an excellent start. To many administrators, S.G.A. President Jordan Fox has made himself a real pain. Fox and his colleagues have spoken up loudly for the rights of students. Their student advocacy has been long needed in student government.

Student Government called a meeting of student leaders at the Law School. Once assembled, the group fired off a letter that insisted the administration restore the tampon machines to the women's bathrooms. The group also vowed to monitor such trouble spots as parking and the first year writing program.

Fox also assembled a group to fight for better conditions at the University's Twin Oaks Apartments.

Student Government's performance, however, has not been flawless. The voting turnout for first year representatives was an embarrassing sixty-six votes — a warning sign that Student Government has yet to get most students behind its program.

This year's Student Government is far ahead of the Student Governments of the past. Those groups opened the fall semester with a slew of promises, but later, the student government members would turn their attention to other interests. This year's Student Government has made a most impressive start; but the real test has yet to come.

The Shambles of Diplomacy

Only one thing certain can be said about Middle East diplomacy after the Lebanon invasion — it's in shambles.

Israel has suffered the recriminations of the invasion and the Phalangists' massacre of Palestinian civilians. The PLO has suffered the elimination of its military capacity. The Arabs have suffered the embarrassment of watching helplessly as Israel invaded an Arab nation. The Lebanese have seen their homes destroyed — again. Under the rubble lies the Camp David accords and the hope that they represented.

All parties have lost, and each is pointing the finger of blame at each other. But there is blame to go around. Instead of recriminations, the moment should be seized to put forth a bold peace plan that would not otherwise be possible. A peace plan that would require sacrifice from everyone involved.

We do not presume to suggest the details of such a plan. But if peace is ever to come to the Middle East, certain steps must be taken. All sides must put aside hate and mistrust and talk about ways to live together. The Arabs and the Palestinians should unilaterally recognize Israel's right to a state, though not necessarily governed by the PLO. Israel and the United States should drop their refusal to talk to the PLO. The PLO at least has the right to be a part of the discussion. The PLO may not be the sole representative of the Palestinian people, but it is one of their representatives. In practical terms, there is no choice but to include everyone in the discussion. Otherwise, any accord is doomed to failure.

In the wreckage called the Middle East, the parties can choose war or peace. For the sake of the Middle East children still alive, they should choose peace, and the sacrifices peace entails.

Letters

A Letter to the Dean

September 1, 1982

Dean Eric Schmertz
School of Law
Hofstra University
Hempstead, New York 11550

Dear Dean Schmertz:

At a time when the federal government has severely cut back on civil legal services to the poor, we are distressed to learn that you have seen fit to reduce the Law School's clinical program. It is our understanding that the Lawyering Skills program will do away with serving clients from this community and will consist primarily of simulated cases.

The Law School has a professional responsibility to serve the disadvantaged on Long Island. The Community Legal Assistance Corporation has been able to provide legal assistance to only a small portion of these needy clients. In the past, first year students have been assisting the clinic in serving approximately seventy-five divorce clients a year. This year, only one of five classes will take on real cases. Instead of adequately resourcing the divorce clinic to continue this service, the Law School has lessened its leadership role in providing legal assistance to the poor.

At the same time, the Law School has done a disservice to its first year students by removing the opportunity to handle actual cases. The value of clinical experience cannot be duplicated through a simulation. The spontaneity of a client interview, the responsibility of preparing the casework of an actual client, and the satisfaction of seeing a case to resolution make Hofstra's first year program unique. In addition, first year students will not have the market-place advantage of clinical work experience.

We see a Lawyering Skills Program with simulations as resembling the Moot Court program in researching hypothetical problems.

Although we are disappointed that the Law School has not increased its service to the community, we are even more disturbed that it has not even been able to maintain this valuable program at its current level. This is an undeserved blow to the Law School's students and community.

Sincerely,

Robert K. Barnard
R. Gordon Abitbol
Keven G. Blessin
Joe Cassidy
Donna Hill
MaryLou Ambrosino
Christine Coburn
Jane O'Neill
Barbara Rosi
A. Patricia Moore, Esq.
Nassau County Democratic
Commissioner of Elections
(Hofstra alumna)

John M. Sealan
Laura Cecere
Susan Bahn
Michael F. Donegan
George Patsis
Barbara F. Petraglia
Frances Scorrone
Glenn Berger

Trevor K. Campbell
Joseph B. Davis
Barbara J. Grawunder
Dari Schwartz
Frazine Thompson
Karen Grant
Cynthia Diaz Wilson
Laura Ford
Marcia Meengs Bakker
Beth Barash
Barbara S. Magen
Leslie B. Hertz
Carol Casazza
David H. Chidekel

cc: President Shuart
Editor, Conscience

Critic Corner Created

At the bottom of the editorial page is a pledge by the editorial board of this newspaper to bring Hofstra Law School "a competent, informative, lively newspaper of professional quality." The entire staff of Conscience is committed to this goal.

But despite its good intentions and with the realization that its staff is not comprised of professionally trained journalists, the paper at times has failed to live up to the expectations of its staff and the Law School community.

Complaints regarding the paper have tended to focus on poor overall writing quality and inaccurate reporting.

These problems will be addressed in a new column beginning next issue entitled THE STUDENT OMBUDSMAN. The Ombudsman will serve as a critic and will comment about the quality and content of each issue.

This column can only be useful if there is student input. That means that any complaints concerning the way a story was handled should be brought to the Conscience trailer or dropped in the paper's mailbox at the library desk. Oh, and please address your complaints to me, Paul Ross. I'm the Ombudsman.

Paul Ross

SGA Speaks

Welcome to the Student Government's second article. Many things have occurred during the past few weeks, so let's start from the beginning.

The first year class elected their representatives on September 21. Loretta Ahlfeld is section A's rep, Anne Marie Chmielewski is section B's rep and Louis Ruggiero is section C's rep. We officers extend our heartfelt congratulations to all three.

On the student life front, we are currently

Continued on page 9

conscience

October 1982

© 1982 Conscience
Hofstra University School of Law
Hempstead, N.Y. 11550
(516) 560-5922

Vol. 10 No. 2

CONSCIENCE is published monthly from August to May by the students of Hofstra University School of Law.

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.

CONSCIENCE is distributed free to the Hofstra community including students, faculty and alumni. Funding comes from advertising revenue and the student activity fee. Application for second class postage permit pending at Hempstead, NY. Postmaster, please return undelivered copies to the above address. Subscriptions for others cost \$8. Re-publication of any article is prohibited without the consent of the editor-in-chief.

COPY EDITORS:

Michael Lerner, Dari Schwartz, Stephen J. Wallace

CONSCIENCE STAFF:

Ken Barnard, Glen Brettschneider, Robert Castellano, Ann Coates, Robin Cohen, Anthony Colleturo, Eugene Colon, Debbie Dugan, Deb Ezbitski, Jody Fink, Jordan Fox, Jerry Giannatassio, Stew Gitler, Janlori Goldman, Annette Guarisco, Mike Hassin, Jane Himmelfarb, Bruce Jurist, Lisa Kovalsky, Leslie Levine, Kevin M. Loftus, Stephen Mendelsohn, Saul Morgenstern, Ray Moss, James Palumbo, Paul Ross, Jerry Romano, Jay Scheiner, Jeff Schlossberg, Anne Serby, Mike Shapiro, Debi Speyer, Richard Tirman, David Wankoff, Richard Weiner.

Paul Hubschman Aloe, Editor-in-Chief
Peter Shafran, Executive Editor

Joe Cassidy III, Managing Editor
Ray Smolenski, Managing Editor

Eric Horowitz, Business Manager
Keven Blessing, Advertising Manager
Lanning Gerald Bryer, Editorial Page Editor
Alan Kaminsky, News Editor
James Dicker, Sports Law Editor
Bob Weiss, Features Editor
Erica Lieberman, Senior Copy Editor
David Chidekel, Senior Copy Editor
Nick Gabriele, Photography Editor
Tracey Epstein, Assoc. Photography Editor

...Letters

Continued from page 8

trying to receive a rebate for all residents of the University-owned apartments. We feel the rebate is justified by the University's failure to provide certain services at the beginning year that they had promised to provide: items like air conditioning, laundry facilities, etc. The cost of these services was paid for by students through payment of housing fees. We feel that since those services were not provided and their inherent costs not paid for by the University, that law students should receive a portion of that money back. If the money is not rebated, the University will receive a windfall at the students' expense. We have met with the Office of Residential Life, and we will meet with them again to pursue this matter in every available way.

We are also organizing the faculty-student dinner. Similar to last year, these dinners will involve approximately 15 students dining with a faculty member. The program's purpose is to improve relations between students and faculty and allow the faculty informally to speak about legal topics. Watch our bulletin board for future announcements.

Also, we are trying to set up a lecture/debate series. Anyone interested in helping should leave a message in the Student Government mailbox in the Admissions office.

Budgeting approval for clubs will be starting soon. If you are interested in who gets what, watch the bulletin board for the approved allocations.

Well, that's about all except for one thing. If you do not like something at the school, or even if you like something and you want to make sure it stays, leave your name and number in the mailbox and we'll contact you. We care and are willing to work, but without your input and help we can only do so much. Remember, it's our school.

George Patsis is secretary-vice president of S.G.A.

Columns

Outside Line

by Saul P. Morgenstern

Since it is more than a month since the beginning of school it is a bit late for a welcome (or welcome back) to law school piece to appear in this space. This won't be one. In fact, it's only partly about law school.

You will soon learn, if you haven't already, that law school is not a perfect paradigm of law practice. Nor, for that matter, is it an education in the practice of law. Most of what is taught here will only serve as background knowledge, intellectual tools of the trade. Although you may at points wish them to, the faculty will not teach you "the law." They will teach how to find it and how to use what you have found.

In some non-curricular ways, however, law school presents you with problems and decisions endemic to (but not limited to) the practice of law. Personal ethics, formed over a lifetime preceding your admission here, will determine what you derive from this experience and, when you leave, how you function as a lawyer.

This is not a discussion of "legal ethics." Those of you who are not yet familiar with the Code of Professional Responsibility will soon be. The debates within the profession about the present Code and the proposed rules will soon enough be familiar to you. No, this is about personal ethics; about not letting the fear, tension and anxiety mutate your personality or obliterate your perspective while you are here, and after you are admitted to practice.

Fear, tension and anxiety are everywhere in law school, and they cannot be avoided, only handled. They are present in practice as well, however, as this is a profession in which every case or deal presents personal challenges, deadlines, gains and losses.

The first year of law school amplifies these pressures because everything is new and lasts for eight months. The first year is followed, however, by exams every semester.

journal obligations for some, paper deadlines for others, job hunts, the bar examination and the cruel and unusual punishment of waiting for its results. The pressures do not at that point end.

Once you are admitted and practicing there are always deadlines. Filing deadlines imposed by courts, transaction deadlines imposed by changes in the law, or internal deadlines set by employers. As in law school, there is also a personal investment in the outcome. Consistent unsatisfactory outcomes will not make for happy clients. In fact, you will be looking for another livelihood.

Okay, so now you know that the pressure never goes away. So what. This is not designed to make you give up and go home now, but rather intended to point out what I fear is the biggest failure of legal education — the failure to warn law students that how they function in law school will, to a great degree, determine how they view other lawyers and the practice of law. Related to that is the failure to encourage and develop attitudes of cooperation and mutual respect rather than selfishness and distrust.

Law practice is competitive. Lawyers compete for clients and on behalf of clients. In law school one competes on behalf of oneself. The temptation is also to think only of yourself. The degree in which one does varies. Some will hold back in conversation for fear of sharing a good idea, and some will never lend notes or expertise to classmates who need them. Others seek more affirmative advantage and cheat on exams or break competition rules.

This is unfortunate enough on its own, but even more so because it is likely not to end in law school. It is likely to produce lawyers that all in practice are familiar with. They are the "to hell with society or the system it's every man for himself" lawyers. They know many Latin phrases but *pro bono* is not one of them. They do not believe in courtesies, unless the courtesies inure only to their benefit. They manhandle the courts and rules with abandon and attempt to justify their behavior as "zealous representation" within the terms of the Ethics Code.

Continued on page 10



Ray's IPSA

by Raymond L. Moss

Throughout the nation, massive efforts are underway to combat what is perceived to be the debilitating effects of the vacillating, vertiginous, vibrating, vociferous video menace. These cold coin eating slayers of human dexterity and "noncathode-related" desires began innocuously spawning nearly a decade ago.

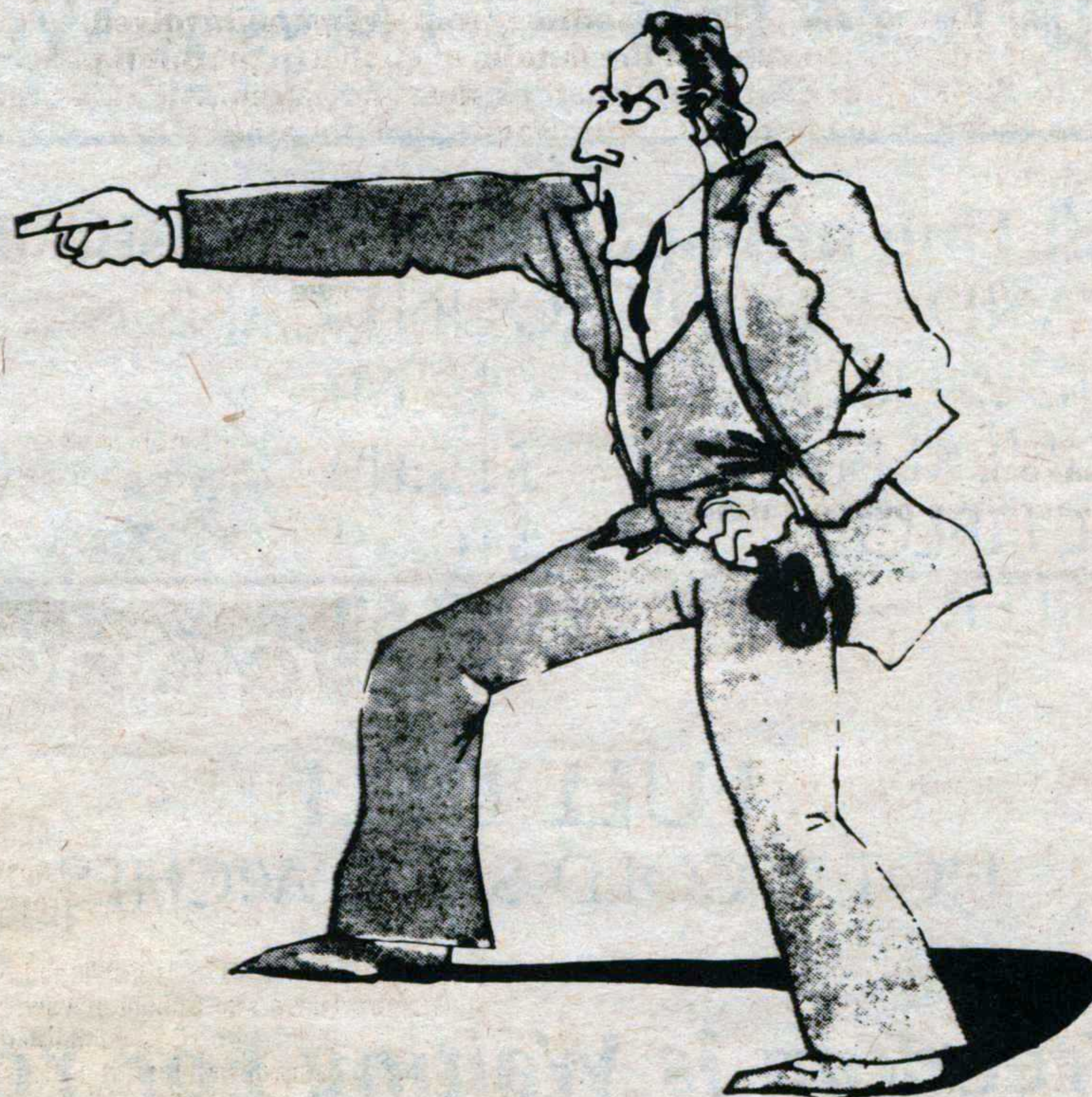
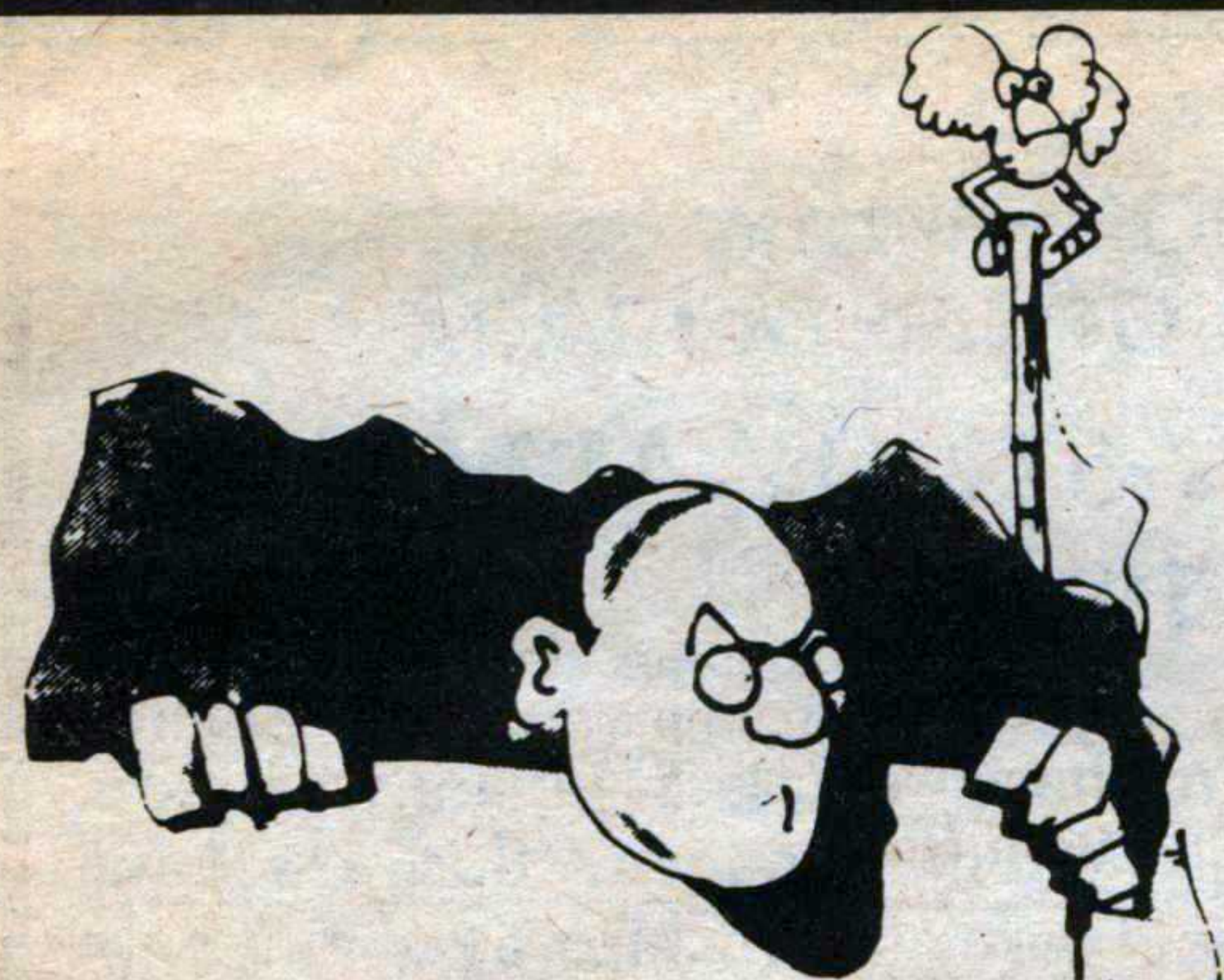
So widely held was the view that video was the panacea of the present and future that efforts were made to introduce Pong (the granddaddy of all video games) as the next diplomatic tool towards normalizing U.S. relations with China.

Unfortunately, the great promises of the video onslaught have turned to disillusionment and despair. Video games have had tremendous degenerative effects. These programmed mechanical menaces have launched an assault on our nation's youth by inhibiting the production of school work, alienating children from their family and friends and reducing mental and monetary reserves to zero.

More shocking are the reports from the nation's cities that our nation's top leaders in industry and government are not only outpacing America's youth in total scores and playing time, but are actually adopting the behavioral patterns of the machines which they play. This phenomenon has reached epidemic levels. For example, a leading political figure recently requested a free game after defeating an opponent in the election primaries.

Continued on page 10

And It Is Still Your Testimony That You Didn't Know
ISLAND BOOKS Continues To Provide Both Lawyers
And Students With The Largest Selection
Of Lawbooks In The Metropolitan Area?



Island Books - The Law Center

662 FRANKLIN AVE. GARDEN CITY, N.Y. (516) 248-9393

Outside Line

Continued from page 9

Lawyers who behave that way in practice often behave that way in general. About those people we can probably do nothing. There are others, though, who start out normal and sometime after their first day of law school develop the idea that only by looking out for themselves at all times will they succeed in this profession. This is a change the law school community must actively discourage. This will only occur by creating an environment in which mild displays of selfishness are unwelcome, and gross ones, such as cheating, are punished.

Humanity and consideration belong in law school and in the practice of law. Each of you can help to put, and keep, them there.

Saul Morgenstern is a member of the class of 1981 and an Associate with a New York law firm. He prefers to deal with respectable lawyers.

DEAN'S HOUR

12-1 PM — Wed., Oct. 13

Hear
Judge Marilyn R. Friedenber

discuss

"Juvenile Justice"

or

"Children's Rights"
in Family Court

Rm. 208

Ray's IPSA

Continued from page 9

The video mentality can be found at the highest levels of corporate behavior. It was just a matter of time until American Business caught on to the philosophy of Pac Man. The Bendix/Allied/Marrietta/United Technologies merger was an expensive demonstration of Pac Man Fever, where each company tried to gobble the other's stock-dots, while at the same time avariciously gobbling up each other.

Washington insiders report that supply side economics was created at a downtown bar, while economists were unsuccessfully trying to master Space Invaders. Entitlement programs such as Social Security, Welfare and Disability benefits were substituted for the glowing green invaders. While entitlement invaders descended over the Capital, the President was to amicably direct his missiles in their direction. Supply siders failed to realize that when hit, an entitlement invader clones into several more revenue hungry invaders.

The most disastrous and embarrassing video blunder occurred when people began to believe cutting taxes was as easy as playing asteroids. One simply cannot haphazardly fire in all directions and expect to shield the ship from damage and destruction. Worse yet may be the Pentagon's unhealthy fascination with the game strategy of Missile Command.

Tragically, it is the American people who are being treated like the humanoids in Crazy Climber. In this game, a man tries to crawl to the top of a building only to be met by flying flower pots and birds, which drop eggs and other assorted objects on him. If the humanoid is lucky enough to ascend to the top of the building, he must face the likes of King Kong. This video madness must end. America has suffered too much at the hands of these mechanical misanthropes. The quarter must stop here.

Life is not a game of Donkey Kong. America may be over a barrel, but it is not time to pull the plug. It is time for people to start taking the game Breakout a little more seriously!

Ray Moss was programed to be in the second year law class.

BETTER GRADES, OR YOUR MONEY BACK

That's right. If your grades don't improve after attending my six-hour seminar and following the precepts in my new book: "The Bar Exam/Essay-Writing Primer"; if my copyrighted three-step approach and unique insights geared to dissection and mastery of any and all legal essay hypothetical type exams don't transform your law school experience into one of confident, knowledgeable preparation and masterful exam-taking, resulting in better grades, I'll refund your entire tuition.

No one else (including your professors) has evolved the art of effective legal essay exam writing to such a precise science that he can offer the above guarantee. Take me up on it! What have you got to lose?

To reserve a place in my October 30 OR November 14, 1982 seminar at the New York Sheraton Hotel, 56th Street at 7th Avenue, New York City, send a \$10.00 check or money order to Wentworth Miller OR Legal Essay Writing Seminar, GPO Box 2293, Brooklyn, NY 11201. The full tuition (which includes the book) is \$50.00. Obtain a \$10.00 discount by remitting full payment by Oct. 24 or Nov. 7. Additional information upon request.

* If more than one seminar date, please specify your preference. Include your name, address, telephone number, law school and year with your remittance.

** The Primer alone may be obtained by mailing a check or money order for \$12.00. Due to the sophistication of the method, however, attendance at the seminar is recommended.

*** Wentworth Miller is a Rhodes Scholar, a graduate of Yale Law School, and a practicing attorney in New York City. He has extensive experience instructing law students in effective study and exam-writing technique.

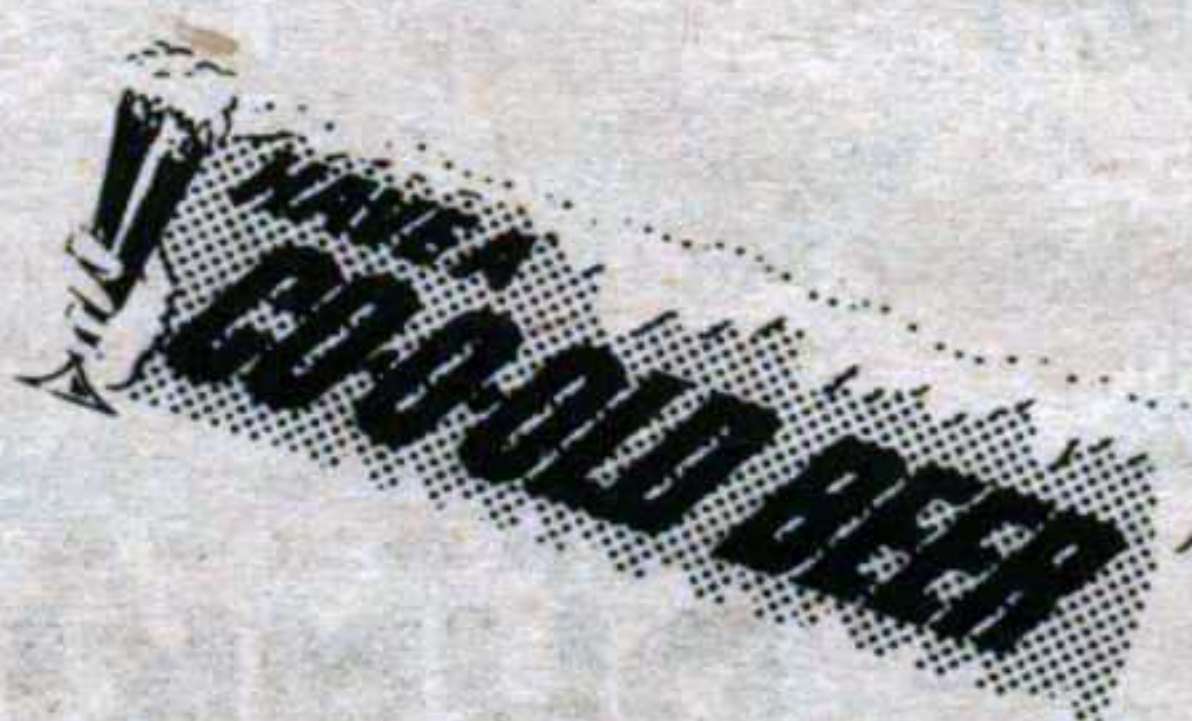


1275 Front Street
Uniondale, New York

Open 24 Hrs—7 Days a Week

Full Line of Imported & Domestic Beer

BRAND	DISCOUNT CASE
BUDWEISER	\$9.69
HEINEKEN	\$15.09
MICHELOB	\$10.59
MILLER	\$9.69



FULL DELI

HOT & COLD SANDWICHES

**Freedom Is Waiting For You
Just Around The Corner**

Between Uniondale Ave. & Merrick Ave.

486-8814

SCHOOL OF LAW UNIVERSITY OF SANTA CLARA SUMMER LAW STUDY ABROAD 1982

* **TOKYO, JAPAN** — Emphasis on U.S.-Japanese Trade. Courses in Japanese Legal System, Japanese Business Law, Regulation of U.S.-Japanese Trade. Internships available with Japanese law firms and corporate law departments.

* **HONG KONG** — Emphasis on Hong Kong as the commercial focus for U.S. trade with China and Southeast Asia. Subject areas include financing and taxation of international transactions through Hong Kong, commercial arrangements in Southeast Asia, and the emerging commercial structure of the Peoples Republic of China. Internship possibilities.

* **STRASBOURG, FRANCE** — Emphasis on International Human Rights. Public International Law taught by recognized experts from around the world. Affiliated with International Institute of Human Rights. Courses on Sources of International Law, Soviet Legal System, and International Environmental Law. Internship possibilities.

* **OXFORD, ENGLAND** — Students live in 15th Century Oxford College and are taught by Oxford Professors in Oxford Tutorial Method. Course offerings include Jurisprudence, European Economic Community Law, Legal History, Computers and the Law and various comparative courses.

For further information, write:

Director, Summer Overseas Programs

School of Law

University of Santa Clara

Santa Clara, CA 95053

To reserve your place, please include a \$100.00 deposit

Roving Art Critic

by Raymond L. Moss

Once again, my efforts to organize a tour of the Law School's art work has fallen on deaf ears. Admittedly, the collection is small, but it consists of art work never to be seen, and unlike any found in the Metropolitan, Whitney or Guggenheim Museums. Bizarre is a word often used to describe the works which embellish the school's walls.

I have catalogued six pictures. The Library lounge contains an orange-like stretch fabric said to be the only authenticated copy of the Shroud of Turin. As one approaches the Library proper, one finds a framed portrait of a man's head spewing no less than sixty-seven eyeballs from the eyes and cranium. This ocular carnage was donated by the class of 1976, and left no doubt as an admonition as to the deleterious effects of law school.

Upon entering the Library proper, one discovers a portrait of Charles A. Frueauff, who may best be known as the only man to have four consecutive vowels in his last name. Rounding out the main library area, one is relieved to see the familiar face of Supreme Court Justice Thurgood Marshall.

The reassurance of this familiar face suddenly fades as one confronts a disturbing message on the rear wall of the library. Instinctively, one may wonder whether the effects of a previous night's beer or other spirit may not have worn off. Alternatively, one may pinch oneself to make sure this is not another dreaded episode of the Twilight

Zone. Looking closer at the picture, the message blurs out — SMILE IRVING, THE WORLD IS ONE BIG SLOPPY TEST. This apparent omen can be found on a psychedelic colored canvas directly to the right of Professor Reagan's office.

The day-glow colors of the message evoke a remembrance of flower power, hippies, yuppies and communes. Questions arise! Was this message left by hippie-type law students in the early seventies? Who is or was Irving? A professor, a student or an extra terrestrial? Irving Younger, the famous attorney/lecturer? Irving Berlin? John Irving? Washington Irving? Irving Trust? Did we ever have a Dean Irving or an endowed chair named Irving?

Perhaps Irving is a generic term for students. Maybe the message should read — SMILE LAW STUDENTS THE WORLD IS ONE BIG SLOPPY TEST. Dissatisfied at this interpretation, one may turn to the dictionary. Using the Random House Dictionary, under English given names one finds Irving: a family name, a place name in Ayshire or Dumfriesshire. Most likely this is another dead end, since there is no Dumfriesshire on Long Island.

Perhaps the search for this seemingly enigmatic psychedelic creation has no answer. Perhaps there never was an Irving. Perhaps the message is a figment of the imagination. Perhaps the world is a sloppy test. Perhaps there is a person on one of the journals who still needs a challenging topic.

\$75,000 Question

by Keven Blessing

The New York State Legislature has awarded a grant to Hofstra Law to study a new method of binding arbitration. A team of labor law professionals, including Hofstra faculty, has been asked by the Committee on Work, Environment, and Productivity to examine the technique of Final Offer Arbitration. This method requires the arbitrator to choose between opposing labor and management offers in a contract dispute. The arbitrator may not decide on a different resolution.

On the research team are Law School Dean Eric Schmertz and Professors Burton C. Agata, Aaron D. Twerski, Malcom McDonald, and Wayne Horvitz. In response to the award, Dean Schmertz said he was "pleased to assist the State of New York in the use of this technique." The Dean observed that the grant recognizes Hofstra Law's advanced curriculum in this field.

In return for the \$75,000 grant, the research team is expected to make a recommendation on the feasibility of final offer arbitration in New York State. The details as to distribution of the funding and potential student opportunities will be discussed in the next issue of *Conscience*.

Telephone 516 829-4445

Telephone 212 767-5222

Solid State Applications

Cover Letters and Resumes

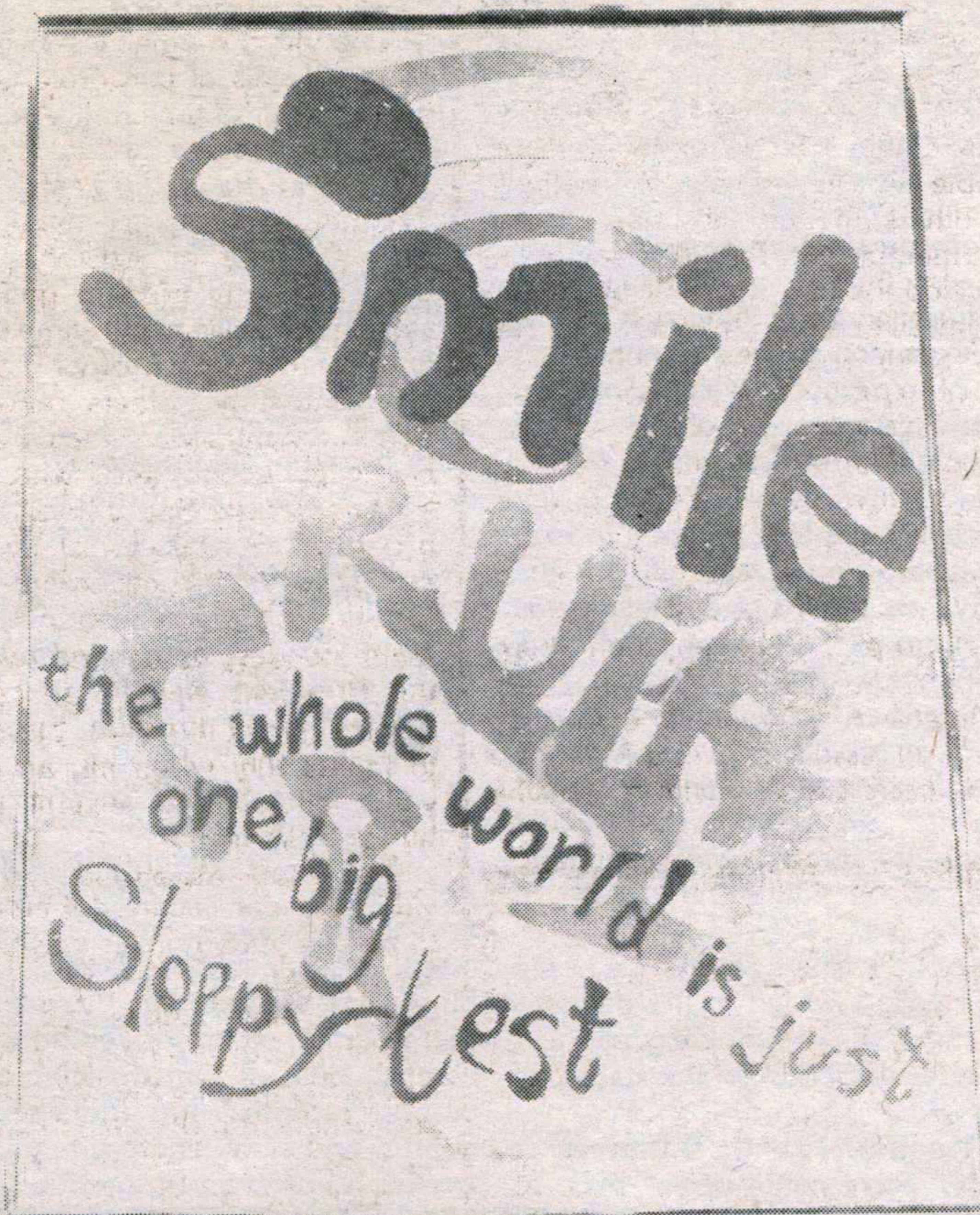
MEMO TO ALL LAW STUDENTS:

If you have a large number of prospective employers to reach quickly—our computerized letter service may be one answer!

Each letter is individually typed, with quality better than typewriters. Every letter has a different address and salutation, and special inserts may be added into the body of the letter. Our prices are just right!

- 1) Take L.I.E. or Northern State to Lakeville Road
- 2) Proceed north on Lakeville to Northern Blvd.
- 3) Make left on Northern Blvd. about 1/2 mile to
338 Northern Boulevard
1/2 mile west of Lakeville Rd.
Great Neck, New York 11021

If you have any questions, please call us at 212 767-5222 or 516 829-4445



RLSA: UPDATE

The Republican Law Students Association of New York (R.L.S.A.) has been described as "the nexus of law and politics." This uniqueness of purpose has made the R.L.S.A. the fastest growing professional-political group in the state. The R.L.S.A. can take an individual through his college days (pre-law chapters), into law school, and into the practice of law (Board of Advisors, Alumni Groups). The scope of activities engaged in by chapters throughout the state covers the academic, professional, political and social arenas.

Here at Hofstra, the chapter has embarked upon the most ambitious plan of action in the chapter's history. Successes already include the HOW TO BRIEF A CASE WORKSHOP, taught by New York State President, Charles Kreines; and our first CAMPAIGN NIGHT, held at Congressman Ray McGrath's new headquarters. Photos of chapter members at these events are on display on our bulletin board in the lobby of the law school.

Also on tap for the future are a number of academic programs. First year students will be treated to a writing workshop given by Mr. Frank Schellace, Esq. of the Law Department at the New York State Supreme Court. Several judges have shown an interest in conducting a workshop to help students in the Moot Court Program this winter. Special study sessions are planned for Criminal Law, Civil Procedure and other courses.

Upperclassmen will be interested to know that the R.L.S.A. is running an internship placement program. The chapter has been contacting judges and elected officials who will place our members with internships. This chapter program is a part of an effort being

conducted statewide. Job placement activities are also being conducted. A seminar on private practice is being scheduled and a field trip to the law department of Solomon Brothers is planned for the spring.

The State Association is planning a political brunch to mark the end of the semester. The tentative site is Windows on the World in Manhattan. Planning has also begun for our annual dinner. It will be difficult to outdo last year's gala at Tavern on the Green. Locally, Hofstra will be represented at the Franklin Square Republican Club's Dinner and Rally. This will be held on October 30th, the last Saturday before Election Day.

Certainly, we could not neglect the world of politics! A very important election is fast approaching. The Hofstra Chapter has set a number of CAMPAIGN NIGHTS for the upcoming weeks. We will be working for a number of candidates including Congressman Ray McGrath, Assemblyman Dean Skelos (running for State Senate), Assemblymen George Madison, Kemp Hannon and Assembly Candidate Briding Newell. In local judicial races we have thrown our support behind Judge Jerome Medowar and Stewart Ain. In addition individual members of our Chapter have gotten involved in campaigns ranging from Lew Lehrman's bid for Governor to local races.

For more information regarding the Republican Law Students Association keep an eye on our message board and this newspaper. Any student desiring membership can leave a note in our mailbox in the admissions office. Now is the time to take advantage of our programs and make a mark in the political arena!

DUNKIN' DONUTS

with this coupon

It's worth the trip.

6 Donuts for **\$1.00**

(LIMIT 2 DOZEN)

50¢ OFF a Big Bunch
Basket of MUNCHKINS

(LIMIT 2 BOXES)

Right across from Hofstra -
It's Worth the Trip!



Legal Briefs...

by Jeanne Breiter Savran

What is a foreign object? Whatever one is, it creates an exception to the two and a half year statute of limitations which normally runs from the commission of an act of medical malpractice. In *Flanagan v. Mount Eden Hospital*, 24 N.Y. 2d 427 (1969), the Court of Appeals held that "where a foreign object has been negligently left in the patient's body, the statute of limitations will not begin to run until the patient could have reasonably discovered the malpractice." In a recent state Supreme Court decision, *Garret v. Brooklyn Hospital*, the judge ruled that a piece of glass discovered in a patient's hand sixteen years after surgery for its removal did not come within the foreign object exception for purposes of extending the statute of limitations.

The court distinguished objects medically inserted and negligently left in the patient's body at the time of surgery, holding failure to remove the latter does not toll the statute of limitations.

Not So "Kosher" Family Business
Shareholder agreements began back in

1910 amongst the relatives of the closely held corporation Horowitz Bros. & Margaretten. So did family disputes. Over the years there has been conflict over the incorporation, employment of family members, and over shareholder agreements. In a recent decision, *Horowitz Bros., et al., v. Jerome Margaretten*, Justin Kassoff held that the elections of new directors were valid. One family member who was not elected claimed that the elections were invalid, thus freezing the company's bank accounts. Plaintiffs sought an injunction which the judge felt was unnecessary due to the creditworthiness and trustworthiness of the parties. After a thorough study of the family's history in the courts, Justice Kassoff concluded that the shareholder agreement did not require unanimous shareholder approval. In response to the many years of discord between the family members of Horowitz-Margaretten, Justice Kassoff left them parting words of Jewish mysticism. In essence he said that the Hebrew word for bread, "lechem," has traditionally brought conflict and strife whereas the word matzoh evokes humility and subordination.

LEGAL TRIVIA

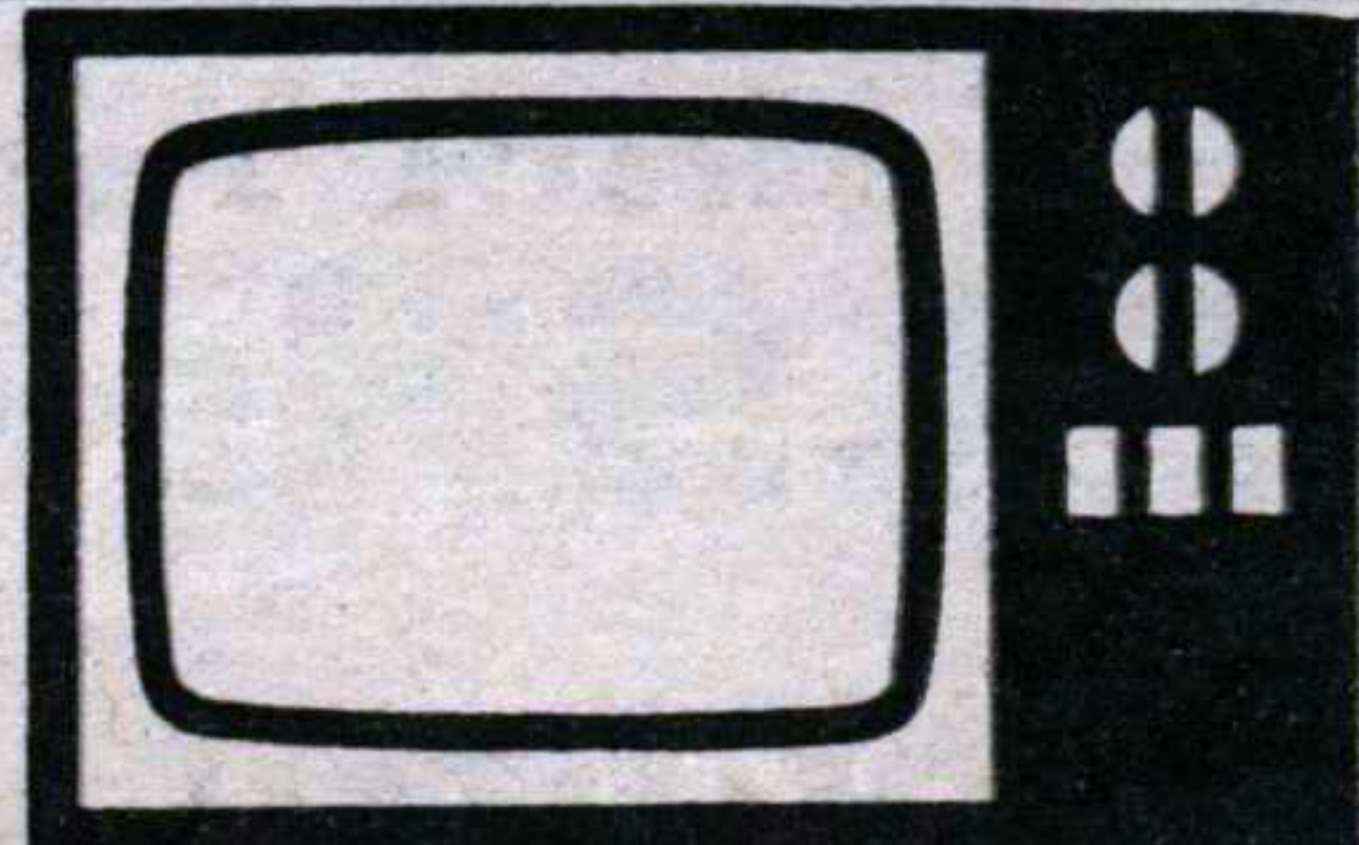
by William E. Berg

Legal Trivia is the first in a series of monthly features devoted solely to increasing the readers' knowledge of legally-related trivia. We will try to cover all areas of media, including TV, movies, music (and anything else we feel like including!).

1. In the TV series "The Paper Chase," who played Hart?
2. In the feature film of the same name, who played Kingsfield's daughter?
3. In what TV series did Barry Newman play an Arizona trial lawyer?
4. Who starred in "The Lawyers" segment of

- the TV show "The Bold Ones"?
 5. What does U.N.C.L.E. stand for?
 6. Why must Warren Zevon's father send Lawyers, Guns, and Money?
 7. What is the only case Perry Mason lost in court?
 8. Who portrayed TV's Owen Marshall?
 9. Who was "Owen's" associate?
 10. Who played Judd in the TV series, "Judd, for the Defense?"
- BONUS: Where can one buy a "12(b)(6) cocktail"?

Answers will appear in the next issue of *Conscience*.



Review:

Lennon

by Bob Weiss

Much of the world is still reeling under the impact of the bullets that took John Lennon's life in December of 1980. Historians often spend several generations to satisfactorily determine a person's place in history. Artists also tend to take many years to deal with a historical subject. Consequently, "Lennon," a play currently showing at the Entermedia Theatre in New York City, must be viewed in light of the fact that it is staged less than two years after the death of its protagonist, John Lennon. Because clear analysis is difficult so soon after the death of its hero, the play suffers from an overabundance of awe and a lack of depth. Therefore, this musical narrative touches most of the bases in John's life, but misses the deeper questions.

The play follows the development of John from his birth in Liverpool to his death in New York City. Most of the well-known events in his life were briefly staged, including John, at age fifteen, debating whether to allow Paul to join the band. As the play develops, John is portrayed as a young thug in Liverpool and Hamburg, and later John emerges in his early twenties — Beatlemania. The stage unravels to show John's infamous claim that the Beatles are bigger than Jesus (which he later apologized for), John meeting Yoko, becoming disillusioned and finally dissolving the Beatles. Following John's involvement in the peace movement, John is seen dropping out of public life to bake bread and tend to his son.

The play comes to an end with John's unfortunate death.

The cast of nine, all of whom play several different instruments and several different parts, perform a good number of Beatles songs as well as the songs John recorded by himself and with Yoko. The narrative moves quickly enough, and much of the material is entertaining and imaginatively staged. After about an hour, however, one realizes that the play just jumps from episode to episode, without pausing to reflect on any of the important questions raised during the play.

Two actors played the role of John. David Patrick Kelly was the younger John; Robert Lupone, the elder. Kelly plays a streetfighter and rock 'n' roll roughneck in Liverpool and Hamburg. Lupone plays a cosmopolitan advocate of world peace. How did John make the change? How could he have? How did a man who wrote "I Wanna Hold Your Hand" turn into a man who sang "God is a concept by which we measure our pain?" What are the spiritual convictions of a man who studied so many of the world's great religions, only to reject them to become an atheist who believed in his wife's magical powers? These issues, and others like them were barely posed or even probed in the play.

In spite of these flaws, "Lennon" is still enjoyable on levels. It presents good music, energetic acting, and imaginative staging. Still, it only whets the appetite for serious artistic treatment of John Lennon's life. The potential is quite tempting. Imagine!

Students Take Loan Discrimination To Court

by Annette Guarisco

On October 1, Federal District Court Judge Jacob Meschler heard oral arguments by counsel for the parties in *Greenberg v. Bell*. The case, a class action suit, was brought by Barbara Greenberg and Valita Kreiss, both third year law students at Hofstra, against Secretary Griffen Bell of the Department of Education and the New York State Higher Education Services Corporation.

Hofstra Law School Professor Leon Friedman representing the plaintiffs claims that the Department of Education in administering the Guaranteed Student Loan Program, discriminates against independent married students in violation of the Equal Credit Opportunity Act.

Plaintiffs charged that the Education Department's "needs test" disqualifies married independent students from obtaining the government's guarantee of their student loan three times more often than single dependent students. The "needs test" must be met

by students whose families adjusted gross income is greater than \$30,000. Plaintiffs claim that this impact is prima facie proof of discrimination under the Equal Credit Opportunity Act. Under this act, discriminatory intent need not be shown.

The Department of Education argued that the Act does not apply to the Department. The Department also asserted that the plaintiffs failed to prove their case because they failed to show the alleged discriminatory impact. Although the plaintiffs did introduce a survey conducted independently by a New York State agency, the Department drew different conclusions from it.

Plaintiffs also charged that the Department illegally discriminated against married students because non-married students dependent upon their parents' income were allowed more deductions. By allowing the non-married students greater deductions, the Department's need test artificially shows such students as being in greater need of the government guarantee.

After almost an hour of oral argument, Judge Mischler reserved decision.

RAINBOW

Yogurt

• ALL NATURAL!
½ THE CALORIES OF
ICE CREAM

ALSO FEATURING
Alpenzauber Ice Cream
and Fresh Cut Salad

Colombo
frozen yogurt

with the same
delicious flavor!

50¢ OFF
ANY PURCHASE
OVER \$2.50

1971 Front Street, East Meadow

794-4214

(Pathmark Mall - Near Channel Home Ctr.)

Other Location: 1239 Broadway, Hewlett

NOW OPEN!
10am to 10 pm
MONDAY thru
SUNDAY

Full Selection Of Review Books Available

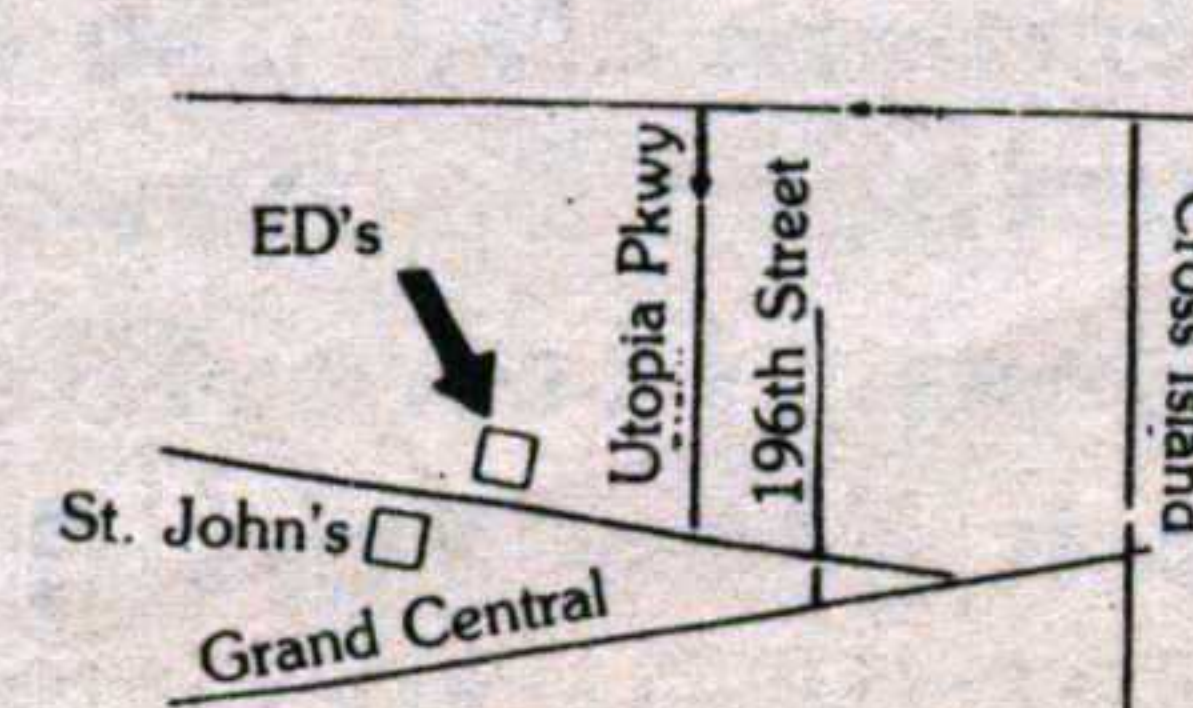
ED'S BOOK EXCHANGE

176-27 UNION TPKE.
FLUSHING

(212) 969-7173/7174
UPS Delivery Service

A complete line...

Textbooks
Casebooks
Outlines
Briefs
Hornbooks
Used Books



Gilberts

← HOFSTRA

Legalines

Smith's Review

Marino Materials

Nutshell Series

Grand Opening



1079 Front Street
Uniondale, N.Y. 11553
1/4 Mile South of
Nassau Coliseum
(516) 486-9520

LUNCH SPECIALS

"Daily" 11:00 A.M. to 2:00 P.M.

ONE FREE DRINK

with \$2.50 lunch

HAPPY HOUR 4-7



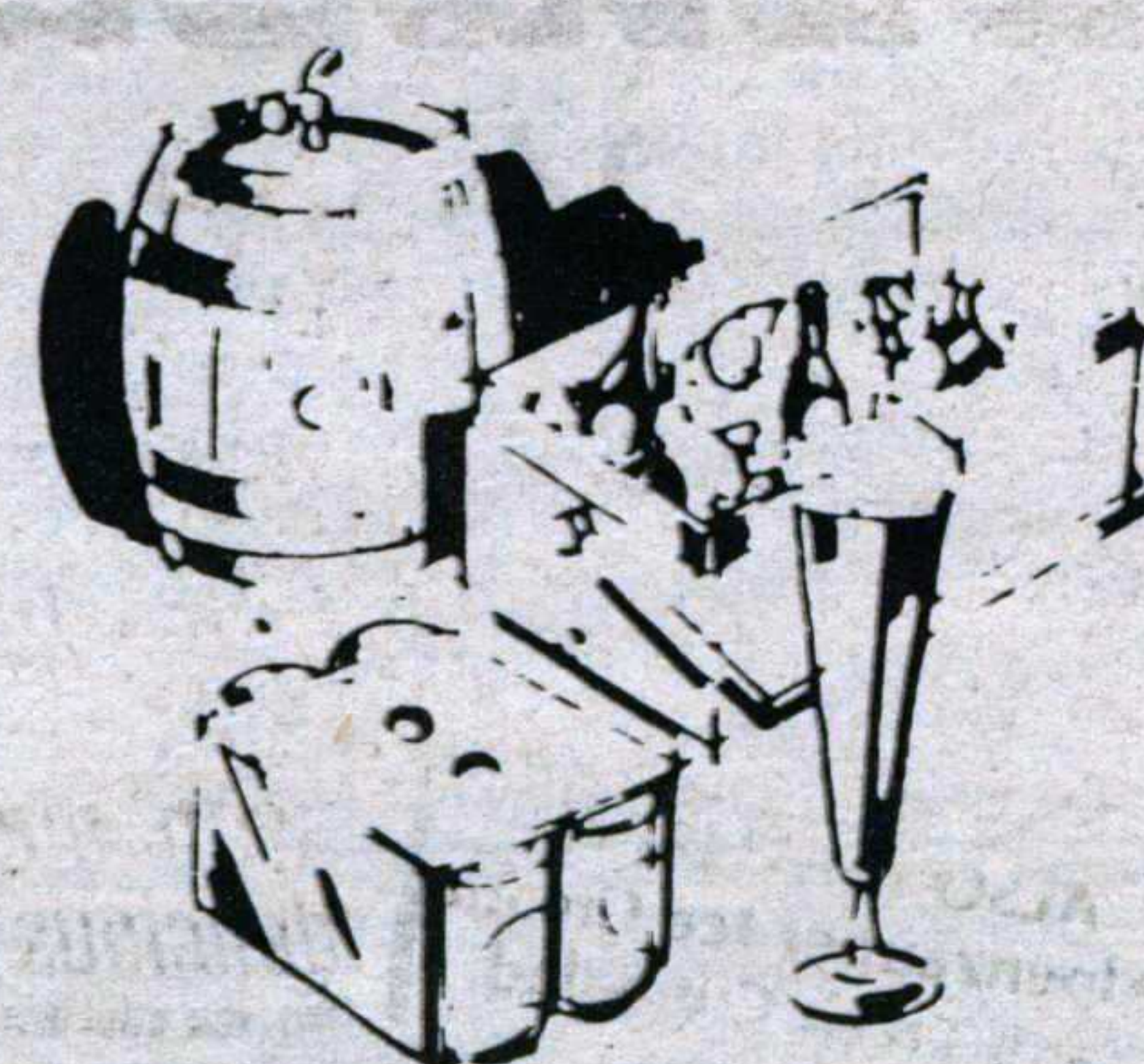
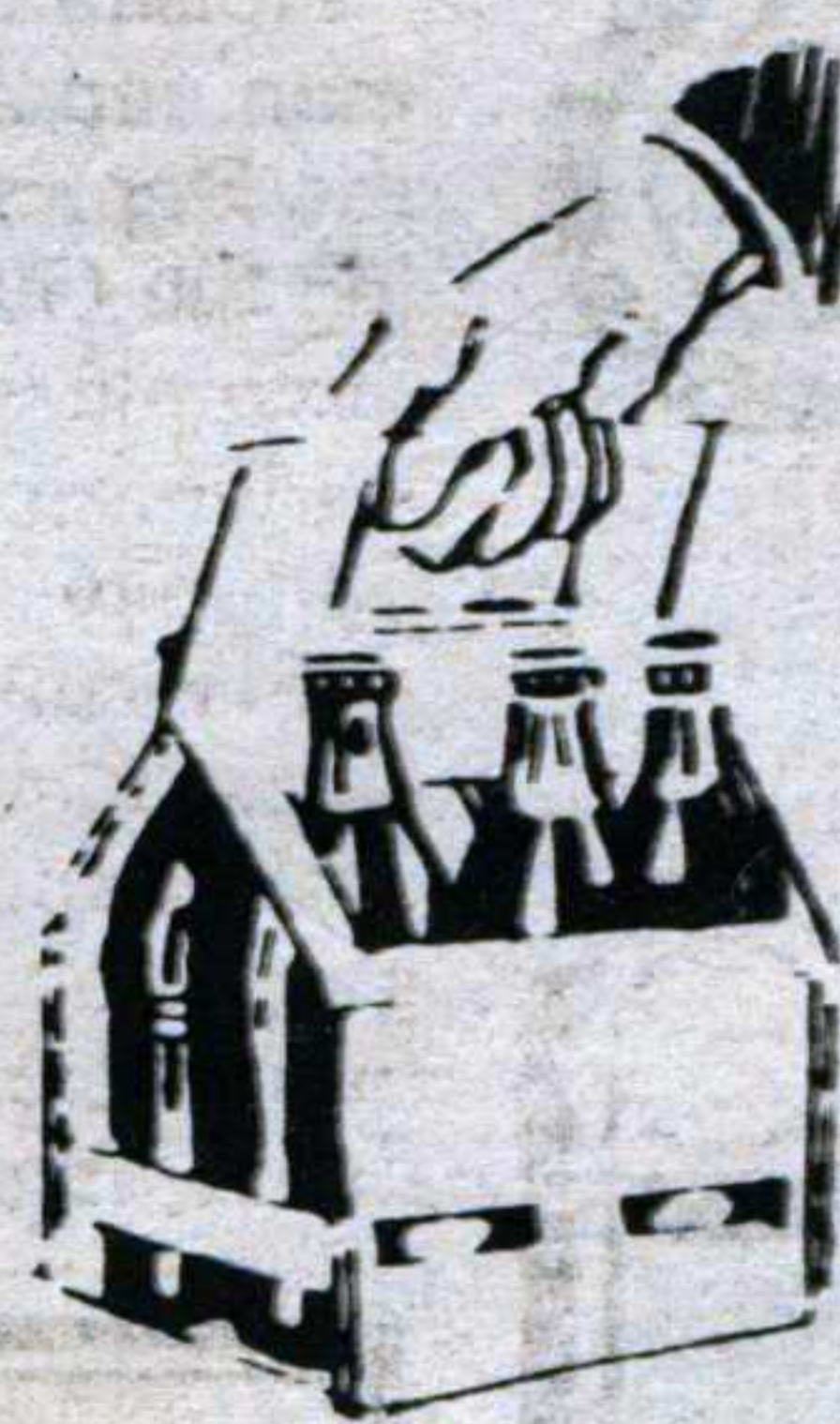
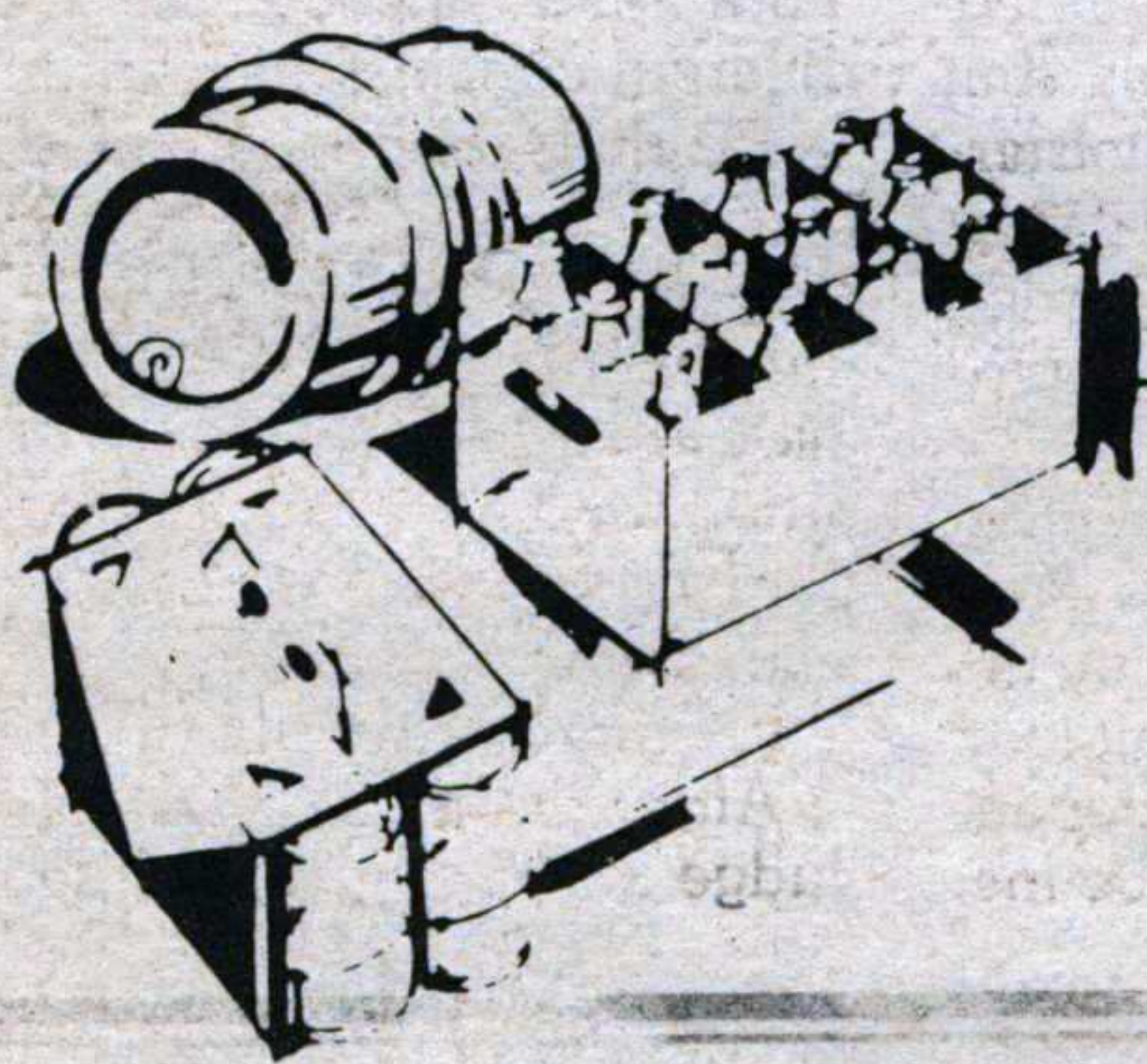
Featuring Country Western Bands!

FRIDAY—SATURDAY NITES

PIZZAS—HEROS—SALADS—BURGERS—SANDWICHES

UNIONDALE BEER CO., Inc.

Cold Keg • Bottled Beer • Soda



1088 Front Street, Uniondale, N.Y.

IV ANHOE **1-8750**

Your Thrifty Beverage Center

SPORTS

FOOTBALL STRIKE



SIDELINE SUBSTITUTIONS PLAYERS FUMBLE

by Richard Weiner

For the past three weeks, newspapers all across the country have been flooded with various articles concerning the NFL strike. For most football "junkies," crisis time set in on Sept. 24, 1982, when the National Football League cancelled its Sunday schedule of 12 games, in addition to the Monday night nationally-televised contest.

For a lot of law students, Sunday afternoon without football is about as painful as sitting through a year of Civil Procedure without a copy of Emanuel's. Meanwhile as contract negotiations continue between the players and owners, local fans are straining to come up with an appropriate alternative in preparation for a Sunday without football. There has been loose talk, on both sides, of a Ted Turner all-star league, strike teams and various other suggestions which many thought would never enter the pro-football vernacular.

As an avid Giant fan, I'm not sure if I ever want the season to continue. Not only would we currently be eligible for the number-one pick in the NFL draft, but I wouldn't have to sit through another Sunday afternoon in 1982 without Rob Carpenter in the backfield. With Clifford Chapman and Butch Woolfolk in the backfield, it doesn't seem that Pittsburgh, Dallas, or Philadelphia, would have anything to worry about anyway.

As a concerned member of the law school community, I feel it is my duty to offer my fellow students some positive alternatives that a prolonged strike can bring to the football "junkie."

- 1) Stay out 'til 5 A.M. Saturday night and nurse your hangover all day getting out of bed to flip the Channels from 2 to 4.
- 2) Grow your fingernails for the months of Sept. to Jan.
- 3) Save a large amount of money from not

having to call your bookie every Sunday morning.

4) Avoid all the grief explaining to your girlfriend that she really is more important than football.

5) Go to the flea market and don't worry about getting home by 12:30 for the "NFL Today."

6) Avoid Monday morning arguments with your friends from out of town.

7) Think of a good excuse for procrastinating and not opening a law book on a Sunday afternoon.

8) Spend more time speculating with the "boys" as to the next Yankee manager.

9) Catch up on your alma mater's football program. Just think that all those who attend Wabash State, Slippery Rock, or Univ. of Wisconsin at Oshkosh can now see their schools on national TV on Sundays.

10) Figure out why Union President Ed Garvey believes his wage scale proposal will benefit the majority of NFL players.

Meanwhile, as all those concerned weigh the alternatives, the NFL players union is currently sending out ballots for the selection of six all-star teams that are scheduled to begin play next month and aired over Cable TV. One has to question the incentive the NFL players will have while competing in these games. Without a doubt, the players will not be in mid-season form and the possibility of severe injury is all the more reason why those games are bound to turn out to be "duds." For the knowledgeable fan those games should only turn out to be replicas of the post-season NFL Pro-Bowl, a game not worth watching. At this point, any football, besides CFL games, will satisfy me temporarily.

The message is clear: Girlfriends, wives, bookies, bartenders, and deli clerks — beware! We will be back, and one can be assured that Sunday afternoons will be as wild as ever, even if we are faced with a less favorable alternative.

by Stewart Gittler

In analyzing the NFLPA's decision to strike, a few issues must be examined. Namely, whether an athlete with an average career life span of four years, and who makes what society considers a good salary, should be additionally compensated because his management reaps greater profits? I say no! As does any sport, football has players of varying ability and worth. Fringe players struggle to make a team, and they should be happy to accept any form of compensation which would keep them off the unemployment lines. More secure players are in the zone where they only have slight bargaining power and it is up to them to negotiate the best deal they can from management. If they warrant a large salary then they will get it. If not, just as in any other profession, they will have to settle for what management offers or look elsewhere. The last category of players, the elite, will get basically what they want without regard to their teammates. That is what a capitalist system is all about.

Our society perpetuates a system where it

is up to a player's agent to bargain for his worth. The general antitrust exception for collective bargaining of labor unions was carved to protect the underpaid factory workers, and not the overpaid football players.

Why should the NFLPA be allowed to blackmail management under the guise of an underprivileged labor union? They aren't being treated unfairly, and this is clearly an effort to undermine our ideals of free competition. I personally think they are striking out with the strike. One year lost by a fringe player in a life span of four is a great and possibly irreparable price to pay for misguidance. Most depend upon their salaries, and with no strike fund they will drop into debt. Management has been treated unfairly by the press, and I for one hope they will not succumb to exerted pressures by the NFLPA.

The big losers are the fans, who have to suffer with Sunday afternoon fillers. Can anyone take three hours of ESPN's infamous championship rodeo? Certainly not.

Bring on Basketball and Hockey.

CAT ATTACK

by Richard Tirman

New York is in grave danger, for Cabo is angry. The extra-dimensional feline has developed a powerful addiction to certain New York sports teams, and he is mad. Also known as The Black Attack, Crazy, and (wryly) Cuddles, he is best described as prolific and he cares not for the consequences of his acts. In Spring, he couldn't believe the Yankees benched Dent and denigrated Nettles, but this combined with Reggie hitting all those homers in California made him want to bounce Steinbrenner's head around a bit. (He also feels this way when he hears Reagan say that "Nobody knows if that unborn fetus is a human being or not." Ask any biologist Ronnie, it's a human being, the question is, at what point do our laws protect it, and which ones when?) However, Cabo has been pacified by the dregs of the Mets who have Ho, Ho, Dave Kingman. Anyone who has seen Kongo play first base can't believe that Rusty Staub doesn't kill him.

Then things got worse. Football season began and the Giants had not yet signed Rob Carpenter. Cabo was especially appalled by the fact that in obeying the law in not negotiating until the pending player strike is settled, Giants' general manager George Young has made himself a public buffoon by appearing to deny the Giants' fans the exhilaration of seeing a superb player who injected the only excitement his team had had

for ten years, all for the sake of \$100,000. Cabo loves to prowl through the room while Carpenter plows through the line. When the Giants had a fumble returned 91 yards to lose, he was on the verge of a berserker rage. His eyes began to redden, laser capacity. Fortunately, I talked him into watching the Jets. Although he found it mostly boring, he enjoyed Richard Todd's interceptions, and the way Gastineau degraded himself with his ridiculous showboating, in a losing cause yet. Slightly pacified by the release of some hatred, Cabo waxed philosophical. He thinks the second year of law school is far harder than the first, that unsoiled land should be zealously protected, and Arafat is not a humanitarian. I don't know if I can protect Reagan and the Pope.

Why did we have a respite that day? Jimmy Connors won the U.S. Open, beating all the leading players in the United States Crybabies Association. But the Yankees keep losing games to the Orioles. Carpenter is not coming back. Neither is Forego. Gemayel is assassinated and a movie star gets top billing in the Post and the Daily News.

All I can do is issue this warning. Sometimes I fear for my own safety. Reagan is going to cut off the pipeline (who(m) is he kidding?) And ... The ISLANDERS have not yet signed Denis Potvin.

Editor's Note: Denis Potvin has recently signed a new two-year contract.

KONR'S General Store



School Supplies,
Greeting Cards,
Tobacco Shop,

Magazines, Foreign
Language Newspapers,
Breakfast, Old Fashioned
Soda Fountain

1027 Front St.
(Corner of Front St. & Uniondale Ave.)
Uniondale IV6-9678



★ CANDY, CANDY, CANDY ★
Mon. - Fri. 8-7 Sat. & Sun. 7-7

SPORTS

The Stache Recreation Line-up

by Debi Speyer

Did you ever want to be a ballet dancer or maybe a belly dancer? How about white-water rafting down the Delaware, or a turkey trot? The Hofstra Recreation & Intramural Program is giving you the opportunity to do these things and more. There are an array of different programs and facilities offered to the law students either free or at Hofstra's cost that few law students know about. "We'd like to see more law students participate," says Pat Stavile, the director of the recreation program.

INTRAMURALS

There are twenty-two intramural programs. Teams can be coed, male or female. The only non-coed team is wrestling. Teams play against other Hofstra teams. Occasionally, the winning teams play against other schools' winning intramural teams. Last year there were a few law student basketball teams. "This is one of the few schools that provide trophies for the first place intramural teams. Trophies are presented at the half-time of a varsity basketball game," says Stavile.

To sign up, stop by the PFC room 243 and pick up a roster sheet.

SPORTS CLUBS

The sports clubs include the ping pong, table tennis, bowling, horseback riding clubs and the Rolling Dutchman (wheelchair basketball). These clubs play against other schools. The only fees are per game for bowling and hourly horse rentals. Day and time schedules vary from club to club. Contact Ext. 6958 for more information.

OUTDOOR FACILITIES

Tennis courts are available on the North and South campus. No sign-up is needed. Court time is free of charge. Sometimes the varsity team practices 3:30 - 7:30 p.m., but generally courts are open.

Basketball and paddleball courts are available on the South campus. No sign-up is needed for these courts either. Contact Kevin Cummings for additional information at Ext. 6759.

INDOOR FACILITIES

Weight room, sauna, steamroom and gym all are in the PFC located on South campus. It's free to students. A Hofstra ID card is needed to get into the building. Facilities are coed. Hours will soon be posted. Normally, hours are between:

9 a.m. - 11 p.m. M-F

9 a.m. - 5 p.m. Sat.

1 p.m. - 11 p.m. Sun.

However, the facilities are closed during varsity practice — 3:30 - 7:30 M-F as well as during Physical Education classes. Hours that classes are in the center will be posted also.

FUTURE INDOOR POOL

Construction has begun on an indoor Olympic-size swimming pool to be housed in the new soon-to-be built south wing of the PFC. Estimated completion date has been set for June, 1983. The pool will have a 500,000 gallon capacity and will be complete with locker facilities. It will contain 8 racing lanes, 50 meter lengths each, as well as four diving boards.

HOFSTRA HEALTH DOME

This is a private club located on South campus run by Allan Gittleson, a member of the Board of Trustees at Hofstra and Hofstra University. It is not affiliated with the PFC or their programs. There is a fee to Hofstra students which is lower than that for the

general public:

3 months — \$115

1 year — \$300

"We'd like to call this a shrine to holistic living. It's a total fitness program geared to the 35-plus individual," says Marie Louise Plett, assistant director of the program. There is a weight control program which uses behavior modification, a monitored cardiac rehabilitation program, aerobic dancing, stress management program, as well as a nutrition and smoking program.

Allan Gittleson donated the dome. The club has an indoor track, hydra-gym muscle toning equipment, exercycles, rowing machines, and treadmills. "People don't know what this is. They think it's a skating rink," says Plett. "We have 500 members — a few are Hofstra students. We have not had that many people come from the Hofstra campus because you have your own fitness center. The people we get are older." Contact Plett at 485-7632 for more information.

NIGHT RECREATION ACTIVITIES

The recreation program night classes are taught by professional instructors and are free. Classes are filling up quickly; so if you're interested, sign up now. "Aerobic dance is very popular. Our 6:30 class is already filled up," says Stavile. There are a few openings in the 5:30. Fifty people have signed up for the karate class which is taught by undergraduate student David Katz. Call Ext. 6958 for info. Sign up in rm. 243 PFC.

TRIPS AND DAY RECREATION ACTIVITIES

A number of away trips are planned for the fall and spring. "The trips have a fee involved but it's just to cover the cost. The school doesn't make money from these programs. We have a good price because we get group rates," says Stavile. The rec program recently had its first trip. "We got together with the ROTC and had a rappelling trip." Rappelling consists of climbing a mountain and rappelling down it with ropes. Thirty students attended. "We had a great skiing trip last year and are planning another one for this year during February. Plans are being made for a Vermont downhill and cross-country skiing. The trip includes lessons, equipment, food and lodging. "We car pool on all the trips. This way you save on gas. It's also a great way to meet people," says Stavile.

During spring break a trip is planned to either Florida or one of the Islands.

New to the program this year is ultimate frisbee football. It is being planned for the spring. "It's pretty big on the campuses across the country. We think it will be big here too," says Stavile.

Stavile feels: "We're here to service the students and are just beginning to find out where the interests are. If there is a program that they think will go over well, we want to hear about it. If there is enough interest in it, we will get that program."

Anyone who has any ideas or questions should call Ext. 6958. There are lots of things you can get for free as a student. The law students should take full advantage of it and come down and participate, says Stavile.

....

So, if rappelling down a mountain, white-water rafting or belly dancing is for you, drop your Civ. Pro., Evidence or Bus. Org. book and participate.



JH

The STACHE is on to the biggest story in the world of Sports Law today. I refer not to the Professional Football strike. Just how many reports of ongoing negotiations can one be subjected to if not enrolled in the Labor Law sequence? What is of major interest and importance is that the Chicken is being sued for two million dollars.

A few years back, San Diego radio station KGB unleashed a new presence on the sports scene. Diminutive Ted Giannoulis was placed inside a chicken costume to perform at games. His act included leading cheers and running on the field of play during breaks in the action.

The Chicken has gone through many changes. He is an independent, no longer affiliated with KGB or his first team, the San Diego Padres. The Chicken's appearance fee is in the thousands.

The Chicken's performances have also changed. His repertoire now includes flops on the bases, punching out an inflatable referee or umpire, and taking on a contingent of athletes who playfully attack him and are repelled by Chicken Karate. An en-

Chicken Suit

tire new breed of team mascots have been spawned. But the Chicken is a unique talent. The STACHE's kind of man, er chicken.

The Chicken, however, may be in the soup. All is not a bed of rice. The first lawsuit involving his on-the-field behavior has been filed. Don Schulze, a minor league pitcher for the Quad City Cubs, has claimed that his career has been "fowled" up to the tune of two million dollars. Schulze charges he suffered a shoulder separation as a result of a flying tackle by the Chicken in a mock frenzy during an exhibition game. Schulze was trotting between third base and home plate after hitting a homerun when the Chicken swooped down on him.

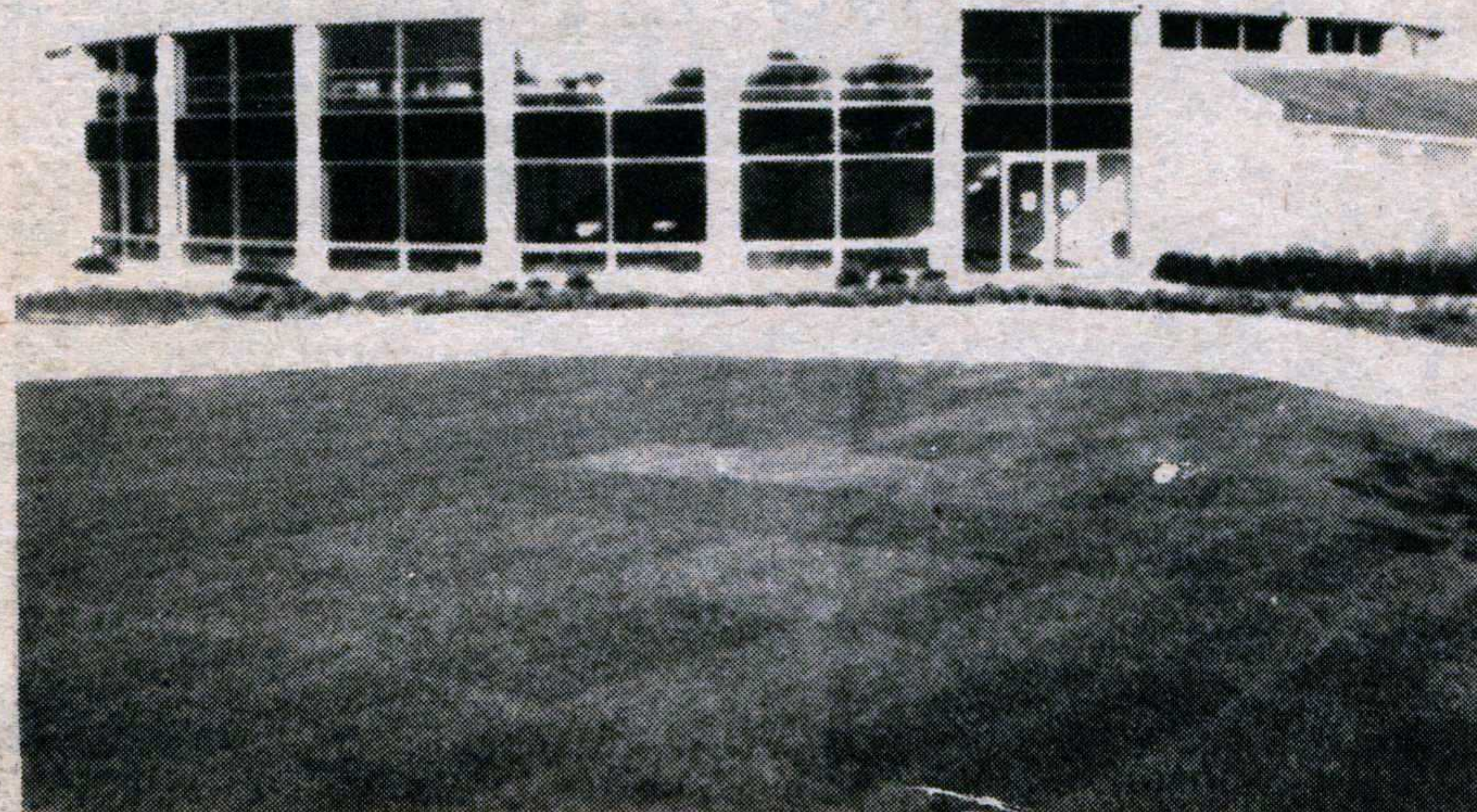
The issue of intentional torts committed on the sporting field is well documented. Who can ever forget the immortal Moot Court case of JOCK v. MACHO? It is difficult, although not impossible, for an injured athlete to recover for injuries suffered during the course of play.

What makes this Chicken case so noteworthy, is that Schulze's injury occurred not in the line of play but as a direct result of the Chicken's attempt to earn his keep. Outrageous is the way of the Chicken.

Schulze has admitted he knows his injury was an accident and not malicious but that with the ever-present possibility of injury, no "maneuvers" should have been attempted.

Schulze missed most of the 1981 season as a result of the injury. He also alleges continuing problems stemming from the shoulder separation, his ability to earn a living impaired.

Every mascot from the Philly Phanatic to Chief Noc-A-Homa will be watching the outcome of this one. They are in excellent company. So is the STACHE!



FREE ETHICS LECTURE

(FOR NOVEMBER 1982)

More people take BAR/BRI than take all other bar review courses combined. And more people take BAR/BRI's course on the Multistate Professional Responsibility Exam (MPRE).

For students enrolled in the BAR/BRI bar review for New York or any New England state that requires the MPRE, all you need do to take the MPRE course is put down an additional \$50, the full amount of which is credited to your BAR/BRI bar review course (differing amounts will be credited in other BAR/BRI states).

Note: As of January 1, 1982, only New York, New Jersey, New Hampshire, and Connecticut have decided to require the MPRE for 1982 Bar candidates. (Massachusetts will require the MPRE for 1983).

FREE Ethics Exam Lecture

Date: November 6th

Time: 10AM-2PM

Place: HOFSTRA

CPLR CLASS AT HOFSTRA

FREE TWO HOUR INTRODUCTORY LECTURE

OCT. 12th 6:00-8:00PM

REGULAR CLASS
NEXT 4 TUESDAYS
6:00-10:00PM

Questions Call Either
(212) 594-3696 or
(516) 542-1030
Or Contact Your BAR/BRI
REPRESENTATIVE

HOFSTRA REP LIST

1983 Reps

Christine Coburn
Stewart Gitler
Clare De Zubiria
Peter Aufrichtig
Robert Bernhardt
William Geraghty
Ray Smolenski
Pamela Milligan
Myra Paiewonsky
Bruce Sales
Richard Weiner
Christina Whitlock
Beth Pasternack

1984 Reps

Barbara Kornblau
Delores Gebhardt
Richard Kaufman
Barbara Lynaugh
Paul Ross
Tracy Miller
Raymond Moss
Marsha Margules
Carol Casazza



The Nation's Largest and Most Successful Bar Review

401 Seventh Avenue, Suite 62, N.Y., N.Y. 10001 (212) 594-3696 (201) 623-3363 • 29 Commonwealth Ave., Boston, Mass. 02116 (617) 437-1171