

# conscience

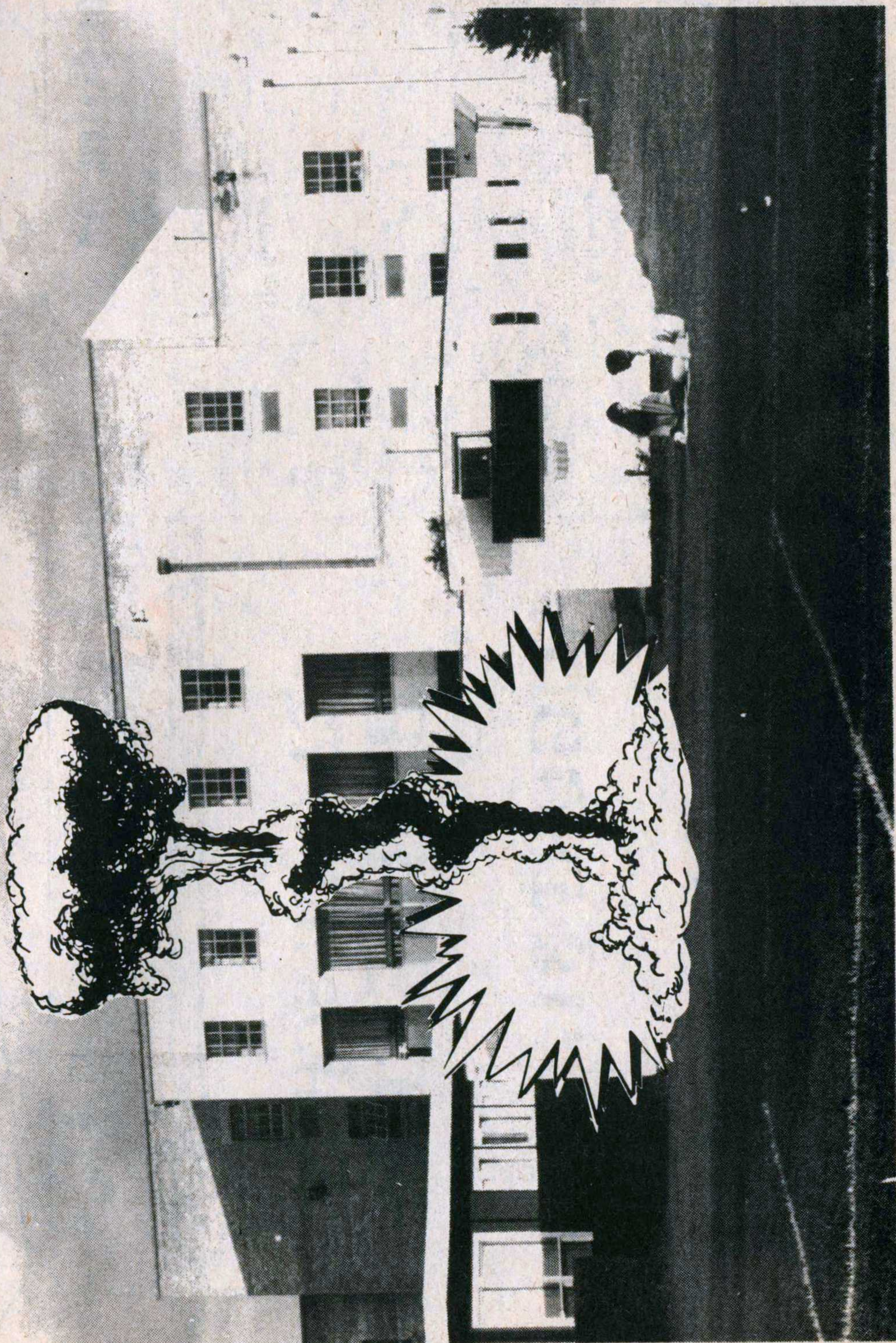
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Vol. 11 No. 1

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August 1983





# conscience

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"Asking You To Ask Yourself"

August 1983

## LAW SKILLS GETS NEW STAFF

Hofstra Law School's first-year Lawyering Skills program has undergone extensive changes in both its staff and its structure. "The Course is being taught by seven people this year," said Clinical Professor Richard K. Neumann. The seven instructors include: Maryellen Chomsky, Deb Ezbitski, David Levy, Betty Rugg, Susan Shor, Clinical Instructor Jean C. Bresler and Neumann. The first five are teaching at Hofstra Law School for the first time, while Bresler and Neumann have been teaching here a number of years.

Maryellen Chomsky is a New York Law School graduate of the Class of 1980. Prior to coming to Hofstra, Ms. Chomsky was an Associate in the New York law firm of Hart & Hume.

Deb Ezbitski is a recent graduate of Hofstra Law School. While in attendance, Ms. Ezbitski was a research assistant to Professor Abraham Ordovery, a member of the Moot Court Board, an intern at the Neighborhood Law Office (NLO), and represented Hofstra at the regional level in the National Trial Team Competition.

David Levy is a graduate of Brooklyn Law School, where he was the Notes Editor of the Brooklyn Law Journal of International Law. Mr. Levy was also a Regional Semi-Finalist with the Brooklyn Moot Court Team and interned with a United States Magistrate and a New York State Assemblyman.

Betty Rugg is another recent Hofstra Law graduate. Ms. Rugg was a member of the Hofstra Law Review and interned with Judge Mishler of the United States District Court for the Eastern District on the Hofstra campus. This past summer she worked for the Mineola law firm of Suozzi, English & Cianciulli.

Susan Shor is the third Hofstra Law graduate to join the staff. She has interned with Supreme Court Justice Wager in Mineola, worked as a County attorney, a municipal attorney, and was an intern at NLO.

Jean C. Bresler is a graduate of Hofstra Law School. Prior to coming to Hofstra, Ms. Bresler was an Associate in the law firm of Bower & Gardner. She has also worked for County Court Judge Harry Edelstein in Rockland County, and was a staff attorney with the Rockland County Legal Aid Society.

Richard Neumann graduated from American University and was a Freedman Fellow at Temple University Law School, where he taught in several areas and litigated in poverty law. Neumann came to Hofstra after teaching at Wayne State University Law School.

In the next issue of *Conscience* we will examine the changes in the structure of the Lawyering Skills program.

## V.P. Sanchez Quits

Joe Sanchez, elected Vice-President/Secretary of the Student Government Association (SGA), this past Spring has resigned. Sanchez, an Associate professor of Political Science at Adelphi University, felt that the pressures he will face as a member of the Law Review, combined with his continuing teaching load at Adelphi, would not allow him to do the best job possible. Sanchez was asked to join the Law Review, this summer, as a result of the annual writing competition.

SGA President Michael Zarin, also a new staff member of the Review, announced that an election to fill the vacant office, would take place within the first few weeks of school. Elections for First-Year Represen-

tatives would be held during the third week of classes. In charge of this, and all other elections this year, are Election Commissioners Laura Ford, Seth Mininsohn, and Steven Gershbein.

According to the SGA Constitution, Article IX, Section Three, the SGA must post a notice advising all eligible students (only Second and Third Year students are eligible in this special election) interested in succeeding to the office of Vice-President/Secretary, to gather nominating petitions signed by at least ten (10) law students of the appropriate constituency during a five-day period commencing two (2) weeks before the day of the election.

A copy of the SGA CONSTITUTION is printed on pages 10 and 11.

## Hofstra Opens New Law Book Store

In what used to be the home of the IPIJ and BALSA, Hofstra has opened a temporary bookstore, featuring law books and supplies. The bookstore opened early this summer on a trial run and proved successful, said Art Sillman, Assistant Director of Operational Services. If the annex continues to be successful, the idea will be continued each semester. Sillman indicated that the trailers would be removed shortly after the beginning of the semester. (Trailer #3, the former home of *Conscience*, has already been removed.) However, Sillman promised that the bookstore annex operation would return "even if I have to park a trailer outside the Law School for the first week of the semester."

Sillman indicated that the reasons the bookstore never attracted many law students

was that the prices were not competitive with other vendors and the bookstore often stocked the wrong merchandise. After a meeting with the SGA and Eugene Wypyski, Director of the Law Library, Sillman developed the idea of the bookstore annex and formulated his plan of operation. "Once we sat down with the SGA and Wypyski, we knew what the problems were and what we had to do to correct them and make this a successful venture," said Sillman.

Bookstore Manager Elaine Malnichuck expressed her thanks for the "students' patience while waiting on the long lines. We would appreciate any comments or suggestions on the operation." Malnichuck can be reached at the University Bookstore at X6654/6655.

## BEIN TAKEN ILL

Associate Professor Freda F. Bein has taken a sudden leave of absence from Hofstra for one term on account of illness, announced Dean Eric J. Schmertz. The nature or seriousness of Bein's illness was not known at press time. Professor Linda K. Champlin will teach Bein's Civil Procedure classes and Professor Larry Kessler will combine his and Bein's Evidence classes in the Moot Court Room.

Dean Schmertz said that the Ad Hoc Committee would not seek to fill the vacant seat left by Bein, but would go ahead with arrangements to fill the seat left by Pete Aloe, a June graduate.



Prof. Bein: Taken Ill

## University Adds Pool, Center

Construction estimated to cost about \$4.5 million will be completed on Hofstra University's North Campus before the start of the all semester.

Nearing completion is work on two new buildings — the Hofstra Swim Center, an Olympic-sized (8 lanes, 50 meters) indoor pool, and Hofstra USA, a new entertainment center for students.

Two other buildings, recently named Liberty and Republic Halls, are being converted into dormitory facilities to accommodate increased undergraduate student residential needs at Hofstra. A year ago, Hofstra opened its twelve-building residential

complex and named it The Netherlands. Despite those new facilities, plus the University's six high-rise dormitories and the nearly Twin Oaks apartment house complex owned by Hofstra, there was a student waiting list for accommodations. Liberty and Republic Halls will be reserved exclusively for freshmen and will house 200 undergraduate students.

The Hofstra Swim Center houses the largest indoor pool on Long Island. A new computerized timing system for swim meets is being installed and the facility has an underwater cinematographic window.

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## HLS Graduates 187

United States Senator Alfonse M. D'Amato (R,C-NY) and New Jersey banker Sigg Wilzig, were granted honorary degrees when the Hofstra University School of Law graduated 187 students on June 5.

Frances Tesoriere was named Valedictorian for the Class of 1983, for having the most distinguished academic record. Tesoriere was also named the first recipient of the Leon Stern Memorial Prize for Excellence in the Study of Criminal and Constitutional Law. A former Assistant District Attorney in Nassau and a member of the National District Attorney's Association, Stern was president of the Criminal Courts Bar Association of Nassau County, Inc., when he was murdered at his home in Roslyn Harbor in 1982. The Association has set up the award, to be presented to the student with the highest grade point average in Constitutional Law, Criminal Law and Criminal Procedure. Melvyn B. Ruskin, the current president of the Association, and a member of the firm of Ruskin, Schlissel, Moscau and Evans, presented the \$500 award.

Paul H. Aloe, a former Editor of the *Conscience* and a member of the Hofstra Law Review, was named Salutatorian for the Class of '83, and also received awards for his achievements in Conflicts of Law and the Constitutional Law courses.

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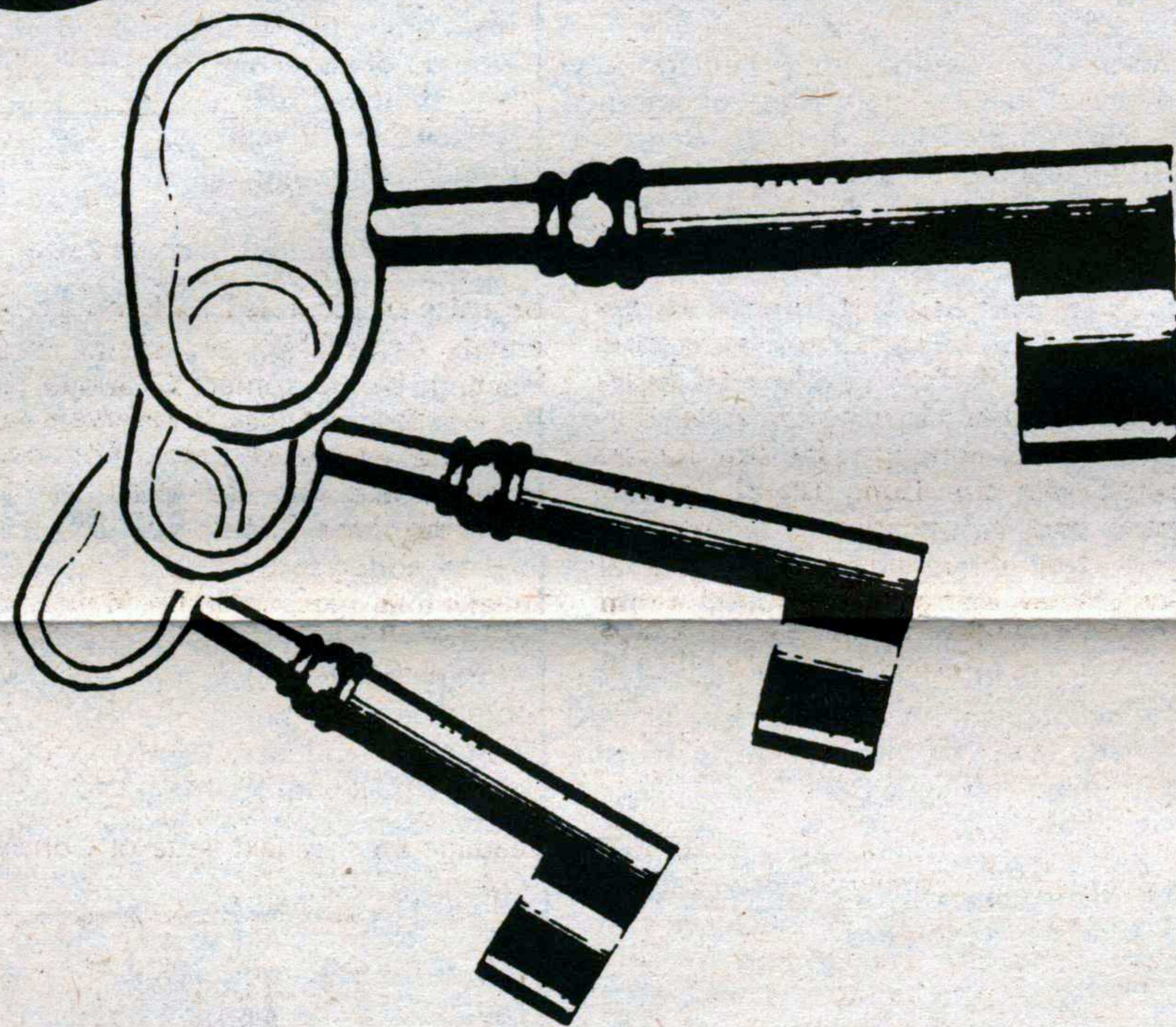
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### BAR REVIEW

#### HOFSTRA REP LIST 1984 Reps

Barbara Kornblau  
George Basara  
Delores Gebhardt  
Richard Kaufman  
Barbara Lynaugh  
Paul Ross

Tracy Miller  
Raymond Moss  
Carol Casazza  
Marc Gann  
Lori Goldberg  
Sally Keenan



## Freedman Chides ABA

The American Bar Association has "failed consistently, throughout this century, in its efforts at self-regulation of the legal profession," according to Professor Monroe H. Freedman in testimony before the Senate Judiciary Committee, this past spring.

Quoting official ABA publications and spokesmen, Freedman called the ABA's past and proposed codes of ethical conduct "inconsistent, incoherent, and unconstitutional" and "harmful to effective service to clients."

Self-regulation of the legal profession by a private bar association is "contrary to democratic theory and ideals," he said. Urging Congress to enact a comprehensive code of conduct for federal lawyers, Freedman noted that "the impact of codes of ethical conduct for lawyers extends far beyond the lawyers themselves, either enhancing or restricting the fundamental rights of everyone in our society."

"I cannot say with assurance that Congress will do a better job than the ABA has done," Freedman said, "but it is hard to believe that Congress could do worse than the ABA."

In his statements, Professor Freedman was responding to a proposed ABA rule that would require a lawyer to reveal incriminating information about a client to government officials. "The protection of a client's confidences by the lawyer is required by the Sixth Amendment right to counsel and by the Fifth Amendment privilege against self-incrimination," he said.

"As the Supreme Court has recognized," he continued, "clients cannot obtain the effective assistance of counsel unless they are able to confide fully in their attorneys. And if a client does confide in his lawyer, only to have those confidences betrayed to public officials, the client would be denied his privilege against self-incrimination."

## Kadane Appointed To Rains' Professorship

Dr. James M. Shuart, President of Hofstra University, and Dean Eric J. Schmertz of the Hofstra School of Law, announced the appointment of David K. Kadane to the Harry Rains Distinguished Professorship of Arbitration and Alternative Dispute Settlement Law of the Hofstra University School of Law.

Professor Kadane was invested at a convocation on May 20, at the Law School.

At the ceremony, a Hofstra Presidential Medal was presented to Mr. Rains.

Robert Coulson, President of the American Arbitration Association, delivered the principal address at the convocation, followed by remarks by Mr. Rains. Bernard S. Meyer, Judge, New York State Court of Appeals, introduced the Distinguished Professor.

The professorship is supported by a gift from Harry H. and Muriel Rains of Locust Valley, L.I. and Sanibel, Florida. Mr. Rains is the senior partner in the prominent Nassau County law firm of Rains and Pogrebin and was one of the founding members of the National Academy of Arbitrators. He was a professor at the Hofstra School of Business from 1952-58, teaching courses and seminars in personnel administration, labor and employee relations, management, dispute settlement techniques and communication.

The Rains professorship is dedicated to the search for alternative methods of resolving litigation, such as conciliation, mediation, mini-trials and arbitration. Long utilized in the labor-management field, these methods are increasingly employed in commercial, civil, community and family disputes.

Professor Kadane is a member of the founding faculty of the Hofstra Law School.

Educated in the New York City public schools, Mr. Kadane obtained his BBS (Bachelor of Social Science) from CCNY, and his LLB (Bachelor of Laws) degree from Harvard Law School.

From 1936-38, he was assistant counsel to the U.S. Senate Committee on Interstate Commerce. An attorney, then special counsel and later assistant director to the Securities and Exchange Commission from 1938-1946, Mr. Kadane was Special Assistant to the National Housing Expediter during 1946. Prior to coming to Hofstra, he was associated with the Long Island Lighting Company and subsidiaries as general attorney and subsequently assistant general counsel, counsel and general counsel. From 1964-66, he worked as a Peace Corps volunteer in the Attorney General's office in Tanzania, Africa. He joined Hofstra Law School in 1970.

Professor Kadane is counsel to both Prison Families Anonymous and Housing Opportunities Made Equal. He is a member of the Boards of the Family Service Association of Nassau County, the American Jewish Committee and the Health and Welfare Council of Nassau County, as well as a former chairman of the Nassau County Youth Board.

The Rains Distinguished Professorship will enable the development of publications, research, symposia and a curriculum of dispute settlement methodology that is an alternative to courtroom litigation.

The Rains Professorship is the third to be established at the Hofstra School of Law. The others are the Edward F. Carlough Chair in Labor Law, and the Max Schmertz Distinguished Professorship of Law.

## Resnick Receives Distinguished Service Award

Alan N. Resnick has received the Distinguished Faculty Service Award, 1982-83, of the Hofstra University School of Law.

The award is given for outstanding and unique contributions in fulfillment of Hofstra University's commitment to excellence in teaching, scholarship, and service to the University. It was presented at the graduation exercises.

Professor Resnick teaches bankruptcy, contracts and commercial law. He served as Associate Dean of the Law School for two years from 1979-81. He received his legal education at Georgetown University, Juris Doctor Degree (JD), and at Harvard Law School, Master of Laws Degree (LL.M.).

Alan N. Resnick is co-author with Benjamin Weintraub of *Bankruptcy Law Manual* (Warren, Gorham and Lamont, 1980) and co-editor with Eugene Wypyski of *Bankruptcy Reform Act of 1978: A Legislative History* (William S. Hein and Co., 1979). His articles have appeared in *Rutgers Law Review*,

*Uniform Commercial Code Law Journal*, *Banking Law Journal*, *New York State Bar Journal*, *Commercial Law Journal*, and in other legal publications.

Professor Resnick lectures frequently before Bar Association audiences and is a consultant on commercial and bankruptcy matters. He is a member of the Panel of Commercial Arbitrators of the American Arbitration Association, a member of the Business Bankruptcy Committee of the American Bar Association, a member of the Committee on Bankruptcy Law of the New York State Bar Association, and an Associate Member of the National Bankruptcy Conference.

Professor Resnick has been active in community affairs, having served as a member of the Professional Advisory Board of the Nassau Chapter of the Association for Children With Learning Disabilities and as a member of the Board of Directors of the Nassau Chapter of the New York Civil Liberties Union (1977-79).

## Law School Receives Minority Fellowships

The Law School has been granted two new fellowship awards from the Department of Education through the Graduate and Professional Opportunities Program (G\*POP). G\*POP supports fellowship awards under Title IX, Part B of the Higher Education Act. Assistant Dean Robert Douglas, as the director of the program at the Law School, submitted grant applications last December and on the basis of those applications, the Law School was granted two awards in addition to the three previously granted continuous awards.

G\*POP is designed to provide Federal financial assistance to enable institutions of higher education to make available fellowship awards in post-baccalaureate education to graduate and professional students who demonstrate financial need. The recipients are remitted their tuition and mandatory fees and receive a stipend of up to \$4,500 for a 12 month year payable at the monthly rate of \$375 for any period the fellows are enrolled in the program.

Dean Douglas added that the Law School also contributes money to the recipient. "The Law School received \$31,500 through G\*POP and this money represents a very significant part of our goal towards increasing the number of minority students at the Law School," said Douglas.

\*\*\*

Assistant Dean Douglas is trying to organize an accurate Law School calendar of events. Accordingly, in planning an event or meeting, please contact Charlotte Hoffer in the Admissions Office to reserve a room and complete an event form. The completed form should be delivered to Douglas' secretary, Jane Thompson. The event will then be added to the event calendar on the bulletin board located in the Main Lobby and information about the event will be made available to *Conscience*. If any advertising in the *Conscience* is wanted, please leave a note in the *Conscience* mailbox on the library desk or in the Admissions Office, at least two (2) days before the deadline. The deadline for the next issue of *Conscience* is September 14.

## Schmertz: TOP ATTORNEY

Dean Eric J. Schmertz has been named the recipient of the Alexander Hamilton Award presented by the Republican Law Students Association of New York, Inc. The award designates him as the most outstanding attorney in the State of New York.

In addition to his teaching career at the Law School, Schmertz is one of the country's top labor-management arbitrators and mediators. He was the chief mediator in virtually every contract negotiation between the City of New York and its firefighter unions from 1967-78. He was the impartial chairman between these parties for fourteen years, and was the chairman of the arbitration board which ended the only firefighter strike in the city's history.

Schmertz is a former executive of the American Arbitration Association and served for different periods with labor and management as a representative of the American Federation of State, County and Municipal Employees (AFSCME) and as an Industrial Relations Director of the General Cable Corporation.

The Dean graduated from Union College with an A.B. degree, and holds a J.D. degree from New York University School of Law and a Certificate from the Alliance Française, Paris. He is a member of the New York Bar and holds memberships in several bar associations and professional societies. He is the co-author of the text *Personnel Administration and the Law* and has written numerous professional articles.

Dean Schmertz wants students to be involved in the selection of the graduation speakers for both the January and June ceremonies. Interested persons please contact the Dean or leave suggestions with his secretary, Betty Presti.

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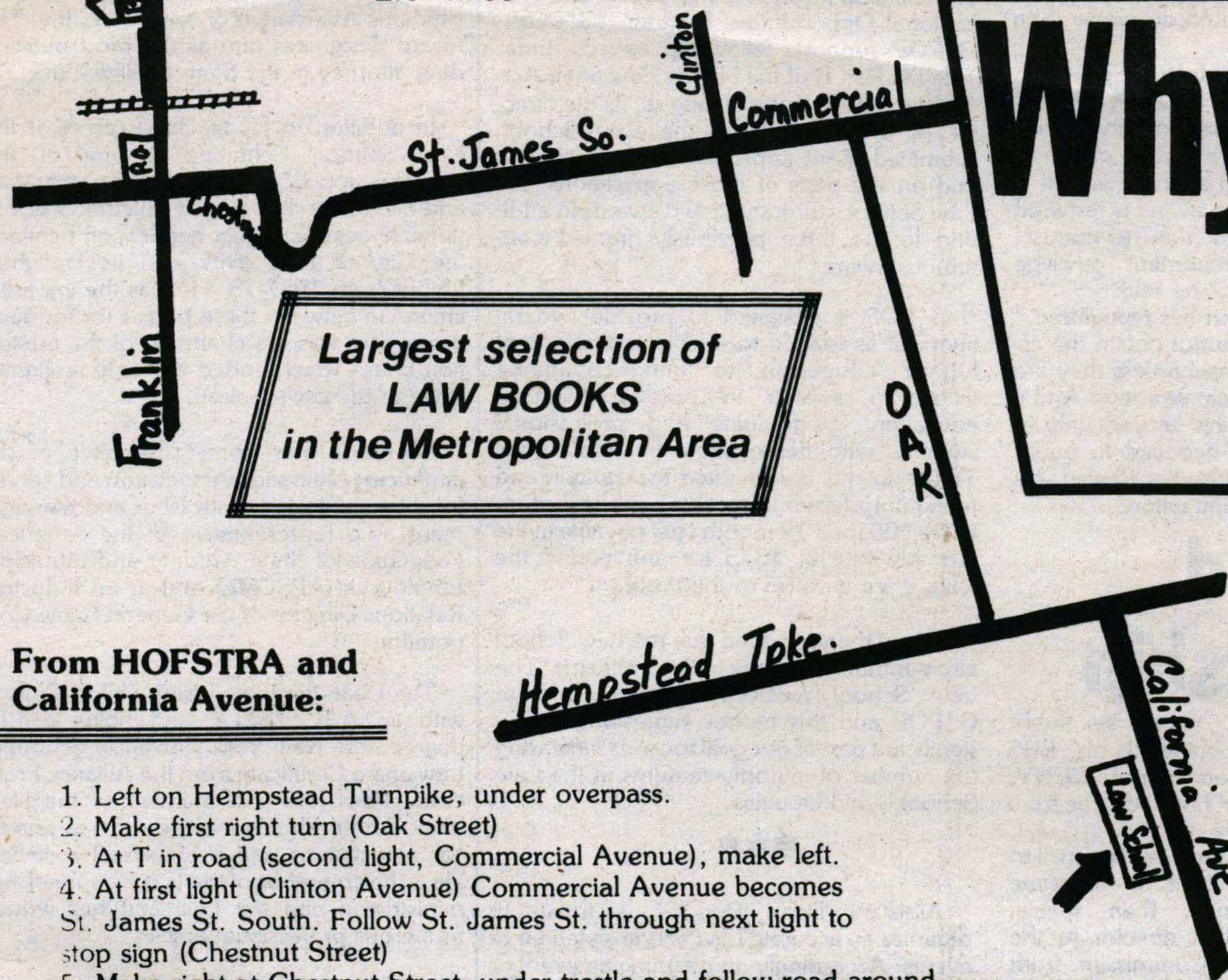
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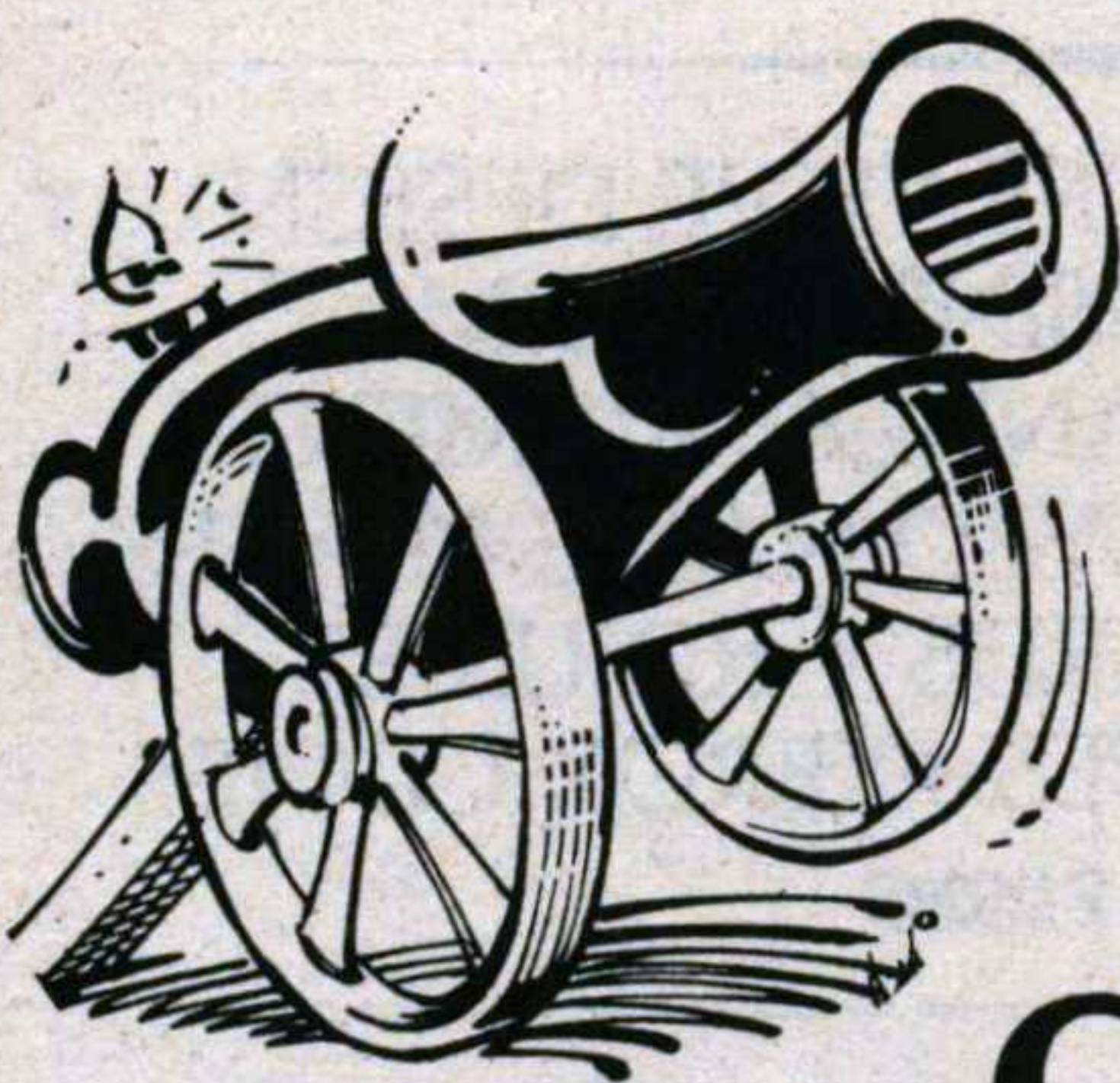
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- 1st runnerup will receive \$10 and a *Conscience* T-shirt.
- 2nd runnerup will receive a *Conscience* T-shirt.

### Rules:

1. All entries must be submitted no later than midnight, Sept. 15, 1983. (Early responses are preferred.)
2. The masthead and logo should be no larger than 2 in. x 10 in., and must include the word "Conscience" and the slogan "Asking you to ask yourselves."
3. Each entry should be drawn on plain white bond paper or heavier stock, if preferred. Drawing/lettering should be done in black india ink or marker.
4. Please include your name, address, and phone number on each entry.
5. Entries will not be returned. All entries become the property of *Conscience*.
6. Members of *Conscience* Editorial Board are ineligible to enter.

Send all entries to: **CONSCIENCE, Hofstra School of Law, Hempstead, NY 11550**  
OR Deposit in our box on Library Desk



## June Grads

continued from page 1

Other recipients of awards at this year's Commencement Exercises were:

### CLASS OF 1983 LIST OF AWARDS

1. Most Distinguished Academic Record  
Frances Tesoriere (Valedictorian)

2. Service to the School

Alan Placa

Christine Coburn

3. Outstanding Law Graduate

Linda Kreicher

### COURSE AWARDS

1. Commercial Paper

Myra L. Paiewonsky

Kathleen M. Valletta

2. Conflicts of Law

Paul H. Aloe

Virginia D. Parker

3. Constitutional Law Courses

Paul H. Aloe

Andrew John Borresen

4. Corporation Law Courses

Jodi Popfsky

Frances Tesoriere

5. Secured Transactions

Jeffrey Mace

Mildred Michaelczyk

6. Criminal Law Courses

Frances Tesoriere

7. The Leon Stern Memorial Prize for Excellence in the study of Criminal and Constitutional Law

Frances Tesoriere

8. Debtor-Creditor

James Arthur Cappa

9. Family Law Courses

Marc Hamroff

Kevin Loftus

10. Wills, Trusts and Estates

Robert Howard Cohen

John William Klein

11. Real Property Courses

Timothy Gordon Mulcahy

12. Evidence

John Gabriel Ferreira

Myra L. Paiewonsky

13. Labor Law

Virginia D. Parker

Frances L. Langstaff

14. Procedural Courses

Barry Stuart Rutcofsky

15. Tax Courses

Jeffrey Howard Mace

16. Tax Clinic

Ernest Lewis Fox

17. Trial Practice

Jane Rubinowitz

Laura Fuhrer

18. Pre Trial Litigation

Michelle Feldman

19. The Columbia Society of Real Estate Appraisers Award

Peter Dan Aufrichtig

Shlomo M. Twerski

20. Community Law Service

Deborah Ezbitski

Marcia Margules

Patricia Galteri

Siggi Wilzig, the recipient of the Law School's honorary Doctor of Laws Degree, is Chairman, President and principal stockholder of the Trust Company of New Jersey, one of the largest banks in New Jersey. Wilzig is also Chairman of the Board and President of the Wilshire Oil Company of Texas and the Wilshire Electronics Group.

Wilzig engages in a host of philanthropic activities to aid the sick and the poor in both New Jersey and New York. He is a recipient of the Prime Minister's Medal of the State of Israel for aiding Israel's economic development. President Carter appointed him to the National Presidential Council on the Holocaust.

Hugh L. Carey, former Governor of the State of New York, also received an honorary Doctor of Laws degree at the Social Sciences Commencement. Mr. Carey was born in Brooklyn and received his law degree at St. John's University. He was admitted to the New York State Bar in 1951 and to practice before the Supreme Court of the United States in 1963.

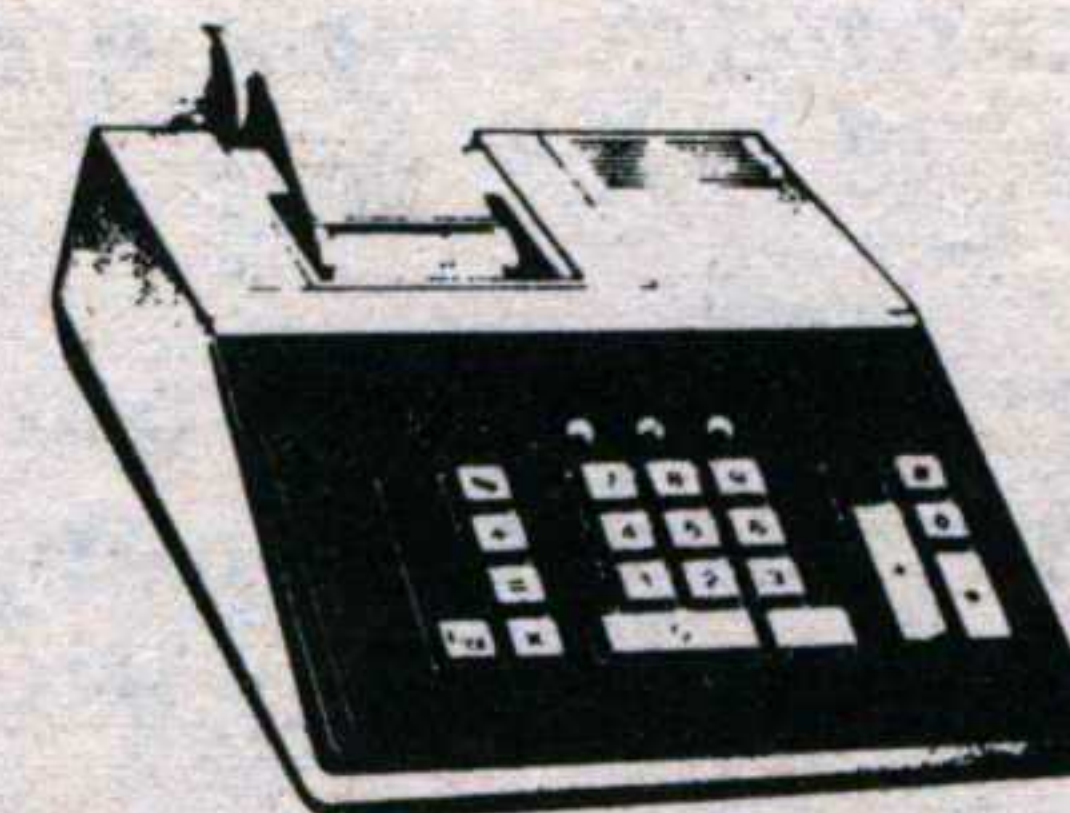
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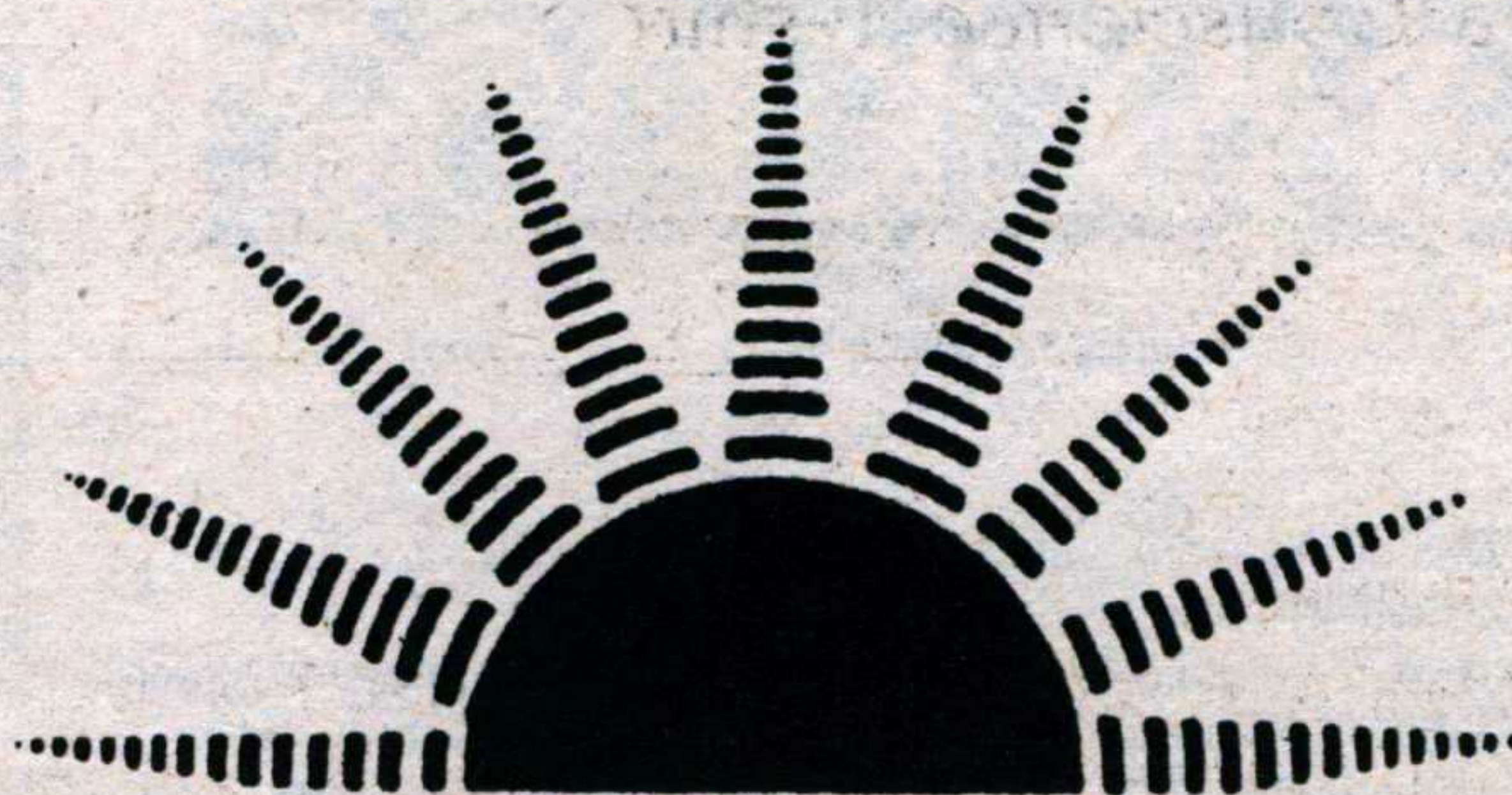
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Each individual approaches the bar exam with special strengths and weaknesses. In addition to a wide disparity in substantive areas, some students have less self-discipline than others, some have problems with writing essays or answering multiple choice questions, some have trouble remembering all the testable detail, and some have special time and travel pressures that can impede full bar preparation.

Some bar applicants will work full time during bar preparation while others will not work at all.

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# COMMUNITY FORUM

## EDITOR'S NOTE:

This is an important year for *Conscience*. With the publication of this issue, we commence the Tenth Anniversary Celebration of *Conscience*. We have lots in store for you this year and hope to make this our best year yet.

We will take this occasion to bring the Hofstra Law community closer together. In each issue you will read articles and columns written by members of each of the three segments that make up this community — the students, the faculty, and the alumni.

In addition to our regular in-school news coverage, *Conscience* will keep you apprised of news and events in the community-at-large, and in the ever-changing areas of law in the state and the nation. Our legal editors will analyze current controversies in substantive and procedural law and will report on recent developments that may affect us all.

We will share the insights of our faculty and the experiences of our alumni practitioners to better appreciate the diverse interests we share. We will also highlight works under progress by students and faculty and will shed light on the "moonlighting" activities of our instructors.

Furthermore, we'll continue to bring you our regular features you've come to expect such as CONSCIENCE CROSSWORD, CRYPTO-CITE, LEGAL BRIEFS, OUTSIDE LINE, RAY'S IPSA, EX LIBRIS, CREATIVE COOKING, THE SPORTS PAGE, and LEGAL TRIVIA. Plus, new columns and features such as SPORTS IN THE COURTS, THE MONTHLY CALENDAR OF EVENTS, and much, much more.

However, we can't do all this alone. In honor of our Tenth Anniversary, we are resurrecting *Conscience's* original motto — "Asking You To Ask Yourself." We need your ideas, your opinions and suggestions, and most importantly "yourselves." If you are doing something of interest to the community — share it with us. If we're doing something wrong — we want to know.

We also need writers, proofreaders, layout artists, salespeople, circulation managers, cartoonists, and editors.

Get involved — be a part of *Conscience*, in our year of celebration.

Our offices are located in Room 304, Roosevelt Hall. Stop by or call us at X5922. Contributions (articles, columns, letters, artwork, etc.) can be left in the black *Conscience* box on the Library Desk or in our mailbox in the Admissions Office.

## OUTSIDE LINE:

### Welcome To The 'Community'

By Saul P. Morgenstern

It is once again time to offer welcoming words to new first year students and to welcome back those returning for rounds two and three. By way of welcome to those new to the law school, perhaps a quick explanation of Outside Line is in order. In fact, that may benefit those returnees who, for whatever reason, have avoided *Conscience*, or this space, in the past.

Outside Line, born in September, 1981, is a soapbox. With limited editorial interference, your correspondent gets to forward views dear to his heart, regardless of their popularity or importance. Of course, an effort is made to present views on issues that are relevant, interesting or important (legal or otherwise). No effort is made to be popular.

The column was the result of a continuing effort on the part of the Editors (salute and play the National Anthem) to make *Conscience* representative of the views of the entire Law School community. Occasional faculty pieces further that goal; regular ones would do so more effectively. Outside Line is part of the effort to involve alumni.

The Editors, and others, perceived a need to connect the multiple constituencies that are the law school "community." Not infrequently, those constituencies act more like tribes at war than members of a community with common goals. Some small steps have been taken to strengthen what sense of community there is, but often these steps have little effect as they represent efforts at fine tuning where general attitude adjustment is needed.

Community is an elusive concept, difficult to define practically. It would be pointless and repetitive to list here the symptoms of its absence and to admonish all readers to attack those symptoms. Rather, the foundation principles need to be identified, adopted and adhered to; everything from clean lounges to uniformly excellent instruction grows from there.

Understand first the purpose for your presence. Understand also that many other

students have the same purpose. Finally, understand that the purposes of those relatively permanent residents — the faculty, administration and staff — converge with your own. For example, the successful fulfillment of individual faculty members' goals more often than not requires that they feel they have made possible the successful fulfillment of your goals.

While there will be differences of opinion as to the most effective methods by which your goals may be realized, an understanding that ultimate purposes are shared allows for debate without rancor and, ultimately, far more satisfactory resolutions. Your relationship with the other groups is not, and need not be a zero-sum game.

Alumni, too, share, or should share, in the common goals. Every holder of a degree from the Law School benefits from its prosperity. The better known the school, the easier the post-graduate path of many alumni (and most students will someday be alumni). The school has made great strides in its short life. It is, however, an unknown quantity to many and has been unfairly characterized by some, within and without its walls. Working toward the same goals, each in its own way, each group can help realize those goals.

*Conscience* has sought to further these goals by providing a forum in which all members of the community can be heard. It is hoped that understanding, and with it a sense of community, will grow at least in part out of the legitimate exchange of ideas. To that end, all students, faculty, administration, staff and alumni are encouraged to take part in any debate and on any subject of interest.

There are many doing their part to achieve benefits that will be shared by all members of the law school community. It is hoped that you will do yours.

Saul Morgenstern is a member of the class of 1981 and an Associate with a New York law firm.

## NEXT CONSCIENCE DEADLINE - SEPT. 14th

Look for us at SGA B-B-Q  
Wed. Aug. 31 - 5 p.m.

# conscience

August 1983

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Vol. 11 No. 1

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

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# COMMUNITY FORUM

## DEAN'S CORNER:

Dean Eric J. Schmertz

A warm welcome to the entering class, and a warm welcome back to our second and third year students. I thought I would set forth in this column some of the things I said at our June Commencement in response to the recent criticisms of contemporary legal education by Harvard President Derek Bok.

Lately I have been reading more about law schools and enjoying it less. The president of Harvard University and other critics say that we teach our students to engage in "conflict" law, emphasizing litigation and the representation of clients whose rights have been "fractured," and that we do not teach the "gentler arts" of reconciliation, dispute prevention and resolution, conciliation and compromise. We are charged with training lawyers for the well-to-do and privileged — for large law firms, corporations, and for organizations with high rank and prestige. It is claimed that we cater to institutions which will guarantee high incomes and professional stature, and that insignificant attention is given to public interest work, public service activities, the needs of the under-privileged and programs of social consciousness.

It is claimed that our Socratic methods are outdated; that they neither stimulate nor motivate our students; and that our curriculum lacks relevance to the basic needs of society. We are told that we attract the "best and the brightest" — that as a consequence there is an over supply of lawyers to the detriment of other professions and occupations.

I must tell you that in my view I have not heard or read such a superficial dialogue among intelligent people on such important issues.

The fact is that we are doing well, not badly. When I was in college, a great professor, Harold A. Larrabee, a noted authority on logic but a non-lawyer, said to me "become a lawyer so that you will not be intimidated by lawyers." He did not mean that lawyers are arrogant, overbearing, or elitist, but rather that the essential fabric of our society is based on the law. He meant that because of our lives, our rights, and our obligations, our security, and our opportunities are framed in the form of laws, one who knows the law or who practices the law is closest to the heart and soul of what we consider to be the best society developed by mankind.

It is true that lawyers should be trained in the arts of reconciliation, accommodation, resolution and prevention. Indeed, my 25 years in the labor law field have persuaded me of the advantages of negotiation, mediation, conciliation and other systems of conflict resolution as alternatives to traditional litigation. But, I do not believe that a law school should emphasize those methods more than it emphasizes and prepares its students for traditional litigation. Both are integral parts of the skills of a lawyer and are used by lawyers in the regular practice of the law.

The fact, of course, is that at Hofstra we have been teaching alternative dispute settlement methods and public interest law, along with all the other disciplines needed by lawyers, since the beginning of the Law School 13 years ago. Our extensive clinical program includes training in consultation, negotiation, conciliation and methods of conflict resolution other than litigation. We teach a specific course in dispute settlement techniques and just two weeks ago we established the first endowed Distinguished Professorship in Arbitration and Alternative Dispute Settlement Law at any law school in this country. Moreover, in teaching the traditional subjects our faculty does not confine itself to conflict preparation, but also advances the realistic philosophy that the role of the lawyer includes efforts to achieve fair and responsible settlements, even compromises, to avoid litigation.

The public interest and public service aspects of the practice of law have always

been present. Many of our faculty engage in public interest work, usually on a *pro bono* basis, and integrate those activities into the classroom and in their writing. And we have institutional arrangements with many public service and community organizations with which our students work as interns.

Our Neighborhood Law Office recently received the prestigious Presidential Commendation from the Federal Regional Council for the excellence of its work in the public interest, a Commendation received by no other University, law school or legal clinic in the region. However, we must not lose sight of the fact that our democratic society is founded on rights which are expressed by contracts, by property ownership, by civil liberties, by protection from injury and damages, and by security from crime, to name only a few. If these rights are not defined, established and protected by a system of jurisprudence what would become of our "society of law rather than men?" Indeed, if and when the commendable "gentler arts" of reconciliation and accommodation fail, the lawyer must be ready to litigate not only to defend his clients rights but to uphold the societal framework.

So law schools must train lawyers who see and pursue the advantage of settlement but who are also well-trained lawyers in the conventional sense.

Some of you, when you first came to this Law School, talked to me about the areas of the law in which you wished to specialize. Because labor law was my discipline, some of you said you wished to be labor lawyers. Because there is a rumor that I played second base for the Pittsburgh Pirates, some of you told me that you wanted to be sports lawyers. Others expressed desires to represent the poor and the underprivileged and to promote important social causes. Others told me that they were interested in representing big business, or financial institutions and frankly were interested in making money. You may remember what I said. I quoted my friend Alfred Giardino, a senior partner in an international law firm. He said, "Become a good lawyer." If you are a good lawyer you will be able to represent your labor or management client, your athlete, the person in need, the powerful corporation or financial institution, the social agency, or any other client well. And if you are not a good lawyer you will not be able to represent any of them well, your good instincts notwithstanding.

The law schools should meet the varied needs of society. What is superficial about the views of our critics is that they seem to have lost track of what law schools have been doing, and do not take into consideration the complexities of American society. That society is made up of big businesses and small, unions and individual groups, profit-making and non-profit organizations, political parties of different persuasions; economic, social and religious institutions with varying and diverse policies and programs. It is the interplay of them all; the lawful resolution of their conflicting positions, that produce the political and social policies of this democratic society. And lawyers help achieve that result. Each group is entitled to and should have legal representation of its choosing, so long as its activities are lawful and legitimately a part of our societal framework. Law schools have a responsibility to train good lawyers who should have the right to make employment selections amongst all these groups. It is not for the law schools to provide a preference or presumptions in favor of one segment of society as opposed to another. Our task is to evenhandedly provide lawyers with integrity to fairly and honestly represent those who are entitled to and need representation.

If there are imperfections in what we do — and indeed we recognize that there are — general condemnation is not appropriate. If

## SGA MESSAGE BOARD:

### A YEAR OF GROWTH

Hofstra Law School is good. However, in this competitive society, one must be better than good to achieve their highest aspirations. Thus, our individual and collective growth as an institution must be constant. We cannot afford to be lackadaisical in our pursuit of excellence. The commitment towards a practical and stimulating legal education must be shared by students, faculty, and administration alike. The classroom should be the incubator of ideas that mean something to today's problems. The hallways and lounges, the forums of debate, and the community around us, a laboratory for involvement. Isolation breeds discontent while unrealistic perceptions and unnecessary distance between faculty and students breeds contempt. Perceptions count.

It is our hope that the Student Government Association (SGA) can be one catalytic force, of many, in which concerned individuals can productively contribute to their educational experience.

A partial list of activities we plan to focus on include:

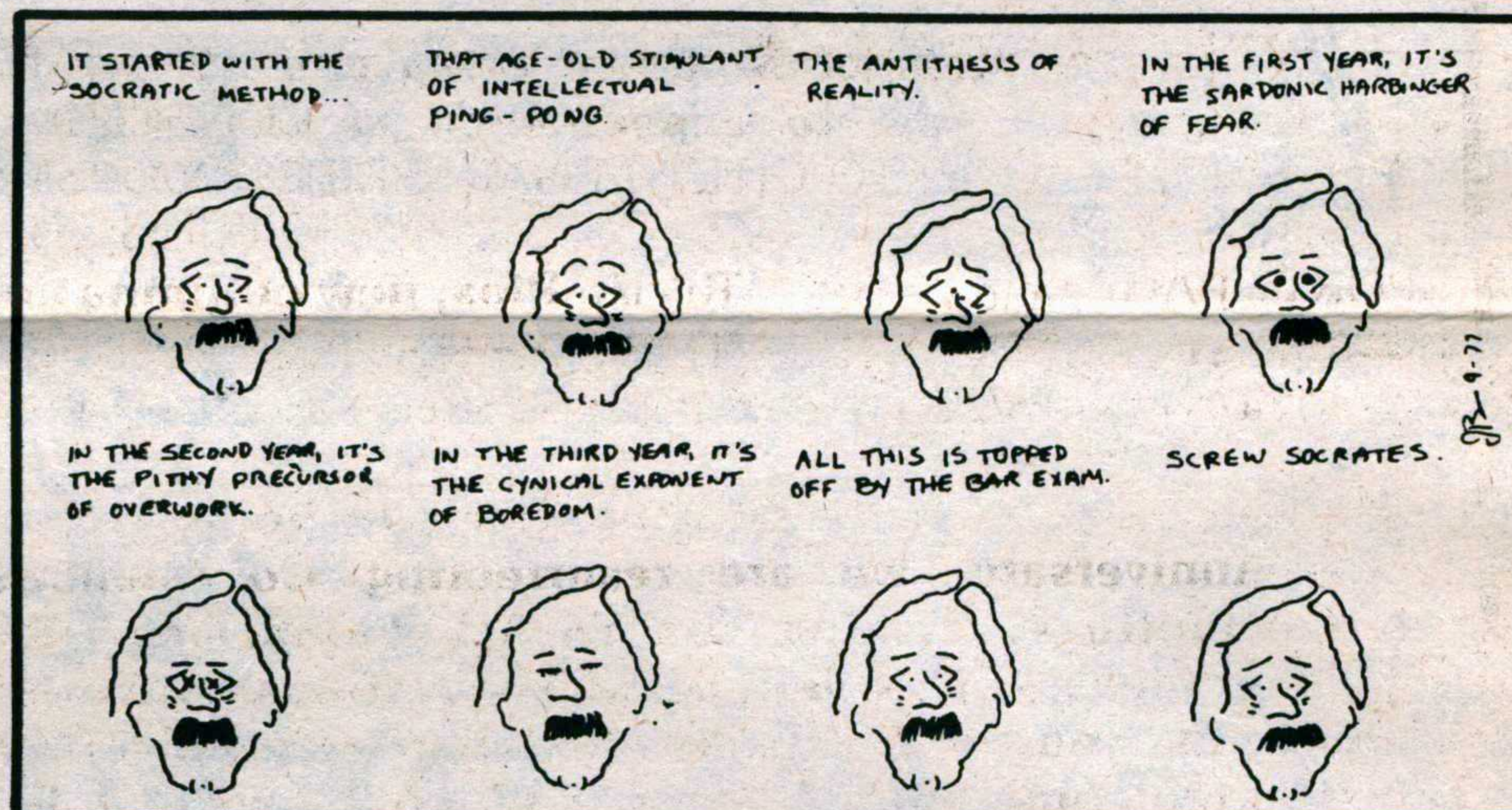
- New Fall and Spring Symposia
- Increased student-alumni events

- Receptions following outside speakers
- Faculty lectures and small group forums
- Friday afternoon student-faculty happy hours
- Broad discussion of the Ad Hoc Committee's recommendations.

Needless to say, the greater the resources, the more we all can accomplish. Please feel free to develop your own ideas and substantive programs and approach SGA for logistical, financial, or other support. Or volunteer to participate in existing efforts.

Our office is on the third (3rd) floor of Roosevelt Hall. I hope that all had a productive and relaxing summer. I believe it is safe to say that as individuals our development depends on the institution, and the institution's development depends on us as individuals. The support we give each other today should determine the scope of our future relationship.

Michael Zarin, President  
Jane Himmelfarb, Treasurer  
Laurie Gold, Second-year Representative  
Cathy Sagos, Third-year Representative  
(Vice-President, vacant: special election to be held)



our Socratic methods are outdated, or if a few of our courses are no longer relevant, or if some contemporary discipline is overlooked, we should take steps to remedy the situation. Indeed, almost a year ago, well before the current hoopla, the Hofstra Law School set up a committee made up of faculty and students to inquire into and report on our teaching methods, an apparent diminution in motivation and interest among students in the second and third year, the relevance of the curriculum, and the role of the clinical program. We have quietly but intensively engaged ourselves in our own soul searching on the very issues now raised publicly by our critics.

More important in my view is that the study of law is not simply to produce lawyers for legal practice. Law is a profession, but it is also an education, a rigorous intellectual exercise, a way of life.

As an education, you have acquired things you did not have before. A knowledge of the law, the ability to research, to think and to write as a lawyer. We believe your minds have been specially trained to acutely analyze, reason and evaluate with a precision and relevance not previously possessed. And that ability can be used to your advantage no matter what you do. No matter what your career may be, that knowledge, that unique training, and that extraordinary education can never be taken from you.

So this Law School will continue on its present course, which we think is on schedule and target towards deserved national prominence. We will continue our work with a diversified student body whose entering academic credentials improve each year; with continued efforts to attract minority students to the study of law; with a library

of over 225,000 volumes, making it the best in the area; with a distinguished faculty, many of whom are national leaders in their field; with endowed distinguished professorships now numbering three, with a fourth to be announced shortly; with faculty salaries exceeded by only two other law schools in the state; with intensified scholarly publications by the faculty; with three scholarly student publications, the nationally renowned HOFSTRA LAW REVIEW and the newer INTERNATIONAL PROPERTY INVESTMENT JOURNAL and LABOR LAW FORUM; with a curriculum which we vigilantly review for completeness, relevance and evenhandedness; with new relations with regional bar associations and renewed liaison with our alumni; with a professional and discernably improving placement effort; with a host of educational programs and conferences including the annual Edward F. Carrough Labor Law Conference, the Max Schmertz Distinguished Professor Lecture Series, the Law Review Lecture Series, the Balsa Lecture Series, the Labor Law Forum Lecture Series; with Centers for Legislation and Government Law, for advocacy and for criminal jurisprudence; with an effective and more professionally recognized clinical program and Neighborhood Law Office; with a demanding Moot Court and Trial Advocacy Program and training; with input from and participation of a host of lively student organizations and publications; and with, we hope, in the near future, the construction of a Law Library Building.

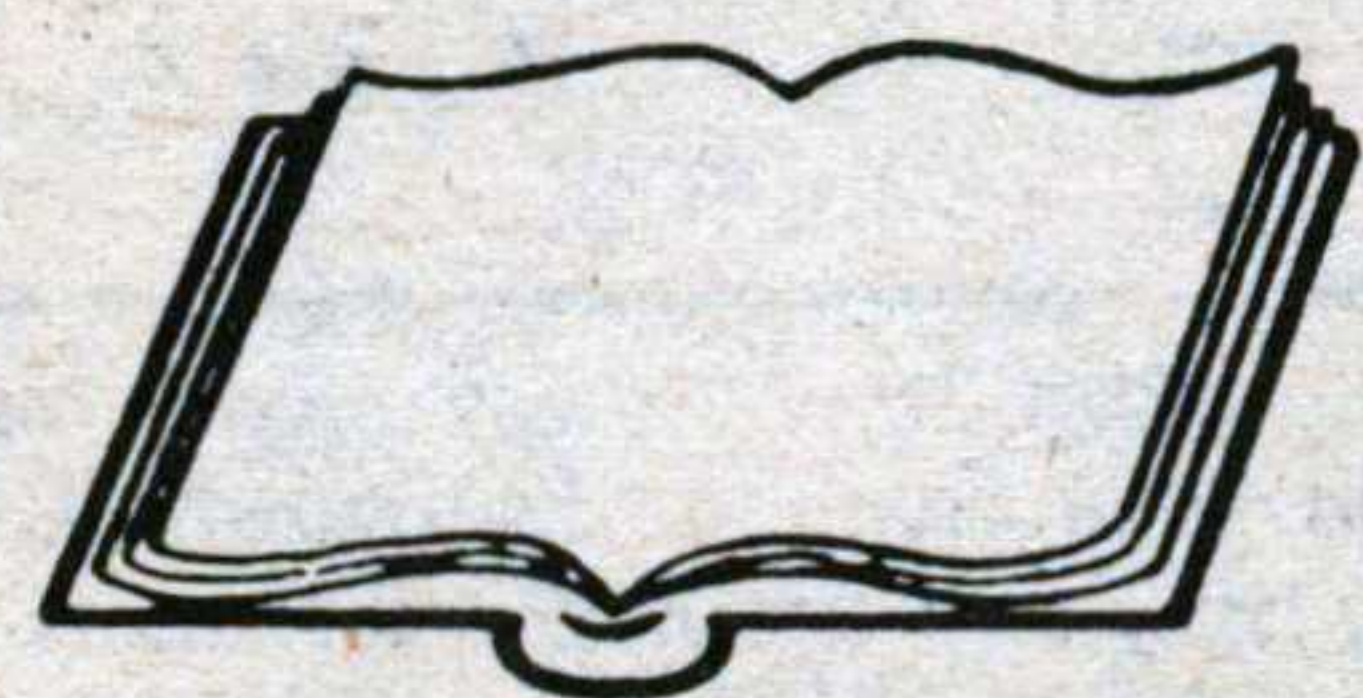
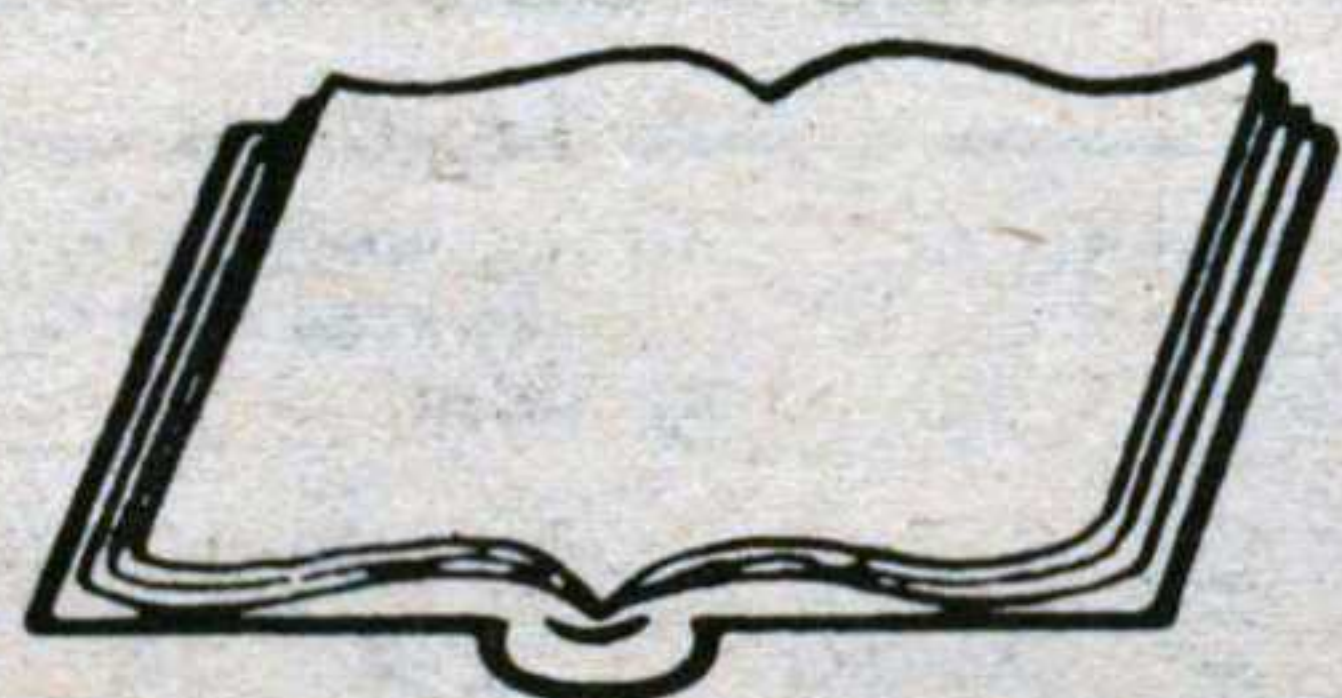
The students of the Hofstra Law School are essential to all we do. Thank you for joining us.



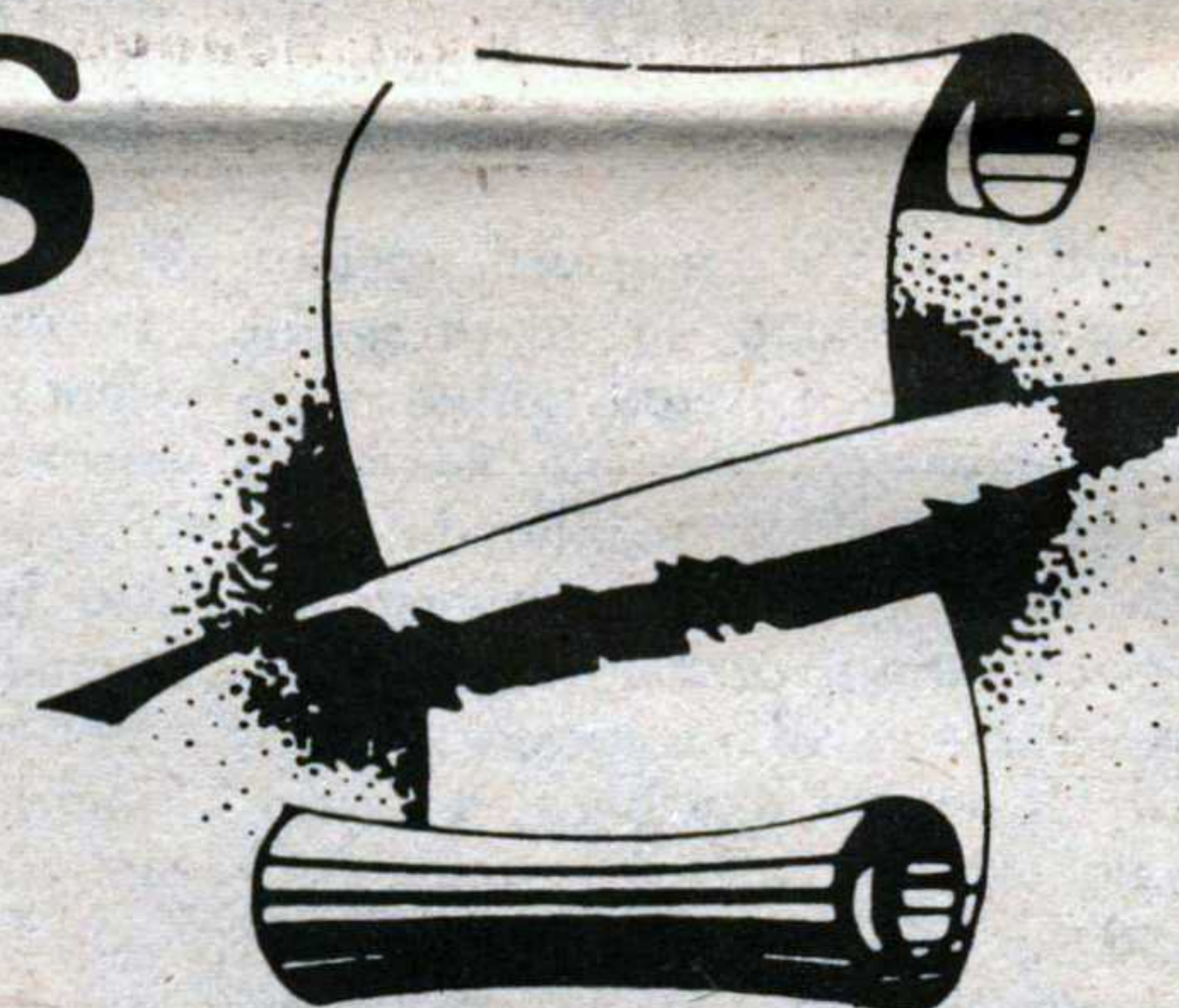
  
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# SWIM CENTER

Continued from page 1

Seating for almost 1,000 spectators will be placed alongside the pool. The swimming area is 170 feet long and 60 feet wide and can be divided into three sections by using two moveable bulkheads. The nearest comparable pool is at the United States Military Academy at West Point.

The Hofstra Swim Center is a two-story building, which houses in addition to the pool, new offices of the University's Physical Education Department and classrooms. It also contains a mezzanine area on the second floor that will serve as an observation deck and the officials' area during large swimming meets.

In keeping with Hofstra's policy of making all of its programs and activities fully accessible, the new Hofstra Swim Center will have the latest modern equipment to enable its use by disabled students.

Hofstra students will be able to swim free of charge. The cost of a year's membership for faculty, staff, administrators, and alumni is \$150. For the general public, a \$100 tax-deductible donation will be levied in addition to the \$150 membership fee.

The times of operation will be as follows:

M, T, W, F — 7 am-9 pm  
Th — 7 am-5 pm  
Sat — 11 am-6 pm  
Sun — noon-6 pm

Weekday swimming from 7-9 am will be reserved for adults, while family swim will be from 12:30-9 pm, daily.

Further information is available from Peter Clark, Director of the Swim Center, at 560-5081.

The Hofstra USA entertainment center will meet expanding student needs. As more students live on campus, the need for more recreational facilities has increased. Hofstra USA will supplement the already existing facilities in the Student Center.

Hofstra USA will house a dinner-theater hall, a large game room — "The Lion's Den" — a restaurant, a lounge, a specialty store, serving a variety of gourmet foods, named "Dutch Treats." Hofstra USA also has an outdoor skating rink and an amphitheater. The new restaurant will be known as "Kate and Willie's," named for William S. and Kate Hofstra.

The official opening of Hofstra USA will be on August 31. It will be an all-day event with refreshments, and musical and other entertainment. Everyone is welcome to attend the celebration.

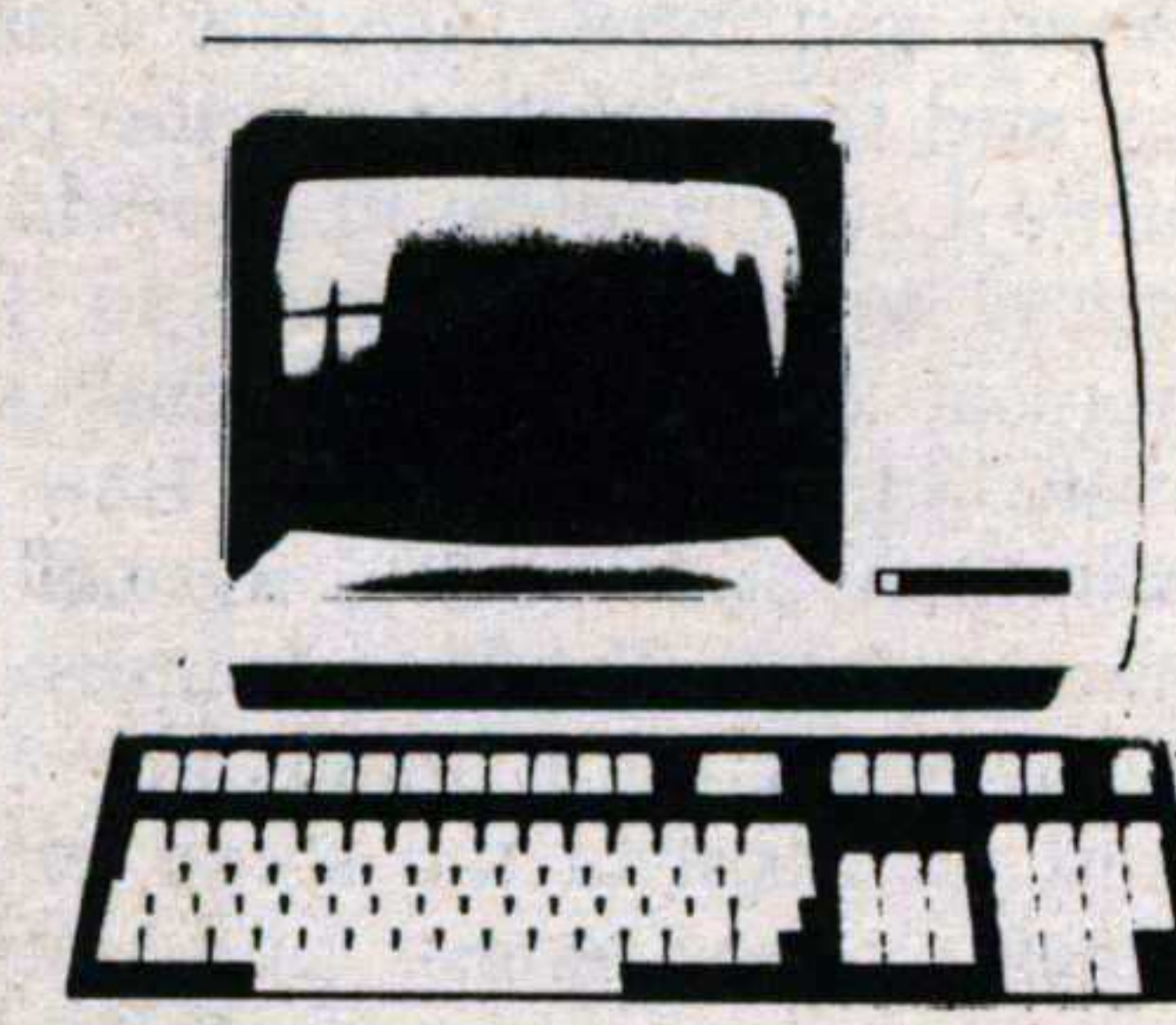
# OPEN COMPUTER LAW COMPETITION

The Center for Computer Law is sponsoring a competition among law students. Students are invited to submit their papers dealing with computer, communication or information topics. A board of lawyers, professors and other experts in the areas of computer law and telecommunications law will judge each paper, and the winning papers will be published in a special issue of the *Computer/Law Journal*. The deadline for submission is October 15, 1983.

Manuscripts should be sent in duplicate to the University of Southern California Law Center, Attn: Michael D. Scott, P.O. Box 54308 T.A., Manhattan Beach, California 90054. They should be typed, double-spaced, with at least 1-1/2 inch margins on all sides. Footnotes should be typed separately and placed at the end of the text. Citations should conform to A Uniform System of Citation (13th ed.).

The Center for Computer/Law publishes

the *Computer/Law Journal* which is edited by a staff of students at the University of Southern California Law Center. The *Computer/Law Journal* was conceived as a scholarly forum for the best-written materials in the fields of computer, communication and information law and has received worldwide acclaim for its in-depth coverage of the most important issues in these emerging areas.



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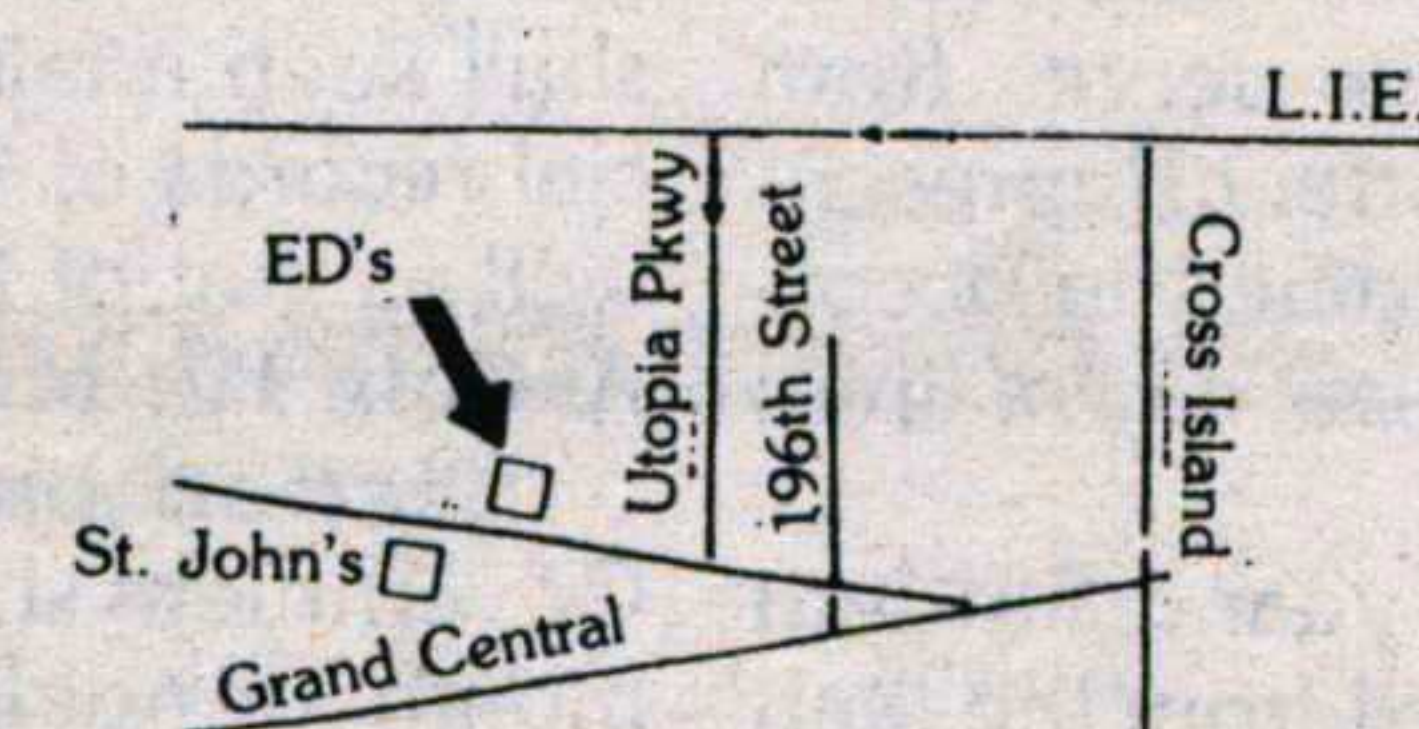
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## CONSTITUTION

**Article I: NAME**

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

**Article II: PURPOSE**

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

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

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

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

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

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

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

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

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

(b) No Law Review editor, no CONSCIENCE Editor, no American Bar Association-Law Student Division Representative, no New York State Bar Association Representative, nor any other officer or Board member of any Hofstra Law student organization may serve concurrently as Student Representative and in any of the aforementioned positions.

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

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

**Section Five:** Duties of the officers:

(a) The PRESIDENT, as chief executive officer, shall preside over all Student Government meetings, shall prepare an agenda for each meeting and shall post such agenda on the Student Government bulletin board at least two (2) school days before the

Student Government meeting; shall appoint all committee members except for students serving on Faculty Committees, and shall designate the chairperson of each committee, shall faithfully communicate all Student Government decisions; shall authorize the Treasurer to release previously allocated Student Activity funds in accordance with the budget determinations of the Student Representatives; and shall perform such other duties as deemed necessary by the Student Government.

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

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

**Article IV: MEETINGS**

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

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

**Section Three:** A quorum of at least five (5) Student Representatives required for the transaction of any Student Government business, except that from the end of the Spring Semester finals until, but not including, the Monday following Labor Day, a quorum of four (4) is required. If no quorum is met, the Student Representatives present may conduct business other than voting or discussing how the Student Government should decide an issue. Otherwise, the Student Representatives present shall vote to adjourn to a later date with notice to the absent Student Representatives and the public.

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

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

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

**Article V: COMMITTEES**

**Section One:** The Student Representatives may create such committees as required to assist them in the conduct of student affairs. The President shall appoint the members and designate the chairperson of such committees. Any Hofstra Law student

is eligible to serve on any such committee, as are the Student Representatives. Meetings of such committees shall be held in accordance with Article IV.

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

**Article VI: FINANCES; STUDENT ACTIVITY FUND**

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

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

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

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

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

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

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

(a) allocate matching funds to groups that fulfill the requirements of Section One, Subdivision (a) but want to provide some of their own funding;

(b) allocate funds outright to support activities aimed at and for the benefit of the law students and that in good conscience should be paid for by the student body and not the members of the organization;

(c) co-sponsor any worthy program aimed at the Hofstra Law student body.

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

**Article VII: RELATED REPRESENTATIVES**

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

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

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

**Section Four:** Candidates for the posi-

tions in Sections One, Two and Three must meet the qualifications contained in Article III, Section Two, subdivisions (a)-(b).

**Article VIII: ELECTIONS****Section One: Election Committee**

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

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

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

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

**Section Two:** The first-year Student Representatives election shall be held the first Wednesday after Labor Day and may extend as necessary to ensure maximum participation.

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

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

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

**Article IX: VACANCIES; REMOVAL FROM OFFICE**

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

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

**Section Three:** Upon notice of a resignation, removal or otherwise incapacity of a Student Representative to fulfill her-his office, the Student Government shall post such notice and such notice shall advise the students in the relevant constituency interested in succeeding to that office (a) if there are three (3) months or less remaining in the academic year, to appear at the next regularly scheduled Student Government meeting, or, in the event they cannot appear, to submit their qualifications for office. At such meeting the Student Representatives will select from among the student applicants a successor to the vacant Student Represent-

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# AN ABBREVIATED LAW SCHOOL DICTIONARY

The following piece is a lightly humorous guide to law school for first year students. Although the author believes that there is no "right" approach to studying, and that law school is a highly subjective experience, the article contains advice which the writer would have appreciated reading a year ago.

In your first few weeks of law school you'll probably be groping for some definitive idea of what study groups are, when to use hornbooks, how to brief cases and how to outline a course. Until something better arrives you can adopt my views, expand, alter, or wholly ignore them. In any event, here are my views.

## STUDY GROUPS

As you might expect study groups range from the rigid to the informal. My study group met both infrequently and informally and served each person involved more as a discussion group than as an outline and note exchange. The major benefit I derived from the group was a chance to hear myself talk about the cases, an activity I shied away from in classes out of a simple dread of making a fool of myself. Perhaps I'm on the wrong track, but it's my belief that the central benefit of a group is not so much for the members to exchange ideas and help broaden the grasp of the materials for other members but to demonstrate to themselves that they can handle altogether new legalistic words and develop a lawyer's argument. In a word, confidence.

It's my impression that most students prefer a group that meets informally rather than at a set time, day and place every week. You should be comfortable with the arrangement as well as with the people in the group.

## HORNBOOKS

Although there is a series of books tagged "The Hornbook Series" published by West, hornbook is usually used as an umbrella label to course outlines, nutshells and canned briefs. Hornbooks seemed to be universally disapproved by law school professors and almost universally bought by law school students. There's a parallel to be drawn between hornbooks, smut, marijuana and even masturbation: make something look bad and people will run out and do it. I still feel guilty purchasing a canned brief booklet or outline but maybe that's the way it should be.

There's no reason not to refer to secondary sources, the hornbooks, outlines, etc. but there are more compelling reasons to stick with the casebooks and rely on the secondary sources for historical background brief for a key to the facts of some ancient case. But, after I'd "cheat" I would always return to the text of the case.

Take your professors' word, your real work in law school is reading the cases and developing your own intellectual machinery to discover

reasons for the holdings. Why pay \$4000 a year to read the law school equivalent of Monarch notes?

## BRIEFING

My briefs tend to be overlong and often pointless. Where I'd have five pages, other students had half a page. Others, still, put a check mark next to the case in the text. Still, others relied exclusively on the benefits of yellow, blue or pink highlighter pens — reinforcing an idea through repetitious underlining. I'm a repetitious underliner and notebook briefer. Some of it has to help.

There's a standard format to briefing which involves listing the parties to the case, the facts, the lower court decision and error on appeal by the appellant, the appellate holding and reasons for it. There may be more than one holding and ideally you should list them all. How close you stay to the ideal or stray from it is a personal choice. And most everyone starts to take shortcuts in briefing. My fetish, when it comes to briefing, and I'm tired and I either want to go to sleep or watch a football game, is to decipher just what the case means to me. What am I getting out of this? Is this case interesting? Does it add up to anything? Can I tie it in with other cases or is it an historical fluke, an unpopular decision that Professor Soandso had me read just for the sake of exposing me to a controversial but idiotic justice? The creative thing about legal precedents is that they don't fall into place. You have to put them into place. *Stare decisis*, or that great tradition of legal precedent, seems to be less a legal point of view and more of a poetic vision, a subjective, personal art form.

The sooner you can wean yourself away from recopying captions, unimportant facts and obvious holdings and leap into juggling concepts, trends and policies, the more law school will become an imaginative adventure for you.

## COURSE OUTLINES

I started my outlines in October to "shape up" for the practice midterms.

Your job is to budget your time so that sometime before the real exams in December you put together a few sheets of paper in each course outlining essential ideas, concepts and themes that have appeared in your cases and classroom discussion. Outlines are especially helpful where the teacher allows open-book exams.

Ideal students outline once a week. Not the ideal, I outlined twice a year. I did review my notes, though, when I was either puzzled or dazzled by an idea raised by the teacher or another student.

## CONCLUSION

All seriousness aside, work hard your first year and remind yourself when you doubt yourself that you belong in law school as much as the next student. I don't know the exact figures, but the odds are you'll do fine.

Robert A. Rosenbloom '81

## SGA Constitution

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tative position to serve out the remainder of the term, (b) if there are more than three (3) months remaining in the academic year, to gather nominating petitions according to Article VIII for a special election to be held by the Student Government.

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

**Section Five:** Recall. Any Student Representative will be subject to a recall election if demanded by petition signed by 15 percent of the Representative's constituents. The entire Student Government shall be subject to a recall vote if demanded by a petition signed by fifteen percent of the entire student body. Any recall petition must be submitted to the elections committee, which shall have one week to determine whether a sufficient number of students have signed the petition and schedule the recall vote. All students represented by the affected representative(s) are eligible to vote in a recall to be held between one and two weeks after the recall has been scheduled.

## Article X: FREEDOM OF THE PRESS

The Student Government and the individual Student Representatives shall respect the freedom of the press, the editorial independence, and the editorial integrity of all student media (i.e. CON-

SCIENCE, POCKET PART (Yearbook). The selection and/or promotion of staff as well as editorial and news policy shall be left exclusively to the discretion of each student publication.

## Article XI: AMENDMENTS

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

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

## Article XII: CONSTRUCTION

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

## Article XIII: ADOPTION

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

## Article XIV: FILING

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

ment.

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

## SGA/LAW SCHOOL BARBECUE

### AUGUST 31, 5 p.m.

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