



ASKING YOU TO ASK YOURSELVES

Vol. 11 No 9
May, 1984

Conscience

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School of Law
Hempstead, NY
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Fox Selected To Speak At Graduation Kheel to Deliver Keynote Address

Jordan Fox has been selected by the third year class to deliver the students' address at the 1984 Hofstra Law School Commencement Exercises. Mr. Fox garnered the most votes in a special election held by the Graduation Speaker Committee of the Third Year Class. There were thirteen other candidates on the ballot.

Fox, the former President of SGA, is a graduate of George Washington University in Washington, D.C. and has accepted a position with the Kings County District Attorneys Office.

In a related matter, the Graduation Committee and Dean Schmertz have failed to attract a speaker to deliver the keynote address to the graduates. Several of the choices submitted to the Dean for approval were rejected and others that the Dean invited were

unavailable. However, the Dean had already asked Labor Mediator Theodore Kheel to attend the ceremonies and receive an honorary degree. Inasmuch, the Dean will ask Mr. Kheel to deliver the keynote address.

A graduate of Cornell University and Cornell Law School, Mr. Kheel is a name member of the New York firm Battle, Fowler, Jaffin, Pierce & Kheel and is a former director of the American Arbitration Association. He is the author of many books and articles on Labor Law and Arbitration including *Kheel on Labor Law* and the *Guide to Fair Employment Practices*.

Also receiving an honorary law degree will be James A. Finkelstein, President and publisher of the National Law Journal.

Carlough Labor Law Conf. To Be Held at Hofstra

Hofstra Law School will host the Third Annual Edward F. Carlough Labor Law Conference tomorrow, April 25, 1984 in the Student Center on the North Campus. This year the Conference will examine regional labor relations in health care, retail food and transportation. The Conference is co-sponsored by the American Arbitration Association, the Bar Association of Nassau County, Inc., and the Suffolk Academy of Law of the Suffolk County Bar Association.

The Chairman of this year's Conference is Professor Wayne L. Horvitz, who teaches Collective Bargaining at Hofstra. Prof. Horvitz is the former Director of the Federal Mediation and Conciliation Service in Washington, D.C. Prior to that appointment by President Carter, he was successively Associate Director of Personnel of General Cable Corp., Vice-President of Industrial Relations for Matson Lines, and Chairman of the Joint Labor-Management Committee of the Retail Food Industry. He has served on a number of government commissions and boards including the Tripartite Food Committee of the Cost of Living Council (as a Public Member) and the National Commission on Productivity and the Quality of Working Life. Prof. Horvitz serves as a consultant, mediator and labor arbitrator.

Panel participants include Dolores Gebhardt, Editor in Chief of the Hofstra Labor Law Forum, who will be the moderator for the panel discussion on Health Care; Judith Vladeck, of the firm of

Vladeck, Waldman, Elias & Engelhard, P.C. and William J. Abelow, President of the League of Voluntary Hospitals and Homes of New York.

Prof. Horvitz will serve as moderator for the Retail Food Panel. Joining him are Irving Stern, International Vice-President and Director of the United Food and Commercial Workers, Region 1, AFL-CIO, CLC, and Melvin Levy, Vice-President - Industrial Relations for Waldbaums, Inc. and Vice-President of the Food Retailers Association of the Greater New York Trading Area.

Assistant Dean and Special Professor of Law Robert L. Douglas is the Director of the Carlough Conference and moderator of the Transportation forum. Joining Dean Douglas will be Edward Yule, Jr., General Chairman of the United Transportation Union of the AFL-CIO, Robin H.H. Wilson, President of the Long Island Rail Road, and Honorable Robert O. Harris, one of three members of the National Mediation Board.

Edward Cleary, President of the New York State AFL-CIO, will deliver the keynote address at the Conference Luncheon following remarks by Dean Eric J. Schmertz and Edward F. Carlough, President Emeritus of the Sheet Metal Workers' International Association, AFL-CIO.

Law students are encouraged to attend. Admission to the panel discussions is free. Luncheon will be \$20. See Dean Douglas for further information.

Black Wins SGA Election

James Black was elected President of the Hofstra Law School Student Government Association earlier this month with approximately 50 percent of the eligible law students voting in this year's election. For the second year in a row, the top three positions of President, Vice-President and Treasurer will be held by individuals running on the same "ticket."

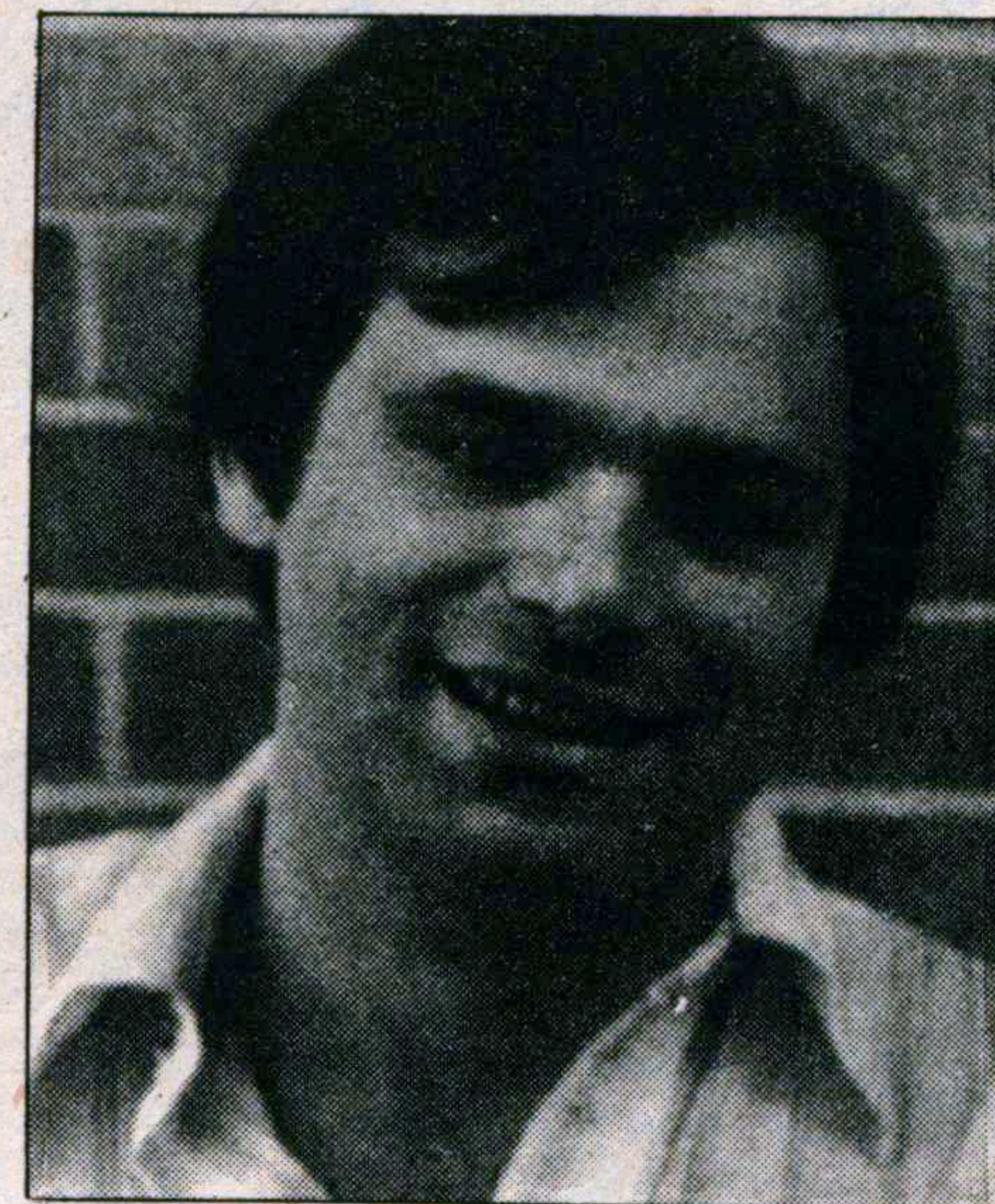
The elected officers are:

President: James Black
Vice-President/Secretary:
Douglas Lieberman
Treasurer: Donna Simendinger
Second Year Representative:
Janice Facibene
Third Year Representative:
Neil Kurlander
ABA Rep: Caroline Papadatos
CLAS Trustee: Joseph Lee
Election Commissioners:
Ken Yadavish
Teresa McSweeney
Vera Santeramo

(Note: additionally, Neil Kurlander won the write-in vote for NYSBA Rep. and CLAC Trustee, but has declined those positions in favor of Third Year Rep. Elections for those open positions will be held at the beginning of the Fall semester.)

While the voter turnout was high in the first year class, it was dismally low in the second year class. Eighty percent of the first year students exercised their franchise compared to a low twenty percent of the second year students.

Four of the victors in the election contest are or were members of the current SGA Administration. All three of the First Year



Reps were elected to positions in next year's government and Mr. Black, a former First Year Rep., was elected to the Presidency.

New Editor Elected

Conscience Editor-in-Chief Peter W. Shafran announced the election of Randy Montellaro as Editor-in-Chief for 1984-1985. Mr. Montellaro will name the other members of the Editorial Board in the first fall issue of Conscience.

Twerski Will Visit Michigan In Fall

Professor Aaron Twerski will be joining the faculty at the University of Michigan Law School in September as a visiting instructor. Prof. Twerski will only "visit" Michigan for one semester and will return to Hofstra in the Spring to teach Products Liability and Conflicts of Laws. While at the University of Michigan Law School, Twerski will teach a 4 credit course in Torts as well as a 2 credit course in Products Liability. Twerski will use the material he has prepared here at Hofstra as a casebook at Michigan.

While Twerski is shuttling between Ann Arbor and Manhattan, First Year Torts will be taught by a newly-hired instructor named Professor Joseph.

"I've visited before and I will visit again in the future," said Twerski, "I've been a visiting professor at Cornell and Boston University (law schools) and each time it was a very exciting experience."

To allay any fears that anyone might have about a permanent transfer, Twerski added, "I have no intention of staying anywhere other than Hofstra."

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Come To The Law School Picnic

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COME TO THE LAW SCHOOL PICNIC

EISENHOWER PARK GUIDE

DATE:
SUNDAY, APRIL 29
TIME:

10 am to whenever?

LOCATION:

Eisenhower Park

**Reserved area (h) (The Cedars)
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ITEM! ITEM!

Applications for the Jonathan Falk Memorial Scholarship in Labor Law are available in Room 104. The scholarship will be awarded to the candidate who exhibits those qualities of personality, intellect, and interest in labor law that are most similar to those of Jonathan Falk. Jonathan Falk graduated from Hofstra Law School in 1977 and was employed by the firm of Jackson, Lewis, Schnitzler & Krupman, specializing in labor law. He was killed in the 1978 San Diego air disaster while en route to the firm's California offices.

In memory of his unique personality and ability, a memorial scholarship fund has been established by the faculty and friends of Jonathan Falk and the Jackson, Lewis firm. It provides a \$1000 award annually to a student pursuing a career in labor law.

Selection will be based upon academic record in labor law courses, resume, financial need and personal interviews conducted by the Falk Scholarship committee.

Johathan Falk was also an editor of *Conscience*.

Applications must be submitted by May 1, 1984.

ITEM!

The Hofstra Environmental Law Society (ELS) recently held elections to fill four vacated positions as well as a new post for editor of the soon-to-be-published *Environmental Law Digest*.

The election results were:

President, Barry S. Cohen; Vice President, Kevin Way; Treasurer, Carl Howard; (acting) Secretary, Ellen Drucker; and Editor, Gary Jones.

Cohen replaces Carol Casazza, reigning President for two years and the driving force behind ELS. Casazza was primarily responsible for resurrecting the nearly defunct group in 1981 and has worked tirelessly with faculty and students to make ELS one of the more active organizations at Hofstra. Casazza was instrumental in obtaining an adjunct professor to teach Environmental Law this semester while Professor Ginsberg was on sabbatical and has also arranged for a new course on land transfers to be taught in the fall. Casazza seeks a career in environmental law and is bound to be a successful and welcome addition to the field.

The ELS acknowledges and greatly appreciates Carol's dedication and excellence during the past three years and wishes her the very best in the future.

ITEM!

Two members of the faculty will not be returning in the Fall: Professors Alice Morey and Douglas Thomas. Prof. Morey is leaving Hofstra Law to pursue a career with the Corporation Counsel of the City of New York. Prof. Thomas could not be reached for comment.

To fill the vacancies left by other departing instructors, the Administration has hired several new teachers for the Fall. Faculty profiles will be featured in the Fall issues of *Conscience*.

ITEM!

The Hofstra University Alumni Singles Club is looking for new members. The club meets once a month at the Student Center. Membership includes a calendar of exciting events. All students are welcome to join. For further information in regard to meetings and activities, call Toby Goldstein at 938-8619.

HOFSTRA CULTURAL CALENDAR APRIL-MAY 1984

o April 27 & 30 — ANNUAL CLASSICAL MUSIC FESTIVAL featuring various high schools from Nassau and Suffolk Counties. Hofstra Hall Plaza, South Campus. Free.

o April 27 — HOFSTRA WIND ENSEMBLE CONCERT — Adams Playhouse. Admission is \$3; \$1.50 for senior citizens.

o April 26 — Plant Clinic and Workshop. Gittleson Greenhouse. Free.

o April 25 — LECTURE: BASIL PATTERSON, former New York Secretary of State, member of the Long Island firm of Suozzi, English & Cianciulli. Moot Courtroom in the Law School. Dean's Hour (Noon). Free. Info. X5856.

o April 25 — EDWARD F. CARLOUGH CONFERENCE — Annual Labor Law Conference.

o April 26 — ALUMNI COCKTAIL PARTY — Held as part of the annual meeting of the New York State Bar Association. Hospitality Suite, New York Hilton, 5:30-7:30 p.m.

ITEM!

The International Property Investment Journal presented Professor Eugene M. Wypyski with an honorary plaque at its third annual dinner on April 12. The plaque was presented to Prof. Wypyski (or "the Wyp," as he is affectionately known) in "recognition of his demonstrated commitment to the IPIJ as well as the research facilities and programs of the Law School," said Editor in Chief Barbara Kornblau.

Prof. Wypyski, the Director of the Hofstra Law School Library, is an original member of the Hofstra Law faculty. Wypyski's background includes legal education, government, bar association law library administration, and law publishing. He has served as a consultant to many law school libraries throughout the United States.

He compiled *Legal Periodicals in English*, coedited *United States International Trade Reports*, the 17 volume *Bankruptcy Reform Act of 1978 — A Legislative History*. He is a past president of the Law Library Association of Greater New York and is a former Treasurer and member of the Executive Committee of the American Association of Law Libraries.

ITEM!

The final meeting of the Faculty for the Spring semester will be held on Friday May 4 at 11 a.m. However, the first hour of the meeting will be held in executive session and will be closed to the students. The regular Faculty meeting will reconvene at 1 p.m. following a luncheon. Scheduled to be discussed on the agenda is the Ad Hoc Committee on Academic Excellence Interim Report. The report was on the agenda previously but was not discussed because the Committee's chair, Prof. Twerski, was unable to attend the meeting.

Also scheduled is a proposal for a post-First Year Moot Court course (discussed in the March issue of *Conscience*), and three new course proposals from the Curriculum Committee: Alternatives to Litigation Seminar, Equitable Distribution Seminar and Preservation Law Seminar.

Two Balsa Members Awarded 100 Black Men, Inc. Scholarship

by Dennis Warren

Two third-year students of Hofstra Law School were recently awarded the 100 Black Men Inc. of Nassau and Suffolk scholarships for 1983-84, Professor John Regan, chairman of the committee announced.

The awards of \$500 each were made to Joseph B. Davis and Cynthia Diaz-Wilson, both members of the Hofstra chapter of the Black American Law School Association (BALSA), and will be offset against their tuition, Prof. Regan said.

"This is a laudable effort by the community to reach out to our law school and to our students to help them brave the financial burdens of law school," Prof. Regan said.

The 100 Black Men scholarships, reserved for black students at the law school, started first as a simple annual award about five years ago. Over the years the organization has executed larger fund raising ventures and have increased their contributions to the school, Prof. Regan said.

But the award to Davis, currently chairman of BALSA, and Diaz-Wilson, marks the first time the money was being given as a full fledged scholarship. He said the criteria for eligibility has changed over the years.

"These scholarships are now awarded to third year students because there is the feeling that third year students are usually in most financial need, have expired their resources, and are deepest in debt. In another sense, they have also proven themselves in terms of their ability to survive in school and in life," Prof. Regan said.

He said prospective student applicants must have satisfactory grades and a record of contribution to Hofstra and the outside com-

munity. "There must also be the prospect that those awarded scholarships will make a contribution to their communities."

Prof. Regan said in the past, applicants were restricted to residency in Nassau or Suffolk, but this requirement has since been eliminated. "Anyone meeting the academic and other conditions can qualify for the scholarship regardless of residence," he said.

"The 100 Black Men Inc. consists of black professionals and businessmen on Long Island who are trying to uplift blacks in the communities where they live," Harold Brown, a member of the organization, pointed out.

He said that through its annual dinner, the organization raises funds which it disburses to help youngsters with academic potential realize their goals through scholarships. He said the organization has also established a scholarship at Farmingdale.

Brown said 100 Black Men Inc. was founded approximately 12 years ago, and currently has 103 members in Nassau and Suffolk. He said membership is exclusively for men, but that it has helped establish the Sister 100 Black Women Inc.

"We are a non-political and non-partisan organization, of mixed political persuasions," Brown said.

This year's awards were made by a committee of five suggested by the 100 Black Men Inc., after interviewing the candidates. Members were: Prof. Regan, Chairman; Robert Douglas, Assistant Dean of the Law School; Harold Brown of the 100 Black Men Inc.; and Judy Parker-Jones and Dennis Warren, two student members elected to the committee from BALSA.



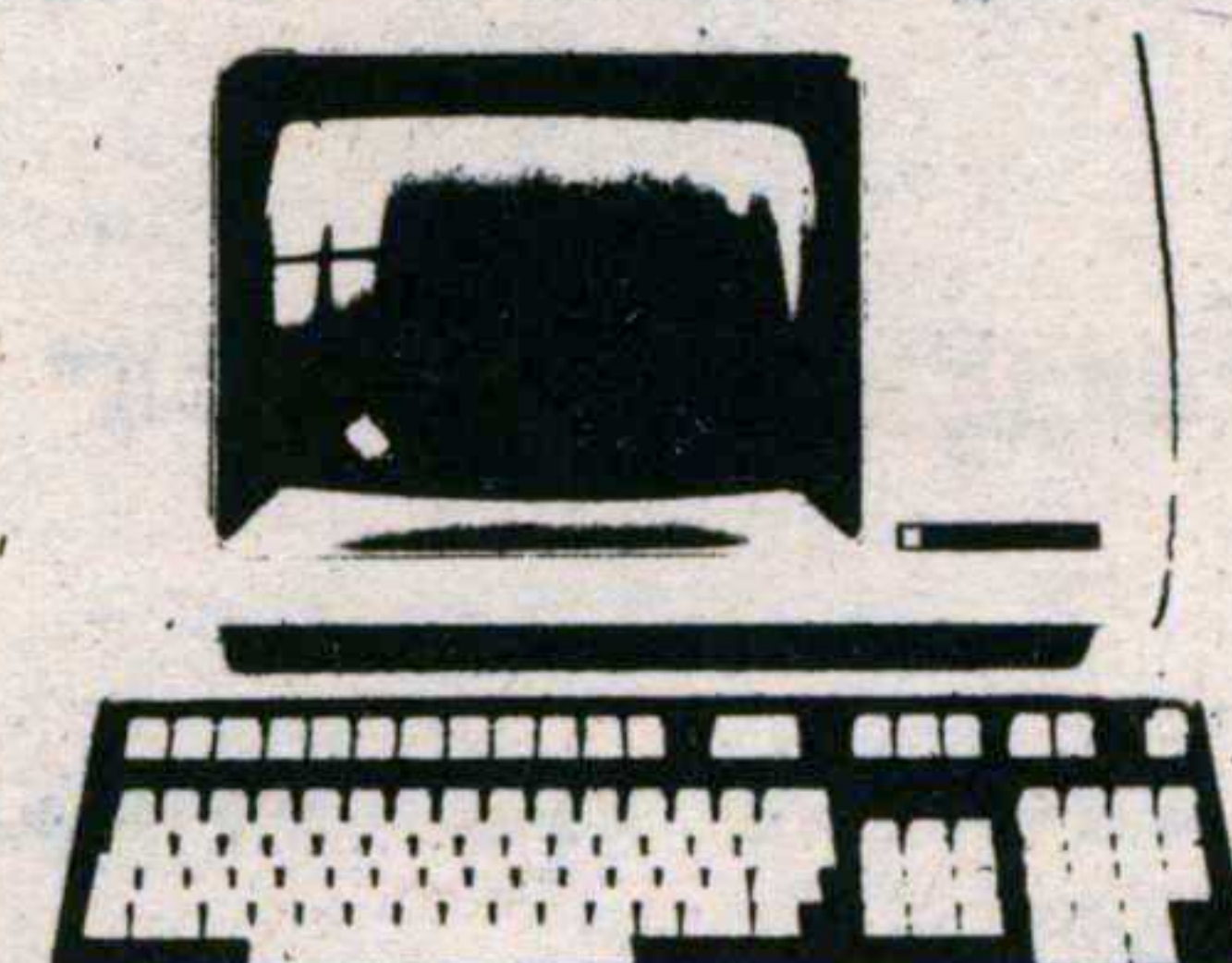
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A personal, but very important measure of gratitude, is extended to Multi-Media Advertising, for their continued and helpful assistance in the production of *CONSCIENCE* this year.

Jackson Campaigns At Hofstra

by David Wankoff

On April 1st, Democratic Presidential Candidate Jesse Jackson addressed an excited crowd at Hofstra's Physical Fitness Center. Jackson's main theme for the campaign speech was educational programs for the underprivileged. He stated his opposition to President Reagan's policy in favor of defense spending and cutting aid to students and colleges. He pointed out that dollars spent on education were better spent in the defense of America's economic health than money spent on nuclear arms. He said, "Our strongest line of defense is in the developed mind, not the guided missile." In answer to a self posed question of "What made American strong?" he said "American provided more education for more people than any nation in the history of the world and we reap the benefits from it. Therefore, when Mr. Reagan cut aid to American education and increased aid to El Salvador, that's a straight threat to our national security."

Jackson called for a "Rainbow Coalition" of "red, yellow, brown, black and white" people to join his campaign for the Presidency in response to the Reagan administration policies which resulted in cutbacks in programs for infants and children, cutbacks for breakfast feeding programs for children, small farm foreclosures, and general insensitivity to poor people.

Jackson labeled himself a "Peace Candidate." He called for more earnest talks with the Soviet Union regarding a nuclear arms freeze. Concerning the Middle East, Jackson stated his support for Israel's right to exist and to security from Arab aggression. He also called for a Palestinian homeland that



was "without arms."

Jackson faulted his opponents for the Democratic Presidential nomination, Gary Hart and Walter Mondale, for their failure to make their positions known concerning Asia, China, South Africa, Haiti and the Caribbean.

Jackson termed himself a "live option" in contrast to Hart and Mondale. Jackson lamented their failure to get out into the street to fight for "public accommodations" while citing his own activism in the 60's and his actions which precipitated the release of Lt. Goodman from Syria.

Juvenile Justice

by Bruna DiBaise

The Juvenile Justice Program, sponsored by Phi Alpha Delta, concluded last week at local elementary schools. The successful program, which was administered this year by Rick Collins and Pam Fitton, is one in which law students visit neighborhood elementary schools to teach children about lawyers and the law. Among the areas covered are society's need for laws, some Amendments to the Constitution, and the roles of lawyers, judges, juries and witnesses in the trial situation.

This past semester, some of the 3rd and 6th grade classes conducted "mock trials" with the assistance of the visiting law students. Both the children and their teachers were highly enthusiastic and learned a great deal. "I was amazed at the abilities of these kids," said Rick Collins. "Here were ten-year-olds doing more effective cross-examinations than some students in Trial Techniques!"

Pam Fitton was very pleased with the response to the program both of law students and of the grade school staff this year. "The teachers can't wait to have the program back again next year, and the kids really loved it," she said. "It also gives the law students a unique perspective on the whole process."

Among the law students who participated with Pam and Rick in the fall and/or spring classes were: Jim Black, Doug Lieberman, Jane O'Neill, Mike Donegan, Diana Murkel, Brad Wolk, Donna Hill, Rosemarie Inzerillo, Jim Markotsis, Alfred Keifer, Fran Cohen, Glenn Berger, Phil Jordan, Joelynn Stokes, Sara Peister, Mike Apuzzo, Winnie Gilmore, Chris D'Amato, Steven Gershbein, Donna Simendinger, and Jackie McCarthy.

Both Pam and Rick expressed confidence in their successors, Doug Lieberman and Jim Black, who will be coordinating the program next year. Inquiries about the program should be directed to Jim or Doug.

Labor Law and IPIJ Elections

The Hofstra Labor Law Forum is pleased to announce its Volume 3 Board of Editors:

Editor-in-Chief: Lois Florman
Managing Editor of Staff: Andy Luskin
Managing Editor of Business: Conni Mollura
Articles Editors: Randy Arthur, Mike Foreman, Diane Inbody
Notes and Comments Editors: Jim Ball, Sue Biller, Amy Gibbons, Brenda James, Jim Huggard, Howie Lipper, Stuart Schoenfeld

Research Editors:

Vol. 4 of IPIJ
Editor-in-Chief: Alan J. Lustrin
Managing Editor-Articles: Emery Schweig
Managing Editor-Staff: Robin Molho
Business Manager: Dean Weber
Articles Editors: Fred Paine, David Rabbino, Angela Valente
Notes & Comments Editors: Amy Miller, Kevin Way, Charles Lapolla, John Mongeluzzi
Research Editors: Nora Hirschberger, Jeanne Grubber, Alan Snider, Mindy Wolman

The new editorial board of the International Property Investment Journal would like to extend its thanks and congratulations to the editorial board of Vol. 3 for their cooperation and excellent effort over the past year.

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ELS Reports

The estate of Karen Silkwood brought a diversity action in Federal District Court in Oklahoma to recover for contamination injuries sustained while Silkwood was a laboratory analyst at Kerr-McGee, a federally licensed manufacturer of plutonium fuel pins. In addition to awarding actual damages, the District Court awarded \$10 million in punitive damages as authorized by Oklahoma tort law. 485 F. Supp. 566 (W.D. Okla. 1979). The award of punitive damages was based on the jury's finding that plutonium found in Silkwood's apartment was caused by Kerr-McGee's grossly negligent, reckless, and willful conduct in allowing it to escape from the plant. The parties stipulated that urine samples brought to the plant by Silkwood for analysis had been spiked with plutonium that is not naturally excreted; however, both parties were unsuccessful in their assertions that the other had intentionally contaminated the samples. There was no factual finding as to how Silkwood, her apartment, or her urine samples had been contaminated.

The United States Court of Appeals for the Tenth Circuit reversed as to the punitive damages award on the ground that such damages were preempted by federal law. 667 F.2d 908 (10th Cir. 1981). The plaintiff appealed to the United States Supreme Court and in a 5-4 decision written by Justice White the Court held that the federal preemption of state regulation of the safety aspects of nuclear energy does not extend to the state-authorized award of punitive damages for conduct related to radiation hazards.

Justice White noted that the issue before the Court was whether the state-authorized award of punitive damages is preempted either because it falls within that prohibited area of regulating nuclear safety risks or, because it conflicts with the federal regulatory scheme.

The Court acknowledged that states are precluded from regulating the safety aspects of nuclear energy, *Pacific Gas & Electric Co. v. State Energy Resources Conservation & Development Commission*, 103 S. Ct. 1713 (1983); however, Justice White's opinion rejected Kerr-McGee's argument that the punitive damages award falls within the prohibited field merely because such damages may have the regulatory effect of punishing and deterring conduct related to radiation hazards. In determining exactly what is regulated by the federal scheme, the Court examined the legislative history of the 1954 Atomic Energy Act and its subsequent amendments. The Court concluded that Congress assumed that traditional tort remedies would be available absent express language to the contrary. The Court cited *IBEW v. Foust*, 442 U.S. 42, 53 (1979) as support for placing the burden upon Kerr-McGee to show that Congress intended to

preclude an award of punitive damages. Justice Powell's dissent places the burden on Silkwood to show that punitive damages are allowed as an exception to the broad federal preemption of nuclear safety regulation that was expounded in *Pacific Gas & Electric*. Justice Blackmun's lengthier dissent criticized the Court's analysis for failing to distinguish between compensatory and punitive damages. Blackmun's dissent asserts that, in doing so, the Court addressed the wrong issue of whether a victim of radiation contamination may obtain any compensation under state law.

The Court reiterated that a state law conflicts with the federal regulatory scheme if it is impossible to comply with both the state and federal law, *Florida Lime & Avocado Growers v. Paul*, 373 U.S. 132, 142-143 (1963) or, where the state law frustrates the objectives of the federal law. *Hines v. Davidowitz*, 312 U.S. 52, 67 (1941); [also citing *Pacific Gas & Electric*]. The Court had little difficulty finding that it is not impossible to pay both federal fines and state imposed punitive damages. Justice Blackmun's dissent points out that the \$10 million punitive damages award was imposed by the jury even though a Nuclear Regulatory Commission investigation of the Silkwood contamination revealed no material violations of federal regulations that would justify a fine.

As was noted in Justice Blackmun's dissent, *Pacific Gas & Electric* made it clear that the purpose of a statute is critical in a preemption analysis. The Court conceded that the punitive damages award may have a regulatory effect, but observed that the primary objective of the 1954 Atomic Energy Act is to encourage the peaceful use of atomic energy. The Court went on to emphasize that the objective of promoting nuclear power is not to be accomplished at all costs. Specifically, the purpose of the federal scheme is to promote the development and use of nuclear energy only to the extent that such promotion is consistent with the public welfare. The Court's decision makes it clear that the state-authorized award of punitive damages does not frustrate the purpose of the federal regulatory scheme because it is not in the interest of the public health and safety to preclude adequate remedies for grossly negligent, reckless, and willful conduct related to radiation hazards. Although there are federal remedies available, the Court found that there was not an irreconcilable conflict between the federal regulatory scheme and a state jury's award of punitive damages. Justice Powell's dissent characterized the award as unauthorized regulation and asserted that this area of the law is in disarray because operators of nuclear facilities cannot rely solely on compliance with Nuclear Regulatory Commission regulations.

Gary Jones, '85.

The above case review was published in the first issue of the Hofstra Environmental Law Digest. Students interested in receiving a copy or writing for the Digest please contact Gary Jones at 560-5007 or leave a message in the ELS mailbox in the Admissions Office.

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British Prime Minister Graces Hofstra

by David Wankoff

Lord Harold Wilson, ex-Prime Minister of Great Britain (1964-70, 1974-77) and Labour Party leader delivered the International Address entitled "The World that Dwight D. Eisenhower Inherited" to the Eisenhower Conference on March 31. The Conference was the third one held at Hofstra, previous conferences concerned the Presidencies of Roosevelt and Truman.

Speaking from notes but with the air of one comfortable with addressing large audiences (approximately 150 attended), he was able to bridge the formality of the event with his wit and humorous anecdotes.

Wilson viewed Eisenhower as Commander of European Forces from the perspective of a high ranking civil servant involved in coordinating the production of materials for the warring armies and later he met Eisenhower in Washington. Wilson commented that he had met every President since Eisenhower except Jimmy Carter; he didn't ask to see Carter, he was afraid he'd run into his brother Billy.

Wilson reflected on the qualities which made Eisenhower a great leader. He said, "Eisenhower was made of steel, the steel of a trained soldier." Wilson enumerated the abilities which arose from his military training: An ability to handle men, use of stealth and speed, and goal orientation which made strategy primary over tactics. Wilson quipped that "Eisenhower kept a goal in mind until he pierced it with the arrow of determination."

Wilson admired those qualities which he compared favorably to Winston Churchill as "harder in war with a similar attitude on discipline" and with "his eyes on the horizon."

Wilson distinguished Eisenhower from other American Presidents as "less concerned with the machinery of an objective than with the balance and effectiveness of achieving it."

He attributed Eisenhower's success as a general to three qualities, his ability to master facts, his ability to form a strategy and use it to take advantage of twists and turns of bat-



Lord Harold Wilson

tle, and his devotion to his men from the most senior to the lowliest recruit.

Adding a historical perspective to his speech, Wilson called Eisenhower a 20th Century Duke of Wellington in two respects. First as savior of Europe, Wellington saved Europe from Napoleon and Eisenhower saved Europe from Hitler. Second as a leader in world peace, Wellington from White Hall and Eisenhower from the White House. Wilson claimed that Eisenhower was a great leader of peace by his strong support of the United Nations.

Wilson included Eisenhower as one of the three or four greatest Presidents. Along with Eisenhower he included Kennedy as an American President who will be remembered and quoted 100 years from now.

At the close of Lord Wilson's speech, President Stuart gave a brief talk thanking him and awarding him the Hofstra University Medal.

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EDITORIALS:

The time for reflection grows near as *CONSCIENCE* completes its eleventh year of publication. We have seen this paper grow, not only in size but also in quality, in an attempt to serve a more diverse readership. We began this year celebrating our Tenth Anniversary with the promise of creating a paper worthy of our efforts and of the name, *CONSCIENCE*. Together, the editors and staff have spent hundreds of thankless hours investigating, researching, writing and creating a publication that is both informative and entertaining.

In that vein, *CONSCIENCE* has opened its *COMMUNITY FORUM* to debates and discussions on such urgent topics as nuclear war, the invasion of Grenada and the war in Central America.

We have increased our staff to bring you *Third World Perspective*, *Money matters* and *Grossman on Economics* — all of which will be continued in the Fall. In addition, Dean Schmertz will continue to write his monthly *Dean's Corner* and SGA President-elect Jim Black will keep us briefed in the SGA Message Board, which begins with this issue.

On the lighter side, *CONSCIENCE* has added more to entertain the Hofstra Community and provide the needed relief to long hours of legally-oriented reading. With their graduation we will lose Tracey Epstein's *Creative Cooking*, Rick Collins' *Loop Reviews*, their collaborative three-part effort, *FITNESS FORUM*, Jeff Schecter's occasional music column, and Ray Moss' *Ray's Ipsa*. We had already lost a crucial component of our "Fun Page" — *CONSCIENCE X-WORD* and *CRYPTOCITE* — when Seth Lipsay graduated this past winter. However, we still hope that they continue to contribute to *CONSCIENCE* as does our resident alumni critic, Steve Orbach in his monthly *On Theatre* reports from Manhattan.

Besides printing, *CONSCIENCE* has also sponsored a Forum on Grenada, a film on Agent Orange and will put together the biggest and best party of the year this Sunday at Eisenhower Park — and Everyone's Invited!!!

CONSCIENCE will lose through graduation several editors and contributors whose places will be hard to fill. Barbara Lynaugh has single-handedly tried to resurrect the meaning behind our name; Tracey Epstein has contributed more features than any editor should, and in her dual role as Photo Editor has taken enough pictures to make her own yearbook; David Wankoff, while not an editor, has put in more hours in and out of the office than almost anyone else and has always been there in the clutch. Gordon Abitbol, our delivery man, is also a utility man, in that he has pitched in quite often during several late, late nights (much to the consternation of his loving wife, Dorothy).

The staff members that are not graduating equally deserve thanks for many past (and future) deeds of greatness. Fred, Steve, Steve, Rob, Jane, Paula, Dino, Tyrone, Dennis, Eric and Sheryll will all return next semester to provide a forum for the exchange of views and ideas, whether serious or funny, liberal or conservative, legal or otherwise.

I offer special thanks to Bob Cerro, who while not a law student, has shown a sincere appreciation of our goals and our commitment to intelligent and provocative journalism, and has earned a rightful place in our staff box and in our hearts.

Finally, thank you to Randy Montellaro, who as my successor I wish all the best because I know that I am leaving this institution in capable hands.

CONSCIENCE has always remained loyal to the supremacy of its journalistic standards and responsibilities. Without a guilty conscience, we leave with a good and clear conscience and look forward to the same in the Fall of 1984.

LETTERS:

GOING BUT NOT FORGOTTEN

Today's edition of *Conscience*, at least in some small way, is the end of an era. It is the last issue in which Peter Shafran will preside as Editor-in-Chief of *Conscience*. I, for one, will mourn his upcoming graduation. But I am not here to bury the man, but to praise him. Anytime an individual is leaving a position of responsibility it is not unusual for people to exclaim how good a job he did and wonder aloud how they will ever get along without him. More often than not, those statements are mere platitudes without much real feeling but they accurately describe the man I have enjoyed working with while I have been a staff member of *Conscience*.

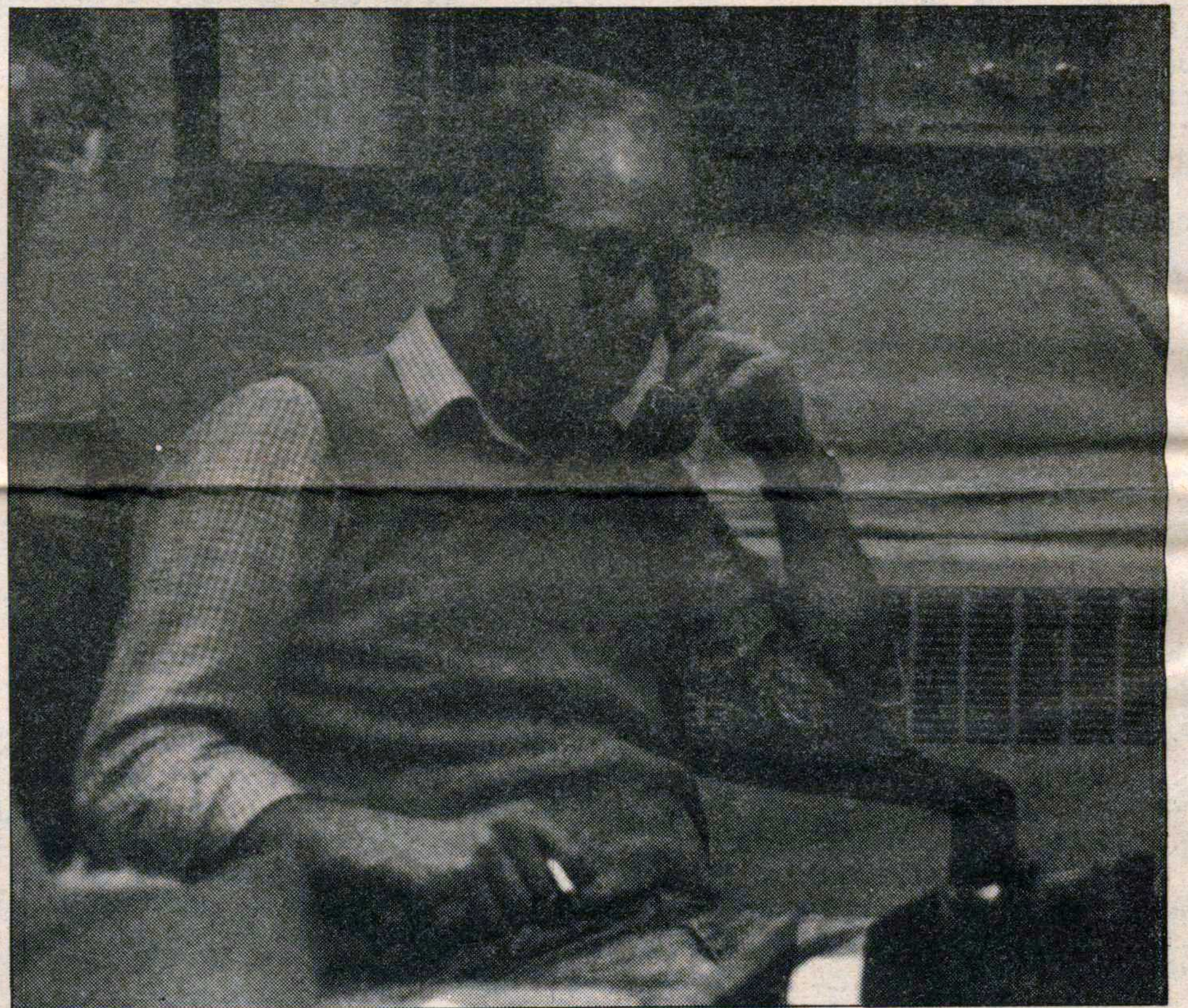
For the past two years Peter Shafran, in virtual anonymity to most members of the student body, and on occasion, to the disdain of some faculty members, has dedicated himself to publishing a Hofstra Law School newspaper of quality, be it at times controversial. The Hofstra Law School

faculty and student body owe the man their thanks.

At times, or so it seemed, he was solely responsible for each month's edition of the paper. It is an understatement when I say that he carried the load of many to fulfill his desire of publishing each month's paper. And what did he get in return? While the editors of Law Review are able to take some solace in the stipends they receive for their long hours of work, Mr. Shafran cannot; he was unpaid. He had to console himself with the mere satisfaction of seeing each new edition of *Conscience* when it arrived from the printer.

To the man who is vacating the office of Editor-in-Chief, I have the deepest admiration, to his successor whomever he may well be, my deepest sympathy.

Randy Montellaro
Managing Editor
Conscience



Our Retiring Editor

ROB, RON, DEBBIE & JEANNIE

Dear Curious Alumnus (Class of '79)

Debbie, Jeannie and Ron are 1-L students of Section C.

Rob is a 1-L student of Sec. A. All our messages to each other are indeed from the heart and active mind. — The pictures

printed of us do not do us justice. We are all better looking than the printed picture.

— We'd like to see a picture of the alumnus of '79.

Sincerely,
Rob, Ron, Debbie & Jeannie

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Steve Brockett, Business Manager

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Barbara Lynaugh, News Editor
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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

SGA Message Board:

by Jim Black and
Doug Lieberman

This column, which is the premiere of a monthly SGA report to appear in *Conscience*, is to keep the student body up to date on what the SGA-elect has been doing since the election. First, we want to thank everyone who voted for us. We hope to meet your expectations, whichever candidate you voted for.

One thing that we have started pursuing is the amending of the present Constitution. This will be done in the near future. Before any changes can be made, there must be an open forum to discuss the amendments. This will also take place shortly. Signs will be posted announcing when these meetings will take place.

Plans have been made to initiate a "book-swap" next fall, and a new format for speakers is in the works. These should be finalized by the start of the fall semester, and details will be available then. There will also be a number of student representative vacancies on the following faculty commit-

tees in the fall: Admissions & Academic Standing, Committee on Moot Court Programs, Curriculum, 1st Yr. Writing & Research, Library, Placement.

Anyone interested in serving on these committees should contact Doug Lieberman by leaving a note in the SGA mailbox listing their two preferences, and where they can be contacted.

Planning for a 1985 "Pocket Part" year-book has also started. Right now we're trying to see if it will be economically feasible.

We have also begun to test all of the people behind the phone numbers on the bathroom walls to determine whether the numbers deserve to stay up, but this has stalled as of late.

There will be a meeting of the 1984-85 Cabinet, 3:00 Tues., April 24, Rm. 312 Roosevelt, to discuss some of these plans.

These plans are just a starting point, and once school starts again in the fall things will really start happening (how cliché)! For now, good luck on exams, and have a good summer.

DEAN'S CORNER:

Dean Eric J. Schmertz

As you know, Professor David K. Kadane, a founding member of the Law School faculty and the Harry Rains Distinguished Professor of Law, will reach the mandatory retirement age at the end of this semester. The following is my introduction of him at the recent Law Review Dinner.

Judges, Trustees, Law Review Editors present and staff and friends of Hofstra Law Review, ladies and gentlemen.

It is my role and privilege this evening to introduce the principal speaker, Professor David Kadane. We joined this Law School faculty together.

Professor Kadane has been a "star" of our faculty since the inception of the Law School. He was a member of the founding faculty. I remember the first faculty meeting of the six founding members with Dean Malachy Mahon. We hadn't met each other before. We were stiff and formal. David loosened things up quite quickly in his inimitable and provocative way. He said, out of the blue, "I'd like a disclosure, a justification, and a rationale from the person here who is smoking pot"...and things haven't changed since.

He has rendered outstanding service to the School, academically, inspirationally and through his extensive public service activities. He is a superb teacher. There is no member of the faculty more admired by his colleagues and more acclaimed by the students.

Professor Kadane is a Renaissance lawyer. His professional career, with significant successes in government, in private business, in pro bono activities and in academia, has been carried out with distinction and commitment.

After his graduation from the Harvard Law School he served as assistant counsel to the U.S. Senate Committee on Interstate Commerce. He was named Special Counsel and then Assistant Director of the Securities and Exchange Commission. Later he was appointed a Special Assistant to the National Housing Expediter. Thereafter, he became associated with the Long Island Lighting Company as general attorney, then Assistant General Counsel, and finally as General Counsel.

Many of us would have considered all that as a full and rewarding career. But not David. He was only catching his second wind.

From 1964 through 1966, Professor Kadane was a Peace Corps volunteer in the attorney general's chambers of the United Republic of Tanzania. And when that tour of duty was completed, happily for us, in 1970, he joined the Hofstra Law School's founding faculty.

As you may and should know, he was one of the most important influences in the establishment of our highly successful, award winning Neighborhood Law Office and the clinical legal education program. I think you know that he contributed substantial funds out of his own pocket in support of the clinic and the activities of the Neighborhood Law Office, and was solely responsible for obtaining funds from outside sources (such as VEATCH) in further support of these programs.

He has never let up in his public service and pro bono activities. Let me highlight only a few. He serves as Special Master in a case involving conditions at the Nassau County Jail. He is counsel to Prison Families Anonymous and Housing Opportunities Made Equal. He is a member of the Boards of the Family Association of Nassau County, American Jewish Committee and the Health

and Welfare Council of Nassau County. Professor Kadane is also a past president of the Nassau County Youth Board.

On the faculty, Professor Kadane has been, and continues to be...how shall I describe it...the gadfly, the inquisitor...in fancy legal terms, a "nooge."

He never lets us relax or become complacent. He constantly questions our basic assumptions, and indeed the assumptions of legal education in general. He is always suggesting innovative and challenging proposals for change! In one way or another, at least every week, he asks the faculty (and the Dean), "what are we trying to do?...what are we trying to teach?...what do we stand for?...how can we do better, for deserving students and deserving people?...Now I know the real meaning of "Where's the Beef?"

He has been our conscience. I am thankful for such a nooge...He is our severest critic...but he is our best friend.

This Law School and this University recently honored him by naming him the Harry Rains Distinguished Professor of Law. He immediately turned to...accepted the responsibility, and has been developing courses in alternatives to litigation, as part of the Professorship.

Professor Kadane has now reached the mandatory retirement age. Though his course load will be reduced, his presence here will not. He will continue with us both as the Harry Rains Professor and, subject to expected approval of the Trustees, as Professor Emeritus.

As you know, last week the University held a three-day Conference on Dwight D. Eisenhower. The former Prime Minister of Great Britain, Lord Harold Wilson spoke. One of the things he said was that at the age of retirement one should be prepared to "stand down"...in favor of...**"an older man."** Though David is 70, he's younger than the rest of us, in energy, spirit, verve, new ideas, a view of the future and in his demands for public interest activities. We know that in "standing down" he remains the youngest among us and will continue doing everything, and perhaps more, than he did before. And we and the community will benefit.

Having little to do this morning, I re-read the Apology of Socrates to the citizens of Athens. (He was 70 years old at the time too), and reacquainted myself with a passage which you probably know, but which sounds to me like David Kadane. As reported by Plato, Socrates said:

O my friend, why do you who are a citizen of this great, mighty and wise city, care so much about laying up the greatest amount of money and honor and reputation, and so little about wisdom and truth and the greatest improvement of the soul...

Are you not ashamed of this? And if the person with whom I am arguing says, Yes, but I do care...I do not depart or let him go at once. I interrogate him and examine and cross examine him, and if I think that he has no virtue, but only says he has, I reproach him.

For I do nothing but go about persuading you all, old and young alike, not to take thought for your persons and your properties, but first and chiefly to care about the greatest improvement of the soul. That is my teaching.

I give you Hofstra Law School's Socrates, David Kadane.

RAY'S IPSA A Farewell to A.R.A.

by Raymond L. Moss

It is July 25, 1984 — The day of reckoning — it's 9:05 a.m. and I am surrounded by 1000 haggard looking law graduates all of whom are feverishly attacking the New York Bar Exam with their viciously sharpened number 2 pencils. I'm somewhere on the west side of Manhattan trying to clear the sticky cobwebs from my brain which keeps me from going one on one with the Earl the Pearl of exams. My head is throbbing and I am uncomfortably conscious that the Hudson River is swiftly travelling directly under my feet. In its wisdom, the State of New York has determined that I must take my last law exam on a pier in the Big Apple. My problem this morning is not that I object to the task before me. For three years I have attacked law school exams with a gusto and tenacity rarely duplicated since the battles of the Trojan War.

My problem today is that I am without my trusty A.R.A. cup of coffee with the quadruple shot of sugar for extra energy. For the past three years I have depended on this acidic concoction to fire up my gastrointestinal system, retrieve me from the clutches of Morpheus and stimulate the Learned Hand locked deep inside my subconscious.

This beige watery substance has guided me from contracts to commercial paper. But from today henceforth I must learn to cope without the friendly bosom of the A.R.A. vending machines. Gone are the days when ice cream sandwiches, chocolate sundaes, pizza, hard rolls, hamburgers, hot dogs, sloppy Joes, mealy apples, sublime salads, hard boiled eggs and yogurt were just a few feet and a handful of change away. I know that others in my class share my grief. One fellow required 2 or 3 ice cream sandwiches

before his nine o'clock classes. (I wonder whether Carvel was open early this morning.) A vegetarian friend of mine has found daily sustenance from the A.R.A. salads and surprise luncheon plates. (I wonder how her stomach is holding up today.) It has been estimated that 3 years at Law School has created at least 200 A.R.A. 3-L addicts at Hofstra — each one requiring daily fixes of their favorite fast food.

In spite of the powerful demand for A.R.A. treats, students will not readily admit to their psychological and physiological dependence. Perhaps they are not willing to acknowledge the significant role which A.R.A. and its accommodating vending machines have played in their legal careers.

The machines also provided an ideal spot for round the clock rendezvous. There is no way that an office "Mr. Coffee" could ever provide the same ambience or omnipotent presence. The warmth and utility of these wood panelled vending delights have not been lost on the faculty. Virtually all of the faculty has a serious A.R.A. junk food habit, whether it be Dutch apple yogurt or Lorna Doones. This need has become so intense that one particular professor suggests that students consult with the A.R.A. coke machine before returning for the second hour of their double session. At such times, students have come to view the A.R.A. hot and cold drinks as a sort of ambrosia, God-sent from Mount Olympus.

It has been two weeks since my last cup of A.R.A. java. Yet I can still taste the bitersweet concoction in my mouth and feel the residual film which the powdered mixture leaves on the teeth.

At last, the cloud has lifted and I'm ready to tackle the rest of this exam and more importantly the world beyond. Thank you A.R.A.

**CONSCIENCE is looking for
new staffers for the Fall
Call Randy at (516) 333-8367**

COMMUNITY FORUM

THIRD WORLD PERSPECTIVE

The IMF: The Politics of Economics

by Dennis Warren

Few international organizations profoundly influence the affairs of developing nations today as the International Monetary Fund (IMF).

Like some dark and ominous cloud, this institution seems to perpetually hover over the nation-states of the Third World, promising showers of social unrest. Managing to adroitly elude the focus of the international mass media, the Fund acts invariably to erode democracy and to blunt the drive for economic independence among developing states.

In recent times, poorer member-nations of the Fund have been increasingly pressed to vehemently protest the stringency of its policies. The character of these remonstrations have been as varied as they have been widespread. But they have all been tangibly rooted in a common realization among the poor member nations of the Fund: that IMF lending terms often prove far too detrimental to their domestic political and social stability.

What exactly is the IMF, and what makes it the most powerful supranational government in the world today? From whence does it derive the might to determine the future course of millions of the earth's inhabitants?

To answer these questions, it's necessary to understand just how the fund developed, its structure and history, and the objective socio-political conditions that helped mold that history.

Many people of both the developing and developed world adhere to the notion that the IMF was established initially to aid development of poor countries. This is a mere fallacy. The IMF was created in Bretton Woods, New Hampshire in 1944, primarily

as the instrument for reconstruction of post World War II Europe, and to reap profits from export of the currencies of stable developed states on the world market.

A survey of the Fund's pre-Bretton Woods metamorphosis shows the Fund was designed to be exclusively dominated by the two great Western powers of the day, Great Britain and the United States of America. Its policy-making structures have been designed to reflect this control, and Europeans and Americans have dominated the executive levels of the institution since its formation in 1944. This dominance occurs despite the fact that the vast majority of the Fund's 160 members are Third World countries.

By its simplest definition, the IMF was to provide short term capital, the reserves and liquidity needed to cushion the balance of payments problems which it was calculated would occur among countries — resulting from industrial specialization in production and exchange. But invariably, when developing member-states find themselves in the position where IMF assistance is needed, they are often confronted with such steep conditions such as to neutralize any positive economic effects the assistance may have otherwise had.

Over the years, the Fund has been used as an extension of Western foreign policy machinery aimed at increasing influence in the Third World. In many countries, such as Chile, Indonesia, and Ghana, the IMF laid the groundwork that led to political destabilization and finally the overthrow of apparent pro-leftist states.

How does the IMF work to inflict such a disruptive policy upon a state? Usually that member state will require IMF assistance

from the balance of payments situation most developing countries are faced with resulting from economies which export far less than they import.

IMF assistance is usually contingent on certain adjustments within the borrower-state's domestic economy however. First, there is a substantial devaluation, triggering immediate price increases for imported goods. Unfortunately in most Third World states, almost everything is imported — even basic food items like flour, canned foods and salted codfish. These measures are accompanied by abrogation of price controls, leaving the way open for greedy merchants to further exploit the local populace by padding the price of scarce imported commodities, or through black market barter.

Whilst the cost of living created by these conditions spirals upward, wage freezes are imposed on salaries across the board. Of course, the IMF rationalizes its policies on the basis they will supposedly encourage more foreign companies to invest in these states. But in many cases this policy is defeated by the political instability created by the conditions of the Fund per se, and are a direct deterrent to potential investors who fear that their profits may be threatened by the ugly phenomenon of political violence in the state in question.

Disbursement of IMF funds usually come in spurts. Thus, to qualify for further drawing rights under its lending facilities, periodic tests are established by the Fund. The Net Domestic Asset Test, for instance, which measures the total currency in circulation in the economy of the borrower state, to the level of production, is one such test. If the arbitrary ratio is undesirable at the time of the

test, further devaluations may be imposed with all other conditions reiterated and intensified.

What are the concrete results of such a policy? In Jamaica, a staunch U.S. ally, where an IMF agreement has been recently concluded, the Jamaican dollar was devalued 77 percent. Thus, the price for a gallon of gas went from J\$4.65 to J\$8.99 including additional import taxes imposed on the commodity. Other things similarly affected are housing construction, public transportation, electricity, and, in fact, everything with a fuel energy base. This is in a country with a 35 percent unemployment rate, and a per capita income of less than J\$300 per year.

Usually the countries hardest hit by devaluation are those which import fuel, the majority of developing states, and it is not uncommon in some countries for more than 50 percent of the total budget of a nation to be spent on the cost of importing fuel.

Because IMF assistance is largely discretionary, aid may be extended to a friendly state under a different scheme, the International Development Association (IDA) — the Fund's so-called soft loan affiliate. Under this arrangement pro-Western states can borrow loans with relative ease and even on non-commercial terms.

The IMF seal of approval is important to a developing country also, because if a country is given a low rating, commercial banks will subsequently be reluctant to lend as the risk to such a borrower is supposedly increased. Thus a country can be literally starved of foreign exchange by a "D" rating, the lowest IMF classification a state can receive.

The IMF also operates hand in glove with the World Bank (International Bank for Reconstruction and Development, IBRD). This latter institution finances the long-term capital programs such as road constructions. But without IMF approval, a country may be denied this type of credit.

Thus the IMF is like a two-edged sword: If IMF chooses not to give a state aid, it can virtually stifle the economic life of that state; and equally, if it chooses to extend aid, its extreme conditions may bring social disharmony and high inflation. Truly, in most cases, the Fund's cure may kill the patient faster than the disease.

It is little surprise therefore that many states over the years have turned their backs on the IMF, in search of other means of obtaining aid. Some have also opted to join Comecon, the socialist block contemporary of the IMF. The only problem is that this bank does not render foreign exchange — that hard U.S. currency required to keep the developing states' economies from floundering, many having been tied for centuries to the capitalist market system.

The call for the reform of the IMF has been part of the larger cry for a New International Economic Order, and for the developed countries to redistribute their technology and surplus funds to help the poorer states develop.

This plea has been largely ignored by the developed block however, despite its moral undertones. For, the objective realities of international relations seem to dictate that the IMF be used as an effective weapon in the Western arsenal, for maintaining the status quo in its favor. In this regard, moral considerations are few. The developed powers' strength is technology and finance capital. Third World countries are dependent on both to subsist, and therein lies their vulnerability. It is perhaps practical politics that developed states exploit this contradiction to its fullest geopolitical advantage. Viewed from this perspective, the chances for reform of the IMF seem, at best, remote.

SPRING 1984

1st, 2nd, 3rd YEAR FINAL EXAM SCHEDULE

	Mon., May 7	Tues., May 8	Wed., May 9	Thurs., May 10	Fri., May 11
9 am	Comm'l. Trans. Collect. Barg.	Secured Trans. Evidence	Adv. Crim. Pro. Legis. Proc. Insurance	Wills, Tr. & Est. Conflicts	Crim. Pro. A B
1 pm	Corp. Finance arranged Entertain. Law arranged	Torts A 230 B 238 C 308			Civil Pro. A 230 B 238 C 308
	Mon., May 14	Tues., May 15	Wed., May 16	Thurs., May 17	Fri., May 18
9 am	Const'l. Law A B	Real Estate Federal Cts. Labor Arb.	Estate Planning Corp. Tax Copyright	Indiv. Income Tax Family Law	Admiralty Law Fed. Tax Proc. Environ. Law Pub. Sect. Labor
1 pm		Contracts A 230 B 238 C 308			Property A 230 B 238 C 308

COMMUNITY FORUM

MORE PARTING THOUGHTS

The Law School Experience: The Making of a "Radical"

by Barbara Lynaugh

There's been a lot of criticism of legal education from the progressive legal community in recent years. Actually, such criticism has been around for a very long time, but the law professors, students, and practitioners involved in the area known as Critical Legal Studies have made major efforts over the past two or three years to bring their analyses to the forefront of discussion (and sometimes derision) within the circles of law school academia. There is merit to much of what they have to say, e.g., law school curricula are, much more often than not, markedly irrelevant to the social and political realities of our day as students are "taught" via the supposedly value-free trade school method (more on this later).

This criticism, however, is founded on a more ideological level. Central to this analysis, as described by Harvard Law School professor Duncan Kennedy in *The Politics of Law* (a provocative collection of essays published in late 1982 by the Critical Legal Studies people), is the notion that law school serves merely as a training camp for the corporate hierarchy. Prof. Kennedy makes some valid points; law school is not exactly run like a commune, and the competitive drive for achievement is just what David Rockefeller is looking for in prospective employees. However, there is a major flaw in the Kennedy analysis. Paraphrasing, I suspect he is also quite inflammatory to most: he feels that law professors should be paid the same as janitors and that law students should rise up in rebellion. He concludes that law schools take socially-committed people and, through their pedagogical mind-numbing wizardry, turn these people into instrumentalities of the corporate class.

I will concede that those *apolitical* people who come to law school may be so molded and probably even those who enter with only a passing "commitment" to social justice. It is clear to me, however, after my three years of observation and analysis in such a processing plant, that Prof. Kennedy's basic conclusion is wrong. Anyone who comes to law school with a strong commitment to social change, and is then confronted with the manifest injustices of the Law and its antecedent prep school, must gain from this experience an *absolute* commitment. They will indeed gain, at the very least, a fuller understanding of the reasons for their commitment in the first place, as well as a clearer perception of the work that needs to be done.

So it was with me. I came to law school firmly committed but definitely complacent politically; I am leaving as a genuine "activist" with a well-defined sense that I am going to be out there "in the streets" for as long as I am able.

Hofstra Law School has been my training ground, and I am grateful.

Some initial background material is in order, I suppose. I probably have always had the same "politics" as I do now, although they've been in various stages of gestation throughout different periods of my life. I don't think I was ever a liberal. (Many people around here have not yet figured out that there is a distinction between "liberal" and "radical" or why I cringe when I am referred to as a "flaming liberal." Unfortunately, I don't have room to go into this here; this is an issue for another analysis, perhaps something like: "The Failure of Liberalism.") I "came of age" during the great (and I do mean "great!") social and political upheavals of the Sixties. I remember being affected early on by the gross contradictions brought to light by the Civil Rights Movement. I saw my friends dragged off to fight a War few of us understood at that time. I remember being profoundly affected by the carnage of that War — both the sufferings of the Vietnamese and the sufferings of those

who made it back home. I learned about the massacre at Kent State when I got back to my dorm that day; I had been to a demonstration on my campus. But — for all of this — I never really did too much about it. I went to a few rallies and I did some anti-poverty work, but I mostly stayed home listening to Simon & Garfunkel or Phil Ochs. I justified it by reading a lot. (We have to be prepared, come the Revolution.)

Then there was Watergate. Richard Nixon was responsible for my going to law school. I went back to college, this time for a degree in political economy (for the uninitiated, that means I majored in Marx). Even with the astounding post-Watergate revelations, I sank into the generalized (although orchestrated) apathy of the mid and late Seventies. This time I could justify my lack of participation on several grounds — I was in college full-time and working full-time and raising a child on my own. Besides, there was little to participate in. It was "Winter in America" in those days: "nobody's fighting because nobody knows what to save." (Gil Scott-Heron)

Finally, I arrived on the hallowed shores of Hofstra. ("My, what a weird place you have here, Granny." "The better to alienate you with, my dear.")

I want to be a lawyer because I believe in the Constitution. That is not an oversimplification. Now, I realize that this is a pretty radical idea when we have an administration in Washington that acts as if there is a Twenty-Seventh Amendment which reads, "Please disregard the above." Nevertheless, I do believe in the Constitution, and I expected that when I got to law school I would find many more people who were similarly motivated. (Mistake Number 1.)

I remember my very first impression of some of my student colleagues, the cars in the parking lot. (A student really drives a white Mercedes?) I was amazed. There was the ubiquitous Trans-Am, the official pace car of the Hofstra University School of Law (Am I in the right place?) Then I walked over to our first-year orientation meeting in Monroe Hall. The only thing I got out of that meeting was the fact that these people come to school in some *serious* clothes. (I don't even look like that when I get dressed up!) I remember saying "Hello" to people only to have them scan my "outfit" as they replied. (Something's wrong, Barbara, you're not going to like it here.) I quickly learned that most of my colleagues did not share my aspirations. They had their own.

Then classes began. I looked forward to learning the intricacies of how our system of justice worked, or was supposed to work, and stood ready to challenge it where it didn't work. (Mistake Number 2.) I apparently had missed the sign in the lobby that read, "Dissent Not Welcome." However, I quickly learned to read the writing on the wall.

I remember my first-year criminal law professor reviewing some statute during class (although I really don't remember which one it was because, as it turned out, there were quite a few that fit into this category). I raised my hand and started to speak. I said something like, "In application, this statute has a great potential for oppression..." I was interrupted mid-sentence as the professor dismissed my comment with a wave of his hand and called on someone else! (I guess you don't use words like "oppression" in law school. When we were putting together our symposium, "Lawyers for the People" last October, the Dean deleted the word "progressive" from our advertising leaflet; he found it "offensive.")

There were similar episodes in first year. Critical comments were met with replies such as, "You don't know enough about that," "That's irrelevant here," and "You're missing the point." I guess I was missing the point. The point was clearly that the Law, in all its

majesty, as well as its firmly implanted mystification apparatus ("policy" arguments as they are called around here), is not meant to be challenged. I had one first-year professor who made the point most emphatically. His response to students who raised their hands in class was to *completely ignore them*.

First year took its toll as I struggled with the alien environment in which I found myself. (Beam me up, Scotty!) I watched in amazement as people fell prey to the indoctrination. I spent all of my time trying to learn what I had to know and, at the same time, trying not to learn what they were trying so hard to teach me. It was difficult.

The feature of legal education that I find most disturbing is its *superficially* apolitical, schizophrenic trade school mentality, i.e., the practice of law is merely a craft to be applied to either side of a particular problem. It certainly is necessary to learn how to argue both sides of an issue. The reason it is so important is because we will one day be facing adversaries, opponents, *people on the other side*. However, the approach taken in law school is that neither side is right, neither side is wrong: you learn to argue both sides because each is supposedly of equal value, and, moreover, *you don't take sides around here*. How can this be? Is law school a vacuum reality, an institution independent of the economic, social, and political struggles around it? Are we, as practitioners, to have no place in these struggles? We are "educated" as if these were so.

I certainly do not advocate that we be told which is the "right" side, but we certainly are told, by implication, that the *status quo* is the side to choose. We should be encouraged to question the existing balance of power in our society and to question the Law as it applies to that balance. If this were to happen then, at the very least, those who would opt for the landlords or the corporations or the police or even the government in many cases could think about the implications of their choice. Instead, we are rarely encouraged to think at all. We are made to sit back, lifeless and mindless, taking in a little from column A, a little from column B, and to reserve judgment until assigned to a particular column. This approach, of course, reaches absurdity. You can ask a sufficiently-processed law student, who presumably was once a fairly reasonable person, what the weather is like and get as an answer, "That depends, which side am I representing today?"

It's unfortunate, not it's *pathetic*, that we are not encouraged to question; we are told to accept. The end result of all this is that



most students graduate and go on to assimilate themselves into the existing establishment, as racist, sexist, and elitist as it is. A sad commentary.

However, for those of us who come to law school seeking the path to and the requisite skills for the furtherance of social justice, the end result is markedly different. Law school serves as a very politicizing, radicalizing experience, despite the game plan to the contrary. It is a catalyst. The constant confrontation with the many ways in which the Law serves those in power as well as having to watch your colleagues being trained to do the same without question is just too much to bear. The impact of this experience is tremendous; it serves to clearly define our perception of what is wrong with the Law and to strengthen our resolve to do something about it.

For those of you who claim to believe in social justice but have somehow lost your sense of resolve, perhaps you should examine your goals and any effect that law school has had upon them. I realize my words may not compel you but I suggest that you may find some inspiration in your own reasons for coming to law school in the first place.

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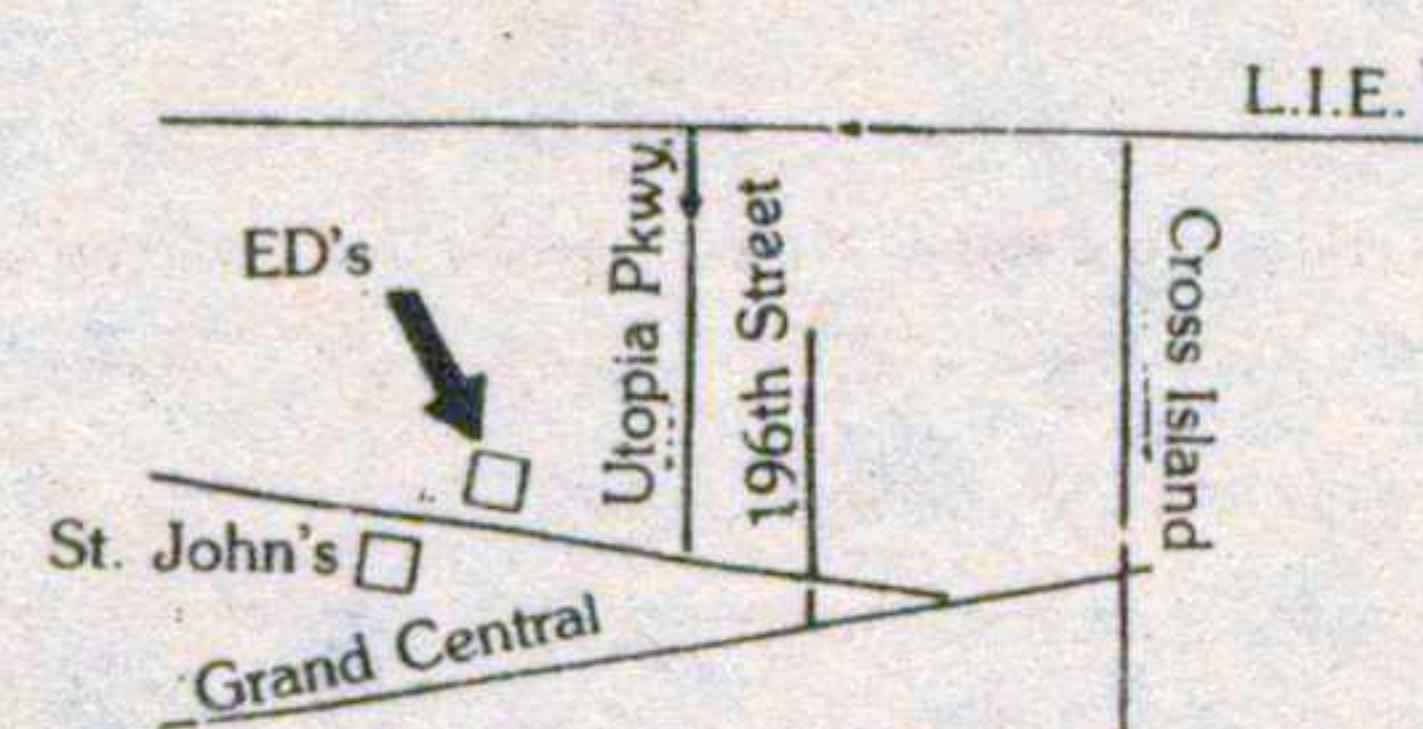
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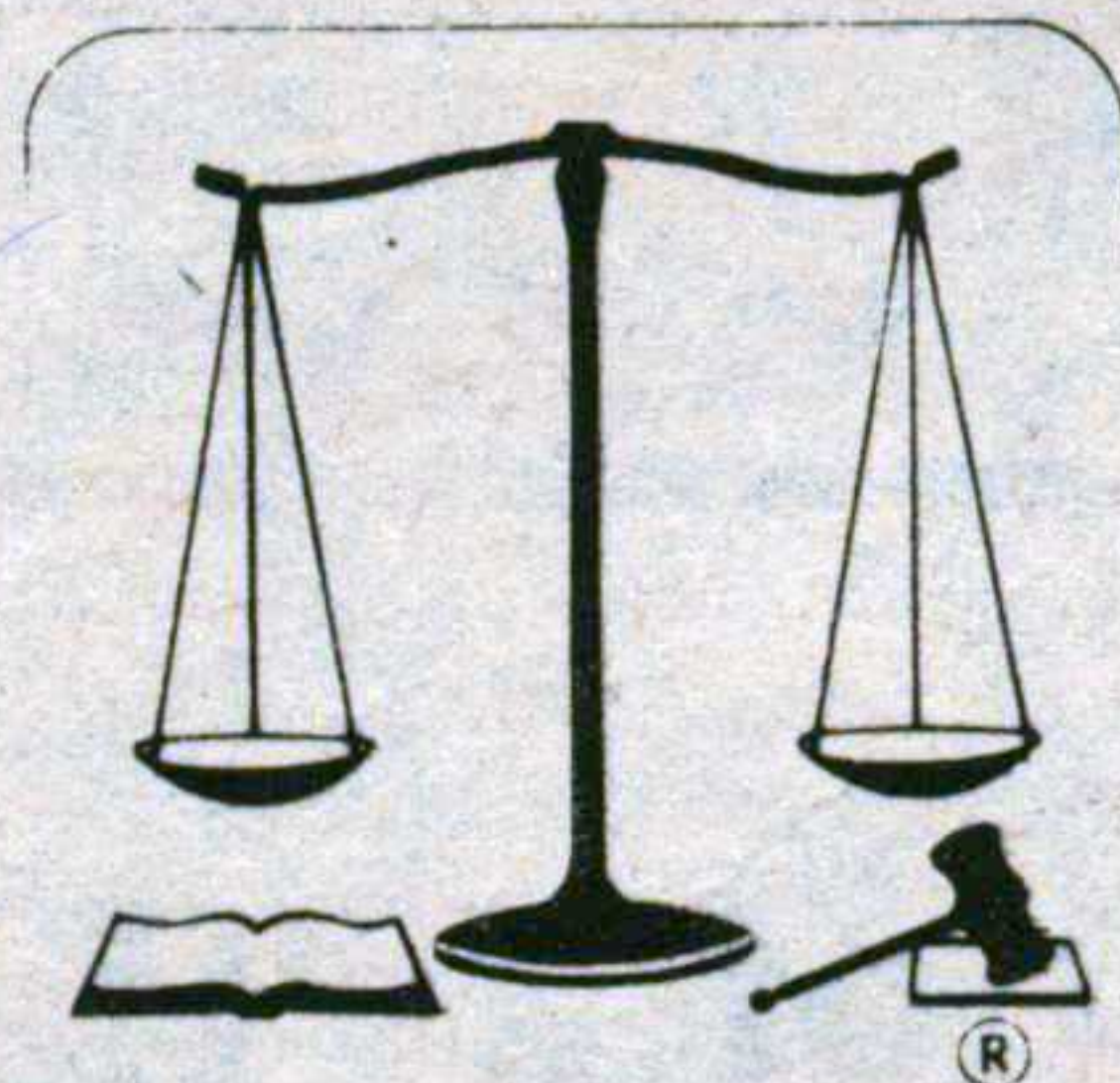
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Grossman on Economics: TAXES

by Robert Grossman

Robin Hood. The very name inspires thoughts of adventure, of daring deeds, of a merry band sharing a cause together in the forest. And also of social welfare. Of redistribution of wealth. Of taking from the rich, giving to the poor. Feared by the bad, loved by the good. Robin Hood.

Every year at this time, when I have to settle last year's tax bill, my thoughts turn in sympathy to Robin's victims. Surely not everyone with money was bad. Or perhaps there was a difference then, that those who had money were presumed to have been as evil as the king, and those who had not were all pure, good, simple, deserving folk.

Of course, our perceptions are different. We understand that income is the result of providing goods and services that other people in our society want. The more we can fulfill those wants, and the more efficiently we can do it, the more income we can make. If satisfying the desires of people, of providing for their wants and needs is good, then the income which is a direct consequence must be good, a measure of the value of what we have produced for others by the value of it to them. The more we can provide, the more we have contributed to the general good. (Note that this good is defined in terms of people's wants, not in what someone decides is good or moral for anyone else. For example, some people want drugs and will pay a lot for them, thereby rewarding those who will provide a supply).

But if producing what people want is good, and income is its reward, why does our tax system provide that the more we make, the more we have to pay in taxes? If earning more is a social good, or at least derivative of a social good, something must be wrong with taxation that, in effect, penalizes those who do good. The answer lies within our own expectations.

Two hundred years ago our forefathers fought a war, a bloody, deadly-serious revolution, for freedom and equality. The freedom they sought was the opportunity to live their lives as they chose. As a practical matter, this focused on taxes paid to the crown, since it was recognized that the fundamental freedom had to center on the right of each person to dispose of the fruits of his or her labor as he or she saw fit.

The right to spend our money as we choose is a measure of our freedom, since our money is the means by which we can do the things we want to do. That right to spend as we wish is also our power to do what we want to do. And, when we give our money to someone else, we give them also some of our power to spend, some of our freedom to choose. So that when we give our money to

the people in government as taxes, we are also giving them a part of our power, a part of our freedom.

What should people in government do with the money we give them? This has always been a matter of serious debate, but for roughly the first three-quarters of our history, there was no systematic attempt to establish programs to spend in any but two areas, in which we could not provide for ourselves. The consensus belief was that the only legitimate functions of government were to provide for the common defense and to provide a means for the settlement of internal disputes (a court system).

Although this idea has been neither disproved nor discredited, we are even today engaged in testing a new hypothesis, that the government has a proper role in providing for our welfare. This evolved during the depression of the 1930's as a response to the tremendous hardships and disruption it caused. (Note that there is strong evidence that the severity of the depression was caused by the government itself, by the persistently mistaken policies of the Federal Reserve at that time).

Spending in non-defense, non-judicial areas has increased dramatically since the inception of the programs. By the time of the Carter administration, the spending of the Department of Health, Education and Welfare had grown so embarrassingly large, larger than the total incomes of all but a handful of countries, that it was divided into separate departments. In fact, total non-defense, non-judicial spending remains, as it has for many years, at about two-thirds of total government spending.

Although the validity and efficacy of social spending by government have not yet been demonstrated (as opposed to the capacity merely to transfer huge sums of money and create a vast, persistent, dependent subculture), and we have instead simply expanded spending by adding one costly, marginally effective program to another, the underlying issue is that the value of at least a third of our total productive output, and the freedom and power it represents, has been given to the people in government through the taxes we pay. There are several prominent results.

1. The government performs necessary functions. These are the things we cannot do for ourselves and yet must have, providing for the common defense and our court system.

2. The government performs other functions. These are things that are not necessary, but discretionary, functions that we can provide for ourselves and did, collectively and/or individually, before the intrusion of government, including the social and other non-defense, non-judicial expenses.

ditures.

3. There are policies that do not require direct expenditures but that happen as a direct result. There are two big ones.

a. Fiscal policy, by which the government attempts to minimize fluctuations in economic activity and maintain full employment. This really has not worked because all of the spending programs become fixed in the short run, and therefore cannot be increased or decreased to meet changing conditions.

b. Redistribution of wealth. The Robin Hood syndrome. For whatever real or imagined benefits there may be, it also saps incentive by increasing with higher levels of income and reduces the power and freedom of the productive members of our society. (But this is true only if it works as intended, without deductions that alter the redistributive effect).

4. There is a benefit to people in government that probably was never intended but exists anyway to the detriment of everyone who pays taxes. Because our tax system is progressive, a technical term meaning that the tax bite increases as income increases, the greater the dollar value of income, the greater the tax rate. If people in government have an interest in their job security, their power or the size of their budgets, they have an interest in inflation, since this will increase taxable incomes and thereby increase the government's share of our total output. This is like a tax increase without a vote. Talk to your representative.

The issue of freedom, as viewed through the effect of taxes, is related to the issue of equality, since equality is given expression through the basis we choose for our tax system. In revolutionary times, equality

meant that each person was to have an equal opportunity to realize their dreams, aspirations and goals. There were to be no class barriers, which were a depressing influence on the individual trying to increase his worth and self in Europe. Everyone was to have an equal chance.

But that is no longer true. As our government has expanded, equality has been redefined. We now have a minimum income level, and minimum food and housing. We try to provide a certain level of health care, geriatric care and social security. Our new definition goes beyond equality of opportunity and attempts equality of result.

This change has come quietly, wrapped in great humanitarian phrases that offer a better way, yet becloud the issue. But, our perceptions, our expectations of government have been tempered by this experiment, so that many people actually believe that the government can provide what it promises. This is not only undesirable because of the implications for our remaining freedom, but if we faced the issue we might not even want it, since the leveling effect would diminish the incentive that has helped us to grow and prosper as a nation. And most importantly, there has probably never been a government program that has worked as intended, especially not for the costs projected. The fact is that we probably can't afford it as a free society.

We obviously need less government spending rather than more. Taxes should be reduced as well. We need to be conscious about the effect of government programs, since these are the cause of taxation.

And we should also keep in mind that Robin Hood was a thief.

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MONEY MATTER\$:

by Dino Kallenekos

What do the following words mean to you: Lisa, Chameleon, Macintosh, Compaq, Kaypro? How about these words: Microsoft, Wordstar, Lotus 1,2,3? The former group consists of names of computers currently available on the market. The latter consists of names of software available to run on your computer. Both these groups are in the middle of an evergrowing market of paraphernalia necessary in today's business world (and to a lesser extent in today's home) to operate a computer.

Computers have spread in popularity partly because their cost has come down and their level of sophistication has come up. In the past, computers were only for large corporations. Large companies were the only type of entities for which computers were cost-efficient. Today, computers are smaller, cheaper, and more powerful than ever. Small businesses are finding that a computer is a small investment that can do many of the chores of business in a fraction of the time. This leaves businesses more time to tend to more profitable aspects of the business.

With businesses of all sizes equipping themselves with computers, employees of business find they must develop a new vocabulary. For example, one employee may be worrying about how her "PC" could "interface" with the "Apple" and how she could get hooked up to the company's "Univac mainframe." Translated, this means that this employee wants her IBM personal computer to be able to communicate with an Apple computer (because different brand computers are not always compatible), and to have her computer hooked up to the company's larger, main computer (from where it can send and retrieve data).

The lucrative market has seen a slew of companies entering the computer industry. Companies such as IBM and Apple have always been "computer companies," but companies in other industries have begun selling computers. Such companies include: Xerox, AT & T, and NCR. Perhaps a bigger

impact has been made by non-existent firms who, having seen the demand, have begun manufacturing copies of the best-selling computers. The all-time best seller is the IBM PC. Three companies (Compaq, Eagle and Columbia) are now successfully selling IBM compatible computers which use the same software and keyboard as the IBM, but sell at a lower price and come equipped with more power and memory. A fourth copy-cat company tells the buyer its main characteristic through its name — Chameleon. The most successful of these companies is Compaq which just completed its first year.

Along with the computer and its software, there are plenty of other companies trying to get the buyer's dollar. There are companies selling printers: Epson and Toshiba, for example. There are companies selling modems; a device that allows a computer to "talk" with other computers through the telephone lines. With the popularity of modems, a group of companies now offer services to computer users which they may access through the use of the computer and the modem. For example, Dow Jones offers a financial news service. You may call up the service and obtain stock quotes or even copies of the Wall Street Journal on the computer. It is through the use of a modem that Westlaw and Lexis work. Other services include MCI and Western Union mail. You can, for a fee, compose a letter on your computer and these services will print it out and mail it for you.

Computer companies usually sell to big business through sales representatives. For small businesses and home use, a crop of specialized retail stores have opened up. These include Computerland, Entre, and Sears. Computerland and Entre are franchise stores that offer advice on computers and software for those people who need or want something more than a "game" computer such as Atari or Commodore. Sears, the country's largest retailer, quickly entered the market and its wide distribution network helps bring computers to the general public all the more easily.

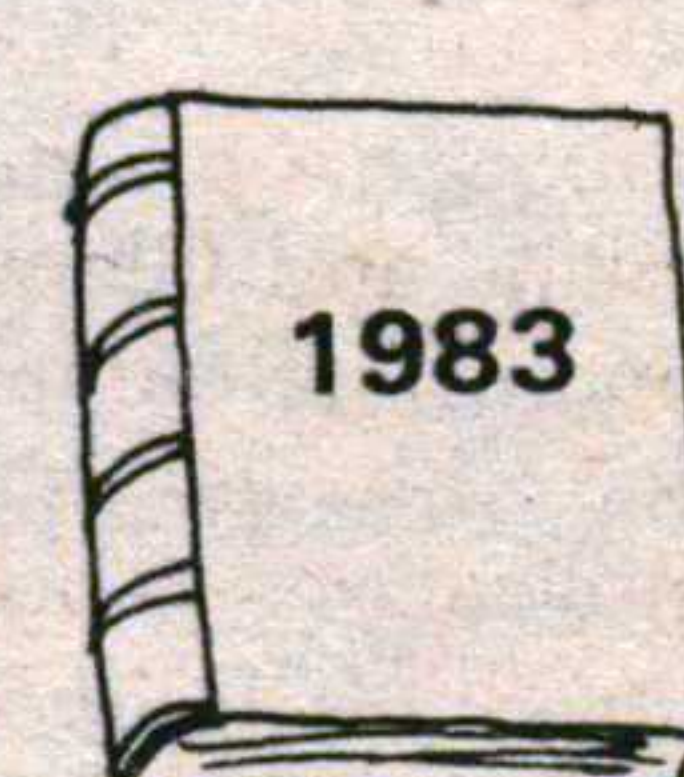
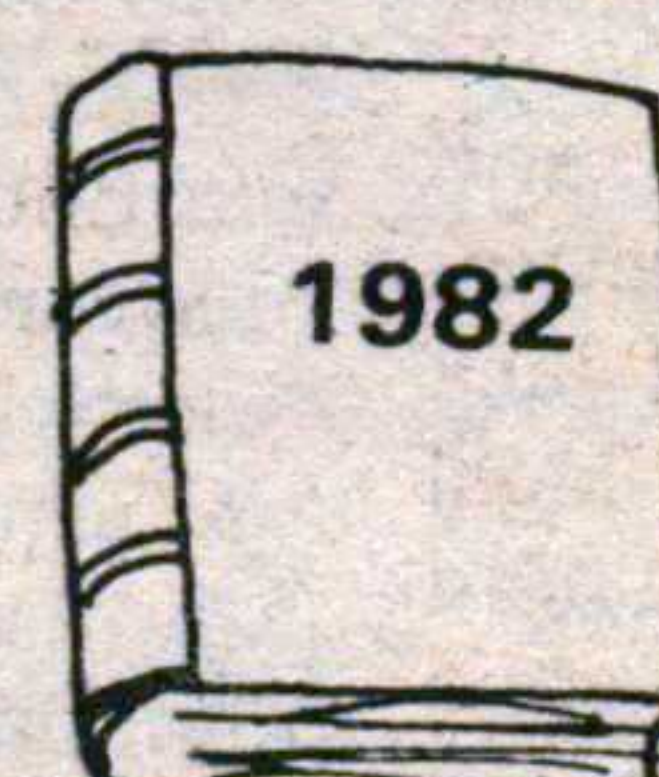
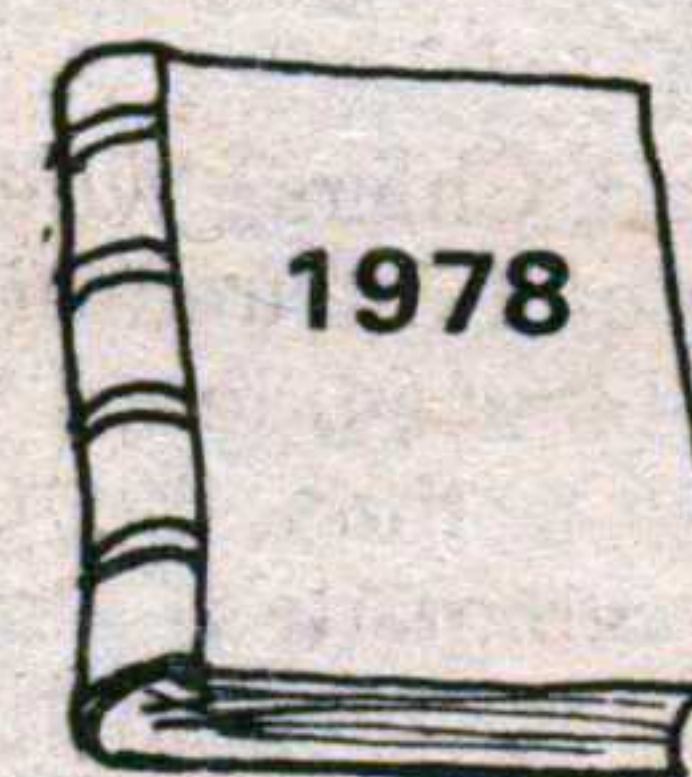
Computers Spreading The Word

One of the things a novice of computers (most people) should know about before buying a computer is that the price for the computer is not the bottom line. American business would not want you to buy the computer for one nice complete price. In addition, you may need to buy an extra disk drive, a printer, software, peripheral cables,

a modem, a buffer — the list goes on and on.

In short, computers will have people talking differently, working differently, and shopping differently. However, this is no different from any era containing a new, revolutionary product. The same thing happened with telephones and automobiles.

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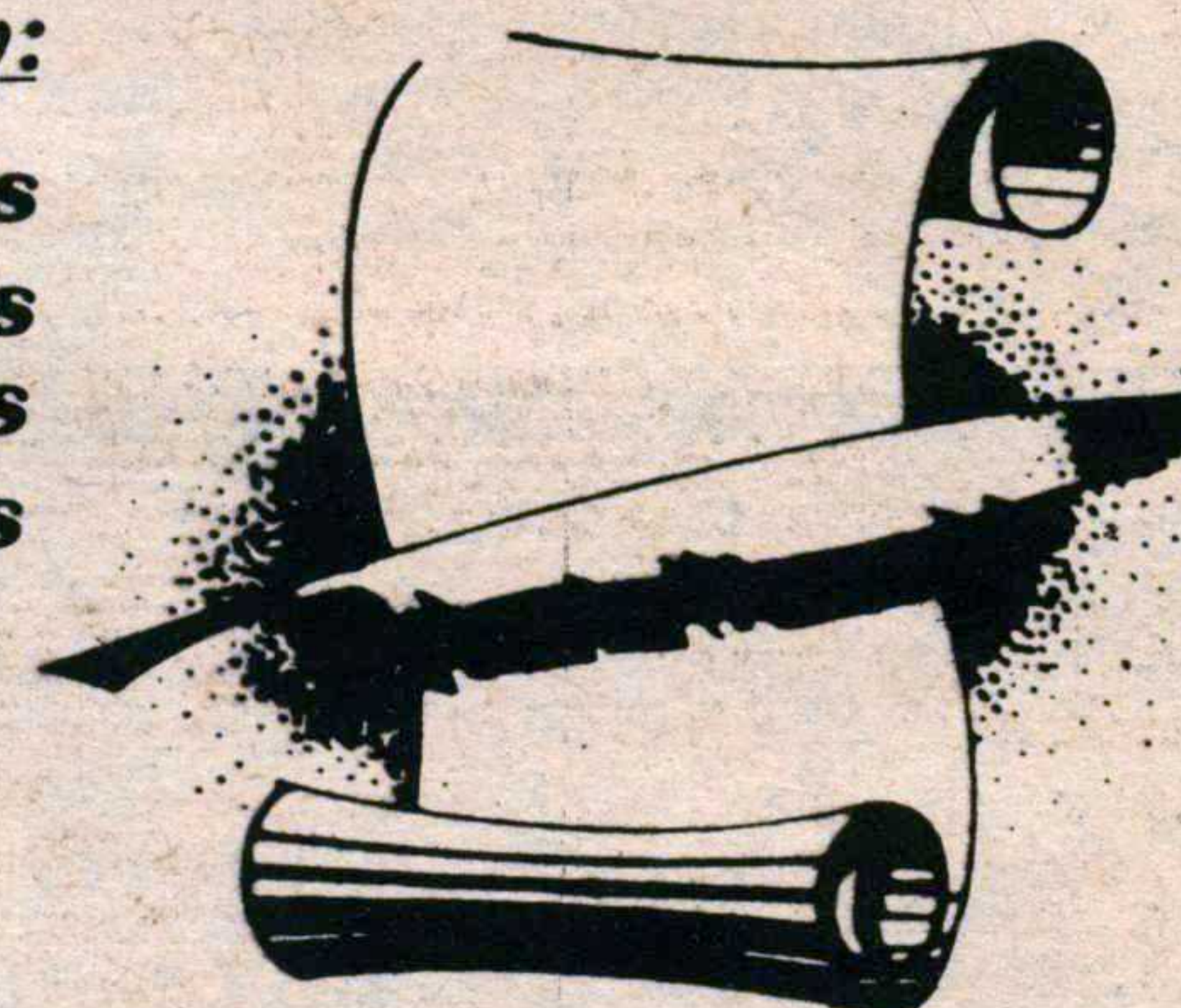
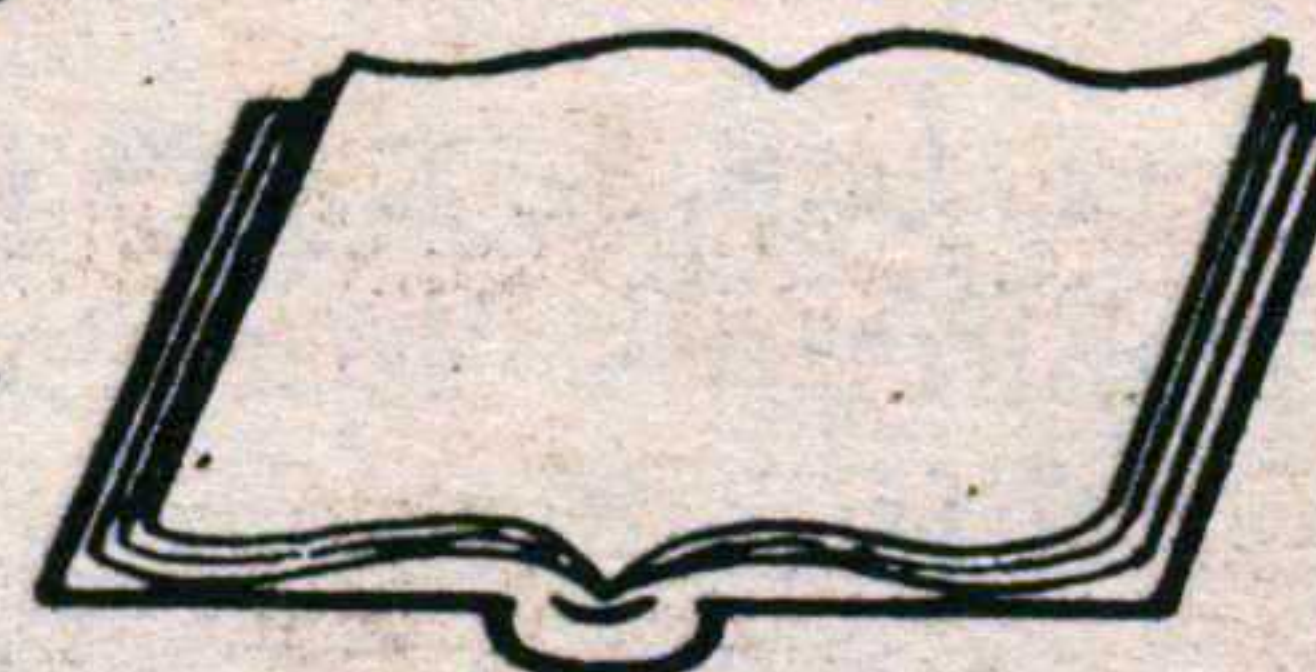
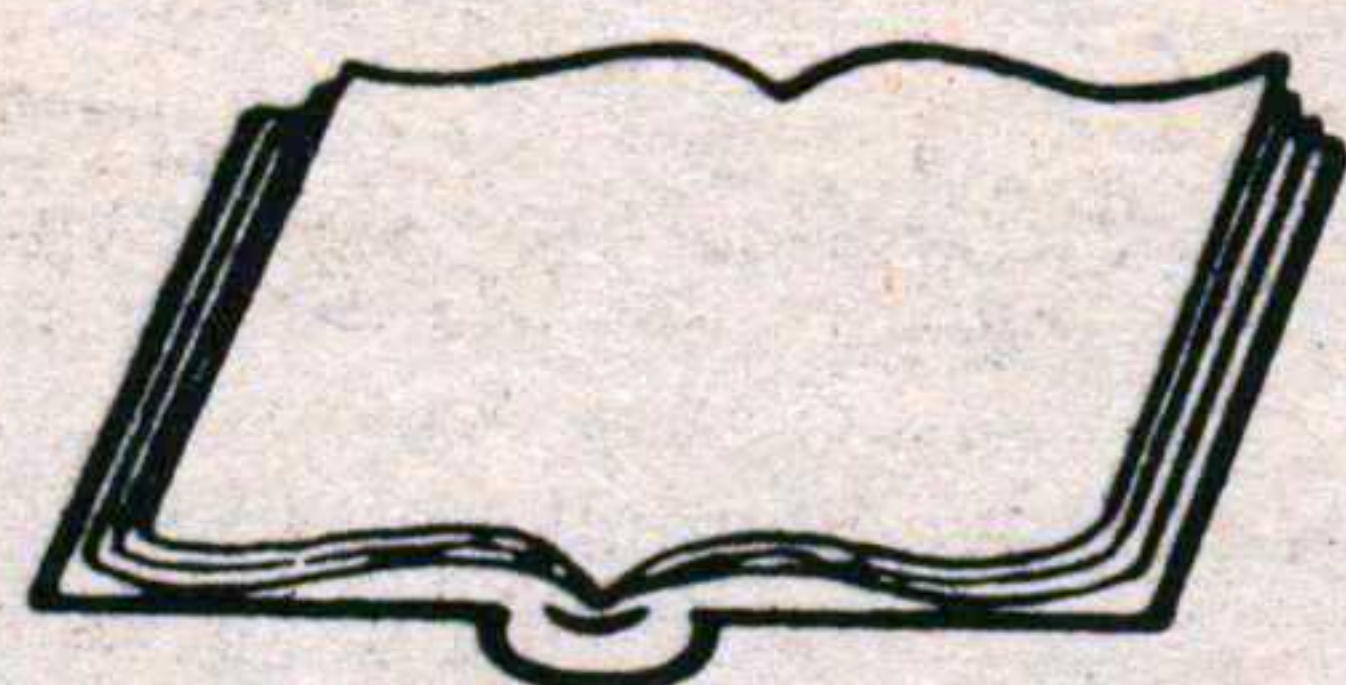
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1984 LOW REVUE: TRIAL BY COMEDY

(Subtitle: Comedy is Serious Business)

by Peter W. Shafran

Judging from the audience's reaction, I'd say that this year's edition of the Hofstra Low Revue was a huge success. The annual Spring romp was held Friday, April 13, a day some hold as unlucky. However, the cast of thousands was pleasantly surprised by the tremendous turnout of over two hundred law students at the campus' newest pub/theatre, Hofstra USA 11550 (the most despicable name for a campus building since Roosevelt Annex).

This year's production, produced and directed by Rick Collins and Glenn Berger, was loosely-based on the age-old tale of Jack and the Beanstalk, with its minor legal ramifications and applications to our life here AT HLS. Jackie, played by that Low Revue pixie Jane O'Neill, encountered numerous obstacles and pitfalls throughout the land of the Giant (Dean Eric Schmertz, played by "Mr. Cuddly" himself, Mike Donegan).

As the final script was not available until the night before opening (and closing) night, the cast, myself included, pushed its collective memory to the limit. However, about halfway through the show, most members found a way to bring their scripts onto the stage, covertly or overtly. The audience did not respond negatively, rather they seemed to be quite sympathetic to the fact that their colleagues are not professional stage actors, notwithstanding that quite a few "Revue-ers" will soon leave the Hofstra stage for the bright lights of the courtroom.

The show, which included elements of drama, comedy, slapstick, adventure, ridicule, sarcasm and musical parody, opened with a song, appropriately entitled "Law School," (sung to the tune of "Downtown"). With the song, Mike Donegan and this gonzo journalist-turned-troubador, ridiculed law students and their environ with verses such as, "Listen to the students as they bitch about their studies/the only time they scream as loud is when they shell out money/Aren't they fools."

Though we tried to sing in a serious manner, we were constantly (and hilariously) interrupted by two cabaret-types, Jane Himelfarb and Cheryl Bader, until we carried them off-stage.

The opening scene, "Jackie's Home" found Jackie (Ms. O'Neill) and her pantomime heifer Charlotte (played deftly by Russ Marnell and Larry Drexler) encounter The Con-Man, brilliantly characterized by Sab Caponi, selling magical peppercorns. His performance left a nagging question in my mind — was that an act or is he really like that? (I'm told that the part was written with Caponi in mind). As the reader might have guessed, Jackie trades her poor old cow for little "consideration" and soon encounters the wrath of her Italian "Mama" (Tony Colleluori). Colleluori stole the scene with his "drag" costume, complete with wig, dress, stuffed (and hairy) chest and mandatory rolling pin.

Jackie, disobeying her Mama and the Delphic Oracle (the voice of Joe Cassidy) is last seen "Climbin' up the Beanvine" accompanied by Ms. Himelfarb's parody-rendition of the late-Marvin Gaye's song of a similar name.

Between scenes (and even during a scene) the audience was treated (or mistreated by) a barrage of one-liners and put-downs in the styles of Joan Rivers and Rodney Dangerfield (Ms. Himelfarb, again, and Mike Dornbaum).

The second scene, "Cloudland," was set up as a wrestling ring for the title bout for the WLSA (World Law School Association) Tag Team Championship. Jackie, after having climbed all the way up the beanvine, meets the defending champions, the Three Legal Stooges: Moe (Freedman-played by this writer), Larry (Kessler-played by Mr. Berger) and Curly (Twerski-played by Mr. Colleluori after a quick drag-to-rabbi costume change). Their opponents, Ronnie Silverstrong, that wing-headed and mustached master of oral loquation in red tights and cape (mastered by Mr. Collins) and Josh "Mr. G(regory)," the dark skinned, gold-chained mohawk

muscleman (portrayed by Dave Katz), jumped into the ring to a chorus of boos and jeers.

The half-time festivities were highlighted by Mike Dornbaum's impression of Prof. Leon Friedman giving his now-famous "Dirty Words" lecture. His crackly, screechy voice and bald-head wig gave Dornbaum the right sound and look to bring the audience to its knees.

Scene III found Jackie and the three Legal Stooges in the Giant's Lair, the Law Review offices, where the Giant keeps his treasures, the Endowed Chairs. When Jackie tries to recover some of the treasures (that rightfully belong to all law students) she gets arrested by none other than the Giant himself — Schmertz. Schmertz's pimply entrance, with a sultry looking wench (played by Susie Pechstein) was choreographed to the tune of "Shaft," but with some "Schmertz-dubbing."

While the stage was being set for the final scene, the audience got a dose of the Low Revue's version of SNL's News Update, featuring Mr. Dornbaum's News and Slide Show, Barbara Lynaugh's Science Report on Orgasm ("When the left-wing tries to infiltrate your law school, watch out for the BarbaraLynaughgasm"), and Cheryl Bader's Roseann Roseannadanna gross-out.

The final scene, entitled "THE TRIAL" was actually Schmertz's opportunity to play judge. Mr. Donegan's judge was played with just the right mix of drama and fun to keep the audience waiting on his very next word. The trial, according to Judge Schmertz, was actually his version of Double Jeopardy with the first prize being one week with Ronald Silverman and the second prize — two weeks with Silverman!

As Jackie knew no lawyer in cloudland, the judge gave her Assigned Counsel from none other than N-L-O, National Lawyers Outlet ("Designer lawyers without designer prices"). Jedd for the Defense (played by Joe Cassidy) is just a "poor litigator" who "barely kept his family fed" and then "left his mountain home and went to Law School — Hofstra, that is: high hopes, no jobs." Unfortunately for Jedd, he is removed from the case for breaching his duty of zealous advocacy, a charge brought by none other than Marilyn Monroe Freedman. He is replaced by Emily Litella, that hard-of-hearing advocate (played brilliantly by Kathy Sagos). What this journalist finds incredible, is that Ms. Sagos, after being asked to create the Litella role admitted to never having heard of the character, let alone seen her. However, after seeing Sagos as Litella, I don't think anyone would believe her now. Her opposing counsel, Cohen the Barbarian, was played with such verve and emotion as to bring the audience and backstage cast members to tears. Cohen (Jordan Fox), dressed in shorts, fur earmuffs and a "Fox" stole, traipsed around the stage spouting rapid-fire one-liners and objected to Ms. Litella's every argument.

There seemed to be a little misunderstanding at the bench as the prosecutor attempted to call his first witness:

Cohen: We call Law Review editor Jock Pain!

Clerk: People call John Wayne.
Bailiff: People call Jerry Crane.

Judge: People call Eric Lane!

Mr. Berger, as Eric Lane, barely got a word in as he crossed the stage, before the Bailiff removed him: "Get out of here — you can't even finish a sentence!" The People's chief witness was their "confidential informant" — the Dark Figure (Mr. Katz dressed as Darth Vader), however the prosecutor encountered Ms. Litella's wrath as she tried to uncover the real identity of the Dark Figure as required by Aguilar-Spinelli...

I won't reveal his identity nor the ending since that wouldn't be fair to the people who actually came to see the show, now would it? All I can say is that working on this show was a lot of fun — I think I can speak for all involved. For those of you who think you would like to be in next year's show, I suggest you start writing your scripts a little earlier than we did and have at least one dress rehearsal before the show. It just might help!

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"Spring-Gun In The Rockies".....Aaron Twerski
"I Wanna Hold Your Learned Hand".....Leon Friedman
"Breach, Blanket, Bingo".....Malachy Mahon

1984: THE LOW REVUE

"Jackie and the Peppercorns"

A humorous statement on the fraud played upon those who find themselves in that lofty world known as Law School and the manifest inequities of that strange place. This is also a story of Jackie, a courageous young woman who tried to do something about it.

CREDITS

Produced by: Glenn Berger & Rick Collins

Directed by: Rick Collins & Glenn Berger

Written by: Glenn Berger, Rick Collins and Barbara Lynaugh

with the help of Michael Dornbaum, Al Figueroa, Mike Donegan and Cheryl Bader

Musical Director: Glenn Berger

Musicians: Glenn Berger, Mike Donegan and Derrick Rubin

Video & Sound: Keven Blessing and Bob Cerro

Productions Assistants: Barbara Lynaugh, Al Figueroa, Peter Shafran and Cathy Sagos

Cast (In Order of Appearance)

Singers Mike Donegan and Peter Shafran
Dancers Cheryl Bader and Jane Himelfarb
Jackie Jane O'Neill
Charlotte, the Pantomime Cow Russ Marnell and Larry Drexler
(front and rear, respectively)
Con-Man Sab Caponi
Emily Litella Cathy Sagos
Mama Tony Colleluori
Delphic Oracle (the voice of) Joe Cassidy
"Climbin' up the Beanvine" - sung by Jane Himelfarb
Joan Rivers Jane Himelfarb
Rodney Dangerfield Mike Dornbaum
Ring Attendant Michael Fuchs
Legal Stooges:
Moe Peter Shafran
Larry Glenn Berger
Twerski Tony Colleluori
Ring Announcer Gordon Abitbol
Wrestling Rope Attendants Pam Fitton, Bruna DiBiase,
Barbara Lynaugh and Charles Treadwell
Ronnie Silverstrong Rick Collins
Josh "Mr. G" Gregory David Katz
Wrestling match interruptor (right on schedule) Al Figueroa
Leon Friedman Michael Dornbaum
Protester Barbara Lynaugh
Law Review People:
#1 Genny Lane
#2 Michael Dornbaum
IPIJ person Al Figueroa
Labor person Barbara Lynaugh
Schmertz Mike Donegan
Call girl Susie Pechstein
Shaft/Schmertz re-mixed version, created by Steve Stemmler,
ace deejay of Bellerose, Queens
vocals by Steve Stemmler and Rick Collins
Anchorperson Michael Dornbaum
Commercial Announcer Michael Fuchs
Science Reporter Barbara Lynaugh
Roseann Roseannadanna Cheryl Bader
Game Show Host/Judge (Schmertz) Mike Donegan
Bailiff Michael Fuchs
Jedd Clampitt Joe Cassidy
Marilyn Monroe Freedman Genny Lane
Court Clerk and NLO Announcer Al Figueroa
Cohen the Barbarian Jordan Fox
Eric Lane Glenn Berger
Jock Pain Gordon Abitbol
Darth Vader David Katz
Aguilar-Spinelli Model Susie Pechstein
Rabinowitz, Dean of Vice (Con-Man) Sab Caponi
Al Pacino Michael Dornbaum
Dance Fever Hostess Susie Pechstein
Charlotte, the Moonwalking pantomime cow Al Figueroa and Rick Collins
Michael Jackson-lookalike Peter Shafran

FITNESS FORUM

Exercise and Diet For a New You!

by Tracey Epstein and Rick Collins

Last month we spoke to you about aerobics, the first part of the formula for a new you. The other two parts, anaerobic exercise and diet, will be the subject of this month's column.

NUTRITION FUNDAMENTALS

To keep your body healthy and in working order, you need a balance of carbohydrates, proteins and fats. They are the three essential nutrients that you ingest each day. Learning to balance the amount of each that you eat every day is the first step toward a healthy diet.

CARBOHYDRATES are your chief source of energy, needed to meet your body's demands for fuel. There are "good" and "bad" carbs, natural and processed carbs, whole and refined carbs. Here are some of our suggestions for healthy, high carbohydrate foods:

1) Potatoes: with less than two-tenths of a gram of fat (as compared to that pat of butter, which has about 10 grams of fat), this is an excellent choice. Sweet potatoes are even higher in carbs, so enjoy them, too. Be sure to eat the skin for its minerals. Avoid french fries and mashed potatoes dripping with butter and gravy.

2) Whole grains: rice, oats, corn and wheat are the traditional sources of natural carbs. Try to avoid refined and white-flour products.

3) Beans and Peas: especially when eaten together with grains, these foods give you both carbs and protein.

4) Fruits: Fruits are the best source of natural sugars and wholesome carbs. Avoid eating canned fruit, which is loaded with sugar syrup, and read labels of juices and dried fruits to check for added sugar as well. **REMEMBER: FRESH IS BEST.**

Refined and "empty" carbohydrates are real losers. We all like to indulge a little — but be careful once you start. When was the last time you ate "just one" cookie?

1) Sugar: a pure chemical extracted from plant sources, sugar's true name is "sucrose." Refined, white sugar contains no vitamins, minerals, no fiber, protein or fat; in fact it has no benefit whatsoever in the human diet. When you eat a lot of it, your pancreas releases insulin to neutralize the glucose, which, in turn, gives you that "hungry" feeling. Processed foods, including salad dressing and canned goods often contain sugar (it is cheap and heavy, which makes a great bargain for goods sold by "weight"). It is also present in most fast-foods. Beware of its commercial forms: sucrose, dextrose, maltose, corn syrup, honey.

2) White flour and refined products: this category includes pastries, pies, cakes, cookies, donuts, etc. Use them sparingly, or not at all.

3) Alcohol: Alcohol is about 100% carb, but not the kind your body needs. Except for beer and wine, which provide a few minerals and vitamins, alcoholic drinks give you only empty calories and refined carbs. Additionally, alcohol irritates every tissue it contacts from your lips through the digestive tract into the bloodstream, where it circulates throughout the body before being processed by the liver, kidneys and urinary tract. If you do like to drink, our suggestion is **DO IT MODERATELY.**

PROTEIN serves to rebuild and repair body tissue. Chemically, it is a collection of amino acids, hooked together like pearls on a string. There are 22 amino acids that combine to form protein; 8 of them are "essential," i.e. the body cannot manufacture them itself. Unless all 8 essentials are there, in sufficient quantity, the **QUALITY** of the protein is greatly diminished. Thus, food combinations play an important part in your protein intake. Traditional combos such as peas or beans with rice, whole wheat bread, pasta or crackers with cheese and meat with potatoes have more than a grain of horse-sense, as far as protein goes. Protein in varying degrees and quantities is found in a wide variety of foods: eggs, poultry, fish, meat, grains, nuts and some vegetables. As far as efficiency goes, the egg is the most "perfect" protein food.

FATS are a concentrated source of stored energy (your body can only store limited amounts of carbs). Fats also require more energy to burn — more than twice the energy of a carb or protein molecule. Fat storage constitutes about 15-18% of the bodyweight of average males, and about 25% of average females. Excess carbs and protein are readily converted to fats for storage, which is why you will "get fat" by overeating anything!

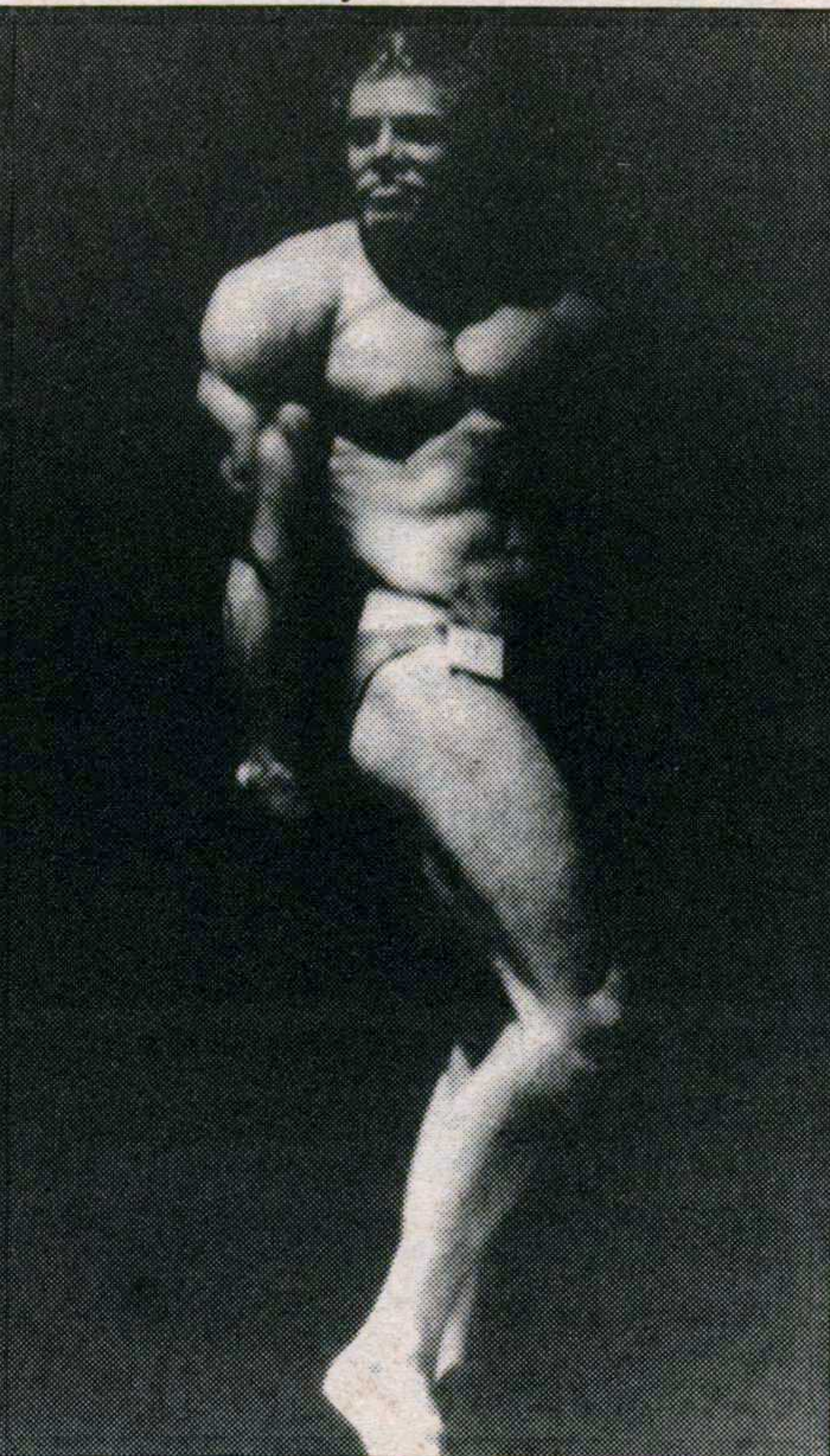
Because it takes fat 3½ hours to empty from the stomach, some fat in your diet will help delay the onset of hunger pangs and contribute to the feeling of "fullness" after your meal. A dieter should never go on a low-fat diet by trying to eliminate **ALL** FATS; the trick is not to cut them out, but to simply **REDUCE** the proportion of fat intake in the total diet. Fats come in many forms; without getting too detailed, they are packaged in both "visible" and "invisible" forms. Butter, lard, oil and mayonnaise contribute 30% and up to the normal dietary fat intake of the average American. Invisible fat in meat, eggs, milk, cheese, nuts, vegetables and cereals contribute the other 70%.

Your total percentage of daily caloric intake from each group should be as follows: Carbohydrates — 70 to 75%, Proteins — 15 to 20%, Fats — 10 to 15%. Many athletes, such as distance runners, swimmers and dancers increase their intake of carbs, while many weight lifters and bodybuilders increase protein consumption. The reasons for doing this are complex, and are often topics of controversy in magazines and sports publications. For a beginner who is mastering the fundamentals, the above equation is what you should work toward.

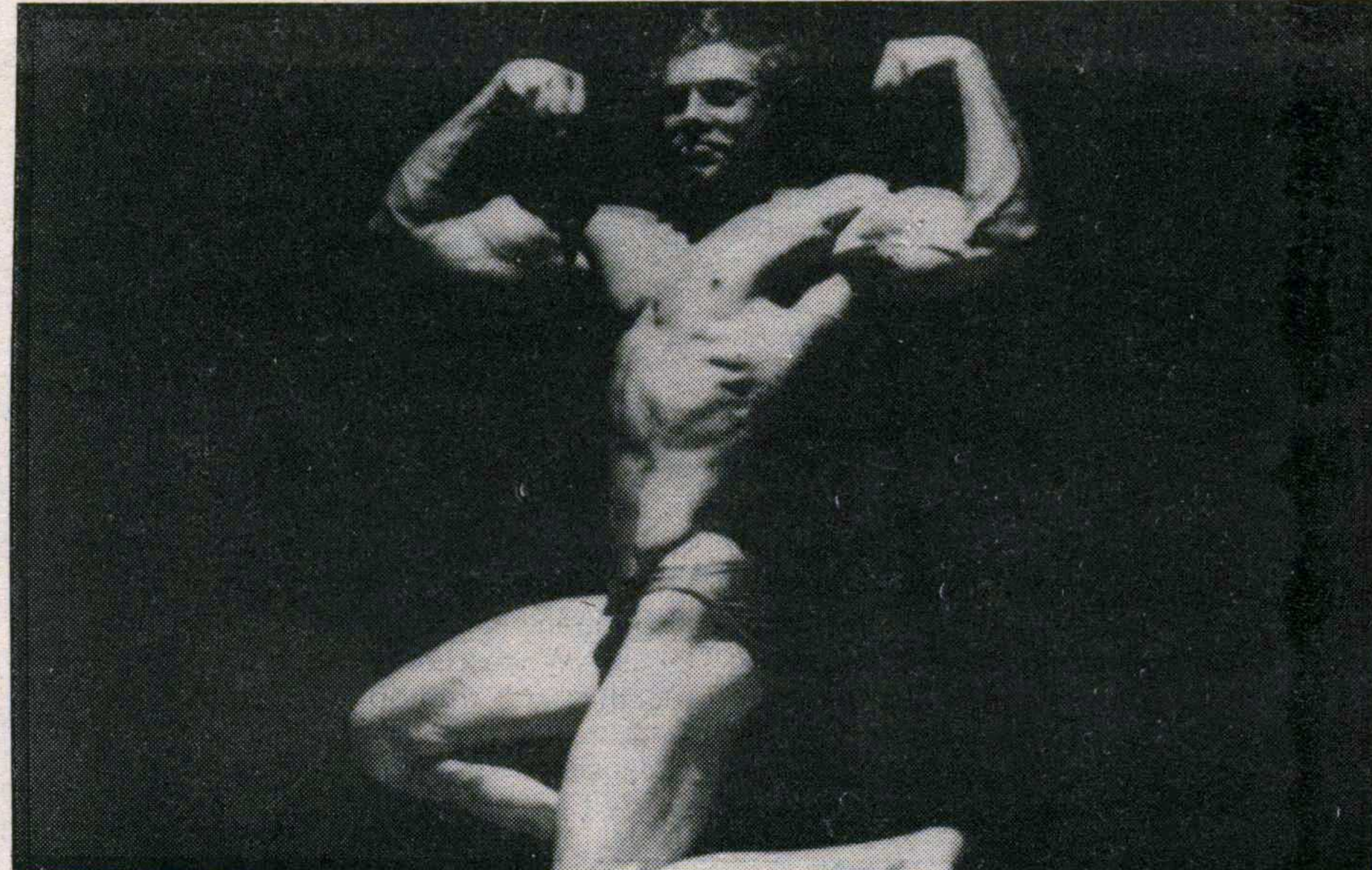
VITAMIN SUPPLEMENTATION

After trading in your twinkies for whole wheat bread and fresh fruit, you must be getting all that you need, right? Wrong! You don't necessarily have to show signs of beriberi to have a vitamin deficiency. If you smoke, work out on a regular basis, live in a polluted environment, crash diet, drink heavily or are pregnant, you are likely to have greater than average nutrient needs. Almost all busy law students skip meals occasionally, eat processed and refined foods and eat out several times per week (at least). We cannot always shop, choose the good foods and find time to prepare them.

Vitamin needs may be as individual as one's own fingerprints, but published nutritional tables imply that everyone requires the same daily allowance of vitamins. Determining your own needs, short of consulting a physician or professional nutritionist, requires a basic knowledge of vitamins and an evaluation of your lifestyle and diet. What you discover may affect your energy level, your susceptibility to illness, your athletic performance and your state of mind.



Rick Collins



The following chart includes the basic US R.D.A. of the basic vitamins and minerals, and where you will find them in ample amounts. We suggest that you pick up a small, paperback guide which will tell you **SPECIFICALLY** how much of a vitamin is in a certain amount of a food. Also, read labels; they often provide vitamin, caloric and most recently, sodium information.

Vitamin A	Foods That Are Rich In It
U.S.RDA: 5,000 Int'l Units (I.U.)	animal and fish products, particularly organ meats (but watch out for fish livers, which have so much A that they can poison the unsuspecting); whole milk and milk products; fortified margarine; seafoods. Look for A-precursor beta-carotenes in carrots, spinach, turnip greens, most dark yellow and dark green leafy vegetables, cabbage and the cabbage family, beans, fruits, corn, peas, nuts, tuna, fish liver oils, whole grains; butter, cheese, and milk, organ meats, particularly liver
D	vegetable oils (especially wheat germ oil), olives, cabbage, spinach, chocolate, soybeans, many vegetables, eggs, dairy products, oats and wheat, meat
U.S. RDA: 400 I.U.	the green leafy vegetables, beef liver, soybeans, green tea (Chinese tea), egg yolks, potatoes, tomatoes, whole wheat, asparagus, meats, milk, corn, and many fruits and vegetables
E	yeast, wheat germ, soybean flour, rice husks (eat whole brown rice for it), liver, pork, lean meats, dairy products, eggs, seafoods, oats, nuts, potatoes, barley, beans, peas, broccoli, cauliflower, and many fruits and vegetables. Processed wheat and rice lose thiamin, but much is replaced in the enriching of these foods.
U.S. RDA: 30 I.U.	liver and kidneys, chicken and turkey, halibut, tuna, most grains, vegetables, fruits, milk, and eggs
K	milk and dairy products, liver and kidneys, yeast, enriched breads and cereals
U.S. RDA: not normally included	liver, blackstrap molasses, nuts, wheat germ, brown rice, yeast, herring, salmon, many vegetables, grapes, pears, bananas, avocados, meats, butter, or other dairy products
Thiamin (B1) U.S. RDA: 1.5 mg.	animal products—meats, dairy foods, eggs, fish, shellfish, nutritional yeast
Niacin (B2) U.S. RDA: 1.7 mg	liver, beans, wheat bran and grains, spinach, asparagus, broccoli and other green leafy vegetables, corn, beets, nuts
Riboflavin (B3) U.S. RDA: 20mg	egg yolk, liver, kidneys, dark green vegetables, Note, however, that raw egg white
B6 U.S. RDA: 2 mg	
B12 U.S. RDA: 6mcg	
Folic Acid U.S. RDA: 4 mg	
Biotin U.S. RDA: 0.3mg	

will prevent biotin absorption. Pantothenic liver, kidneys, whole grains acid U.S. nuts, eggs, dark green vegetables. RDA: 10mg tables. Lost in refined and heavily processed foods. C U.S. sweet peppers, black currants, RDA: 60mg broccoli, citrus fruits, strawberries, papayas, cabbage, spinach, watercress, cauliflower, beet greens, tomatoes, onions, potatoes, and a large number of other fruits and vegetables.

If you want to retain more vitamins in your cooking, remember that the shorter the cooking time, the more vitamins are retained. This is true for almost all foods.

Cooking foods in water can be a real problem, since an estimated 1/3 of the nutrients may be leached out. If you boil vegetables, use as little water as possible, bring it to a boil **BEFORE** you add the foods, and try to use that cooking water later in a soup or a sauce. Our best suggestion is to **STEAM** vegetables in a covered pan. You will retain the most nutrients and enjoy the naturally crunchy texture of the vegetable. Deep-frying can be treacherous, since you lose all the nutrients the fat has absorbed from the food and you don't want to eat all the fat you find your food in.

One reason that many people, including athletes, choose to supplement their diets with vitamins, minerals and amino acids is that we just **CANNOT BE SURE** of the nutrient level in a given food. In one recent test, about 27% of the eggs tested had less protein than the 6 grams that an egg is supposed to have. Some samples were as low as 2.5 grams. Four ounces of meat, which **SHOULD** contain about 20 grams of protein, contained only 12-14 grams in some samples. Cooking methods such as boiling, frying and baking, along with pasteurization and refinement in food processing also deplete foods of the nutrients. While we're on the subject of protein...a scrambled egg yields only 3 to 4 grams of protein, while a poached or soft-boiled yields 5 to 6 grams. A medium rare 3 oz. steak yields 40 to 45 grams of protein, while the same steak cooked well done will yield only 20 to 25 grams. **FIBER**

Fiber, although not a "nutrient" in the classic sense, is an important dietary component. Basically, fiber is the part of the plant food that is indigestible and passes straight through your body. It consists of those components of food that cannot be broken down by enzymes in the digestive tract.

The fibers commonly found in the foods you eat are cellulose, hemicellulose, lignin, pectin, gum and mucilage. The last three are used as additives in processed foods, to improve texture and consistency. Some fibers absorb lots of water, some only a little. Some are completely fermentable by intestinal bacteria; others pass thru the intestines into the feces practically untouched. When fiber content is listed on a package of food, **BEWARE:** this is usually only the "crude fiber" content. During the analysis for crude fiber, most of the dietary fiber actually present may be lost. Therefore, the food you eat may actually contain up to 7 times as much dietary fiber as the crude fiber listing in-

FITNESS FORUM, continued

dicates.

There are many advantages to increasing the amount of fiber in your diet. It can stimulate the smooth, efficient functioning of your bowel because it is able to absorb many times its weight in water. It does this by acting like a sponge in the large intestine, drawing water into the feces, making the stool larger, softer and easier to pass. This provides the extra bulk necessary to reduce strain and pressure in the bowel and shorten the time food takes to pass through your body. In this way, fiber prevents or remedies constipation and gas, works against hiatal hernia and colitis, and lessens the tendency toward hemorrhoids. Though it is not yet proven, and increase in dietary fiber may combat colon and rectal cancer by lessening the time that toxins are in contact with intestinal membranes.

Dr. Dennis Burkitt, a British physician who has studied the general health and nutritional habits of many cultures, has shown that people on high fiber diets not only have larger stools, but also get rid of their wastes sooner after eating. In other words, the "gut transit time," or the time it takes your food to travel from mouth to rectum, may be as low as 36 hrs. for an African villager, and as high as 77 hrs. for an average American male.

Studies also show that vegetable and fruit fiber (cellulose, hemicellulose and pectin) provide protection against potential toxins, chemicals and food additives. The probable explanation is that fiber coats the intestinal walls and keeps poison from being absorbed or in some way binds the toxins. Research has also shown that fiber may play a preventive role in the incidence of heart disease by reducing cholesterol levels. Eating foods with all their fiber intact may also aid in weight loss, for several reasons. The increase in the flow of saliva and gastric juices, which results from prolonged chewing of high-fiber foods distend the stomach and help you feel fuller faster. Fibrous foods have also been found to sustain blood sugar levels at a high level for longer than processed foods, thus reducing the frequency of hunger pangs. Fiber also may interfere with the small intestine's ability to absorb calories, fats and proteins.

Increasing dietary fiber is not a matter of buying boxes of bran and pectin and using them in your otherwise unhealthy diet. The best way is to carefully select your foods for their fiber content. Some typically high-fiber foods include: pears, apples, bananas, strawberries, beans, peas, brown rice, spinach, corn, bran cereal and shredded wheat. Try eating the skins of fruits, and include a salad in your diet each day. Whenever possible, eat whole-grain foods instead of processed or "white" grains. You should eat fibrous foods along with ample fluids. Regular exercise will help you utilize fiber by improving the blood supply to the bowel and stimulating and toning both the voluntary and involuntary muscles in the abdominal and pelvic regions.

It has been estimated that 40 grams of fiber (up from the typical American diet of 20 grams) is a reasonable goal for a healthy gastrointestinal tract. However, do not suddenly increase from 20 to 40 grams, which could cause a lot of gastrointestinal upset. **GRADUALLY** increase your fiber intake, by about a gram or two per day, until you reach the optimum.

NOTE: Nutritionists have recently been more cautious about recommending wheat bran as a means of increasing dietary fiber. This is due to the presence of phytic acid in many "whole-wheat" products, especially breads. High levels of phytic acid can bind up essential minerals, including calcium, iron, zinc and magnesium, so that they are less available for absorption. Wheat germ, the embryo portion of the wheat grain does **NOT** contain phytic acid.

NOTE: Over 90 percent of all items in the supermarket have had **ALL** fiber removed in refining and processing.

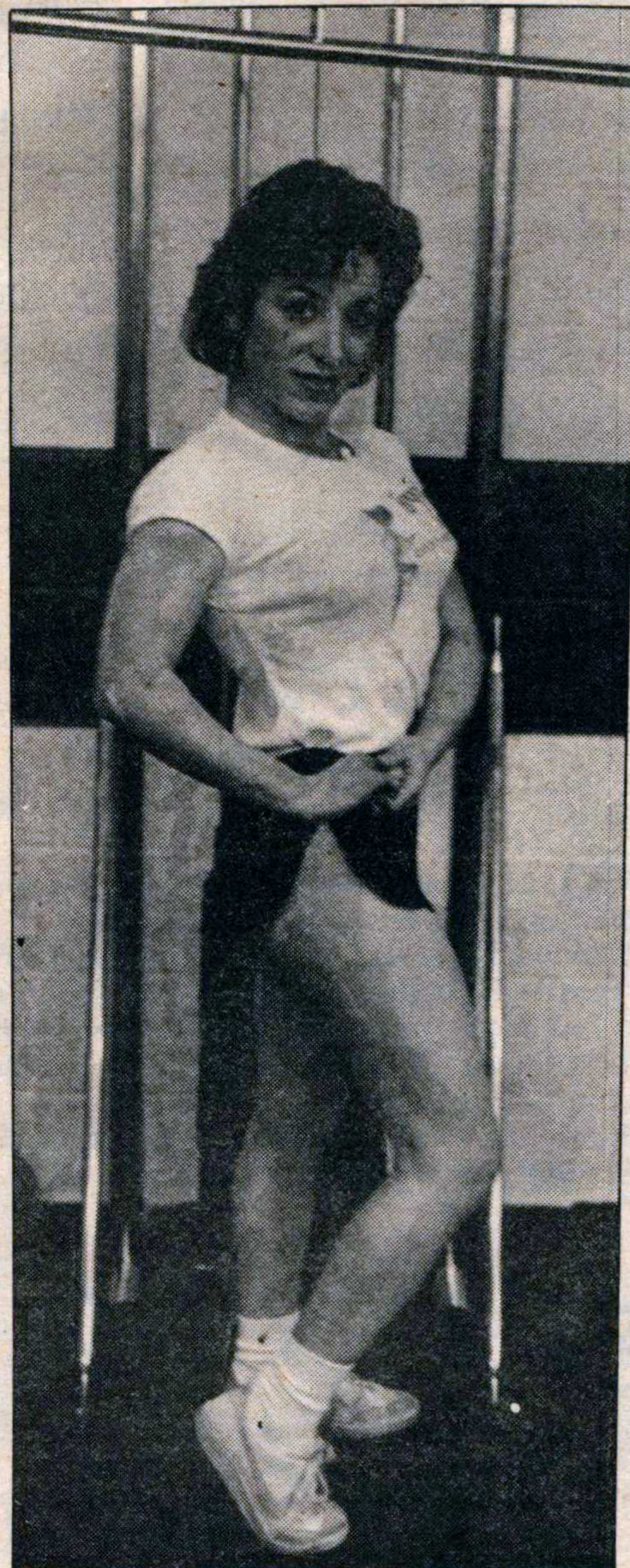
MOOD & BEHAVIOR

Recent studies have shown that the timing and contents of meals, in addition to the consumption of certain nutrients, can have

subtle and sometimes even dramatic effects on mood and behavior. Eating carbohydrates can raise the level of a brain chemical, serotonin, that is associated with feeling relaxed, calm, sleepy, less depressed and less sensitive to pain. This may be why so many people report that they binge on carbs when they feel anxious or depressed. It may also explain why high-protein, low-carb diets usually fail; a serotonin deficiency results which may trigger carbohydrate cravings to correct the imbalance. The amino acid tryptophan, found in protein foods and milk products, acts as a precursor of serotonin. This means that when foods are eaten that raise the blood levels of tryptophan, serotonin levels in the brain increase. When carbohydrate foods are eaten together with tryptophan, competing amino acids in the blood are removed and tryptophan and serotonin levels in the brain are increased. This may induce sleepiness in both adults and children. (A recent study at Massachusetts Institute of Technology concluded that tryptophan might be used to treat mild insomnia without producing the mood-altering effects caused by barbiturates and other sleep-inducing drugs).

Studies also show that foods eaten on an empty stomach have a more dramatic effect on mood and behavior; thus, the effect of lunch is likely to be less than that of breakfast. One study of people aged 40 and over showed that a high-protein breakfast made them feel more tense, more angry and less calm than a high-carb breakfast. However, a high-carb lunch interfered with their ability to perform tasks that require sustained attention or concentration.

A BOOK SUGGESTION... Barbara Kraus puts out small, paperback "guides" to the content of a variety of nutritive measurements. They include calories of both brand names and basic foods, sodium content, and a guide to carbs, proteins and fats. **HOTLINE...** Call (212) 246-4817, 24 hours a day, for New Body magazine's Personal Health Hotline. It features health advice, exercise tips, recipes and a little bit of **MOTIVATION** when you feel the urge to eat that pint of ice cream in the freezer.



Tracey Epstein

BODYBUILDING

Introduction. What is "bodybuilding?" Until recently, the word carried an undercurrent of negative connotations. "Bodybuilders" were considered either pea-brained "muscleheads" with brawn but no brains (as if the two were inherently mutually exclusive!), or homosexuals and/or narcissists inhabiting a dank basement world of shadows and sweat; and they were invariably male. Gone now are such notions in the minds of the masses — look around! It's 1984, and the fitness revolution has made muscles "chic." Folks who scorned before now smugly *call themselves* "bodybuilders," the word now referring to *anyone* who takes steps to improve the shape or condition of their body through diet and exercise (although it's still nice to know that some of us were around *before* it all became "chic").

Anyone who follows our guidance on aerobic exercise (see last month's article about circuit training and running) and nutrition will effect improvements in the way they look and feel. Circuit training, in particular, achieves a "bodybuilding" effect because it utilizes a variety of specific muscle groups in the body. Thus, not only is there a fat-burning effect, but there is also a muscle-building effect. As we've already said, building muscle takes a bit of time and effort. Building *big* muscles, however, is rather difficult for most of us, and circuit training won't do the job. For those of you who would prefer a routine more directed toward *building muscle* (perhaps choosing to rely solely on running for cardiovascular and fat-burning benefits), and less aerobic in nature, we turn now to "bodybuilding" for muscular development. (Women, you need not stop reading here! Since women generally lack the necessary hormones to develop large, masculine muscles, a bodybuilding routine for you would accomplish a *shaping* effect on the various specific areas of your body. So, while "spot reduction" of fat in, say, your upper leg area cannot be achieved (and magazine ads for products claiming this effect are pure "bull"), a combination of diet (and/or aerobics) with specific bodybuilding exercises *will* result in both less fat *and* (as the fat is stripped away) shapelier thighs.

What makes a muscle develop? **Exercise!** The exact nature of the process ("hypertrophy") by which this occurs can be explained in a physical, nutritional, cellular, or hormonal context, but any way you look at it, exercise is key. Of course, the exercise must be specific to the muscle — doing biceps curls won't make your calves grow. Thus, for over-all, *proportionate* development, a number of exercises should be utilized, designed to develop each of the different muscle groups ("bodyparts").

A Beginner's Routine. We suggest nine exercises for the neophyte, each specific to a different bodypart. Work out every other day. Do *one* set of each exercise, each set consisting of *ten* repetitions of the movement, for the first week. Increase to *two* sets of each (rest about a minute to a minute and a half between all sets) for the next two weeks, and then to *three* sets of each for the two weeks after that. By the sixth week you should see noticeable improvement, and can go to *four* sets of each exercise. For further gains, begin increasing poundages. Don't strain, but do try to make your final two repetitions ("reps") of each set require considerable effort. Always try to maintain good exercise form. (The last two bits of advice can be ensured by selecting the proper poundage for the exercise — one that will allow ten to twelve good strict reps but no more than that.)

Here's the routine (after warming up with gentle stretching of the arms, legs, and lower back, and after doing a minute of jumping jacks or jogging in place):

(1) Standing Barbell Press (for the shoulders): taking an overhand shoulder-width (henceforth, sh-width) grip on a light barbell, simply press it from shoulder height overhead. Repeat, as always, for ten reps.

(2) Barbell Row (upper back): standing, grasp the barbell with an overhand sh-width grip, lean over so that torso is parallel to the floor, let the bar hang, then raise it up to

your chest. Lower and repeat, etc.

(3) Bench Press (chest): lying flat on your back on a bench, grasp the barbell with an overhand sh-width grip, lower it to your chest, then push the bar straight up over your chest.

(4) Squats (thighs): while standing with the barbell resting across the back of your shoulders (and held in place by your hands), bend at knees and go straight down. Return to standing and repeat, etc. (Note: avoid "bouncing" at the bottom, which can be injurious to knee cartilage.)

(5) Stiff-legged Lifts (back of thighs): as in barbell row (above), grasp bar, lean over, let the bar hang, then straighten back into erect position without bending elbows or knwvs. Repeat, etc.

(6) Tricep extensions (back of arms): lying as in bench press but with a much closer grip and a much lighter weight, hold barbell out over chest then bend at elbows (keeping upper arms stationary) until bar touches forehead, then extend it back up. (Note: try to keep your elbows as close together as possible throughout the movement.)

(7) Barbell curls (biceps): standing with an *underhand* sh-width grip on a barbell, curl the bar up to your chin keeping your elbows flat against your sides. (Note: avoid swinging the weight up or "cheating" by using the lower back.)

(8) Toe Raises (calves): with a light barbell across the shoulders (as in squats), raise your heels as high as possible, lower, and repeat. (The exercise can be made even more effective by putting a 1-or 2-inch book under the toes.)

(9) Crunches (abdominals): lying on floor with lower legs across a bench and knwvs bent at 90 degrees, and keeping hands behind head, bring your head and shoulders toward your knees while "crunching" your abdominal area. Exhale while crunching, inhale while returning to flat position. (Note: once you get the hang of it, this exercise far surpasses the effectiveness of traditional sit-ups.)

• And that's it! The beauty of this routine is that the only pieces of training equipment needed are a barbell and a bench. So if you prefer to work out at home you can still get excellent results.

There are many fine books and magazines to assist the budding bodybuilder.

Winning Bodybuilding, by Franco Columbu with George Fels, presents a routine very similar to the one just outlined (and provides the added plus of *pictures* of each exercise being performed). There are also some superb books by Robert Kennedy. At the magazine stand, "Muscle & Fitness" is a monthly publication that is largely devoted to beginners and regularly runs illustrated routines.

Advanced Bodybuilding. The "advanced" bodybuilder is one who has made a commitment to achieve the maximum amount of size, definition, and development possible. Maximal development is achieved through *high-intensity* exercise. Advanced techniques such as forces reps, cheating, rest-pause, railroading, and giant- and supersetting "overload" the muscles, shocking the body into further development. Virtually all advanced bodybuilders train four to six days weekly, splitting their routine to work only certain bodyparts each day.

Although intense training develops muscle size, merely bigger is not always better, especially in bodybuilding competition. In such contests, the entrants are judged on the quality of their physiques — size alone won't win; rather, size must be combined with symmetry, proportionate development, and muscular definition. A muscle is "defined" when its total shape is clearly visible due to an absence of subcutaneous fat beneath the skin. This "peak" condition is achieved by bringing the over-all bodyfat level way down (often to 5% for men and 8% for women) through rigorous dieting. The heightened definition and muscle separation depicted in the accompanying photos of Rick were achieved primarily by Draconian low-calorie dieting and nutritional supplementation. Rick has been able to achieve higher levels of

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Fitness Forum

cont'd from pg. 15

definition and vascularity (clear visibility of veins due to absence of fat beneath the skin) with a low-carbohydrate diet than with the low-calorie diet, but he emphatically stresses that carbohydrate deprivation is inherently nutritionally unbalanced and dangerous and thus should be used only by competitive or highly advanced bodybuilders and even then only for very brief periods.

(It might also be mentioned that there is also a vast array of chemical and hormonal substances used by bodybuilders and other athletes to enhance muscular size, strength, and/or definition. While a comprehensive treatment of this controversial topic is beyond our scope, the general advice would be to "steer clear" of them.)

Bodybuilding for Women. Numerous recent magazine articles and television reports have proclaimed women's bodybuilding as the fastest growing sport in the nation. Indeed, "Pumping Iron II," the sequel to the popular 1977 movie about the world of professional bodybuilding, will focus exclusively on women in the sport. If the nation realized in the '70s that women didn't have to be psychologically or intellectually soft, fragile,

or weak to be feminine, today's revelation is that they needn't be physically soft, fragile, or weak either. For women (or men) interested in the sport of women's bodybuilding, we recommend the superb *Lisa Lyon's Body Magic*. Also, *Body Magic* is an excellent book for any woman who wishes to take steps to improve her body (whether the changes she seeks are drastic or very minor). Betty and Joe Welder, publishers of "Muscle and Fitness" magazine, have written a series of oversized, paperback books on bodybuilding, several of which deal solely with women. For the intermediate or advanced bodybuilder, Laura Combes' *Winning Women's Bodybuilding* is an excellent choice. At newsstands, both "Shape" and the new "Strength Training" (put out by *RUNNERS WORLD*) are devoted to women who wish to enhance their bodies through exercise.

Conclusion. We hope our series has both enlightened and inspired you. If we were to sum up our message in two slogans, they would be "Yes, you can do it!" and "Go for it!" We hope you'll take our advice and start on the road to a new you. Here's to your health!

L.I. Ocean Run This Week

The 7th Annual Natural Light Long Island Ocean Run will take place on Saturday, April 28, at Jones Beach State Park.

This event, so-sponsored by Natural Light Beer in cooperation with the Long Island State Park and Recreation Commission and ABC Athletic Shoes Inc., consists of a ten-mile race, five-mile race and a one-mile fun-run. The one-mile fun-run begins at 9 a.m., the five-mile at 9:15 and the ten mile at 9:45. Race check-in-time is from 6:45 a.m.-8:30 a.m.

This year's race includes a new group discount feature (Fundraiser Specials). This discount will entitle any group or organization pre-registering a minimum of 25 persons (at one time) to a discount pre-entry fee of \$3 per person. (The usual pre-entry fee is \$5 per person.) The additional two dollars per person may be retained by the organization.

Pre-registration will be conducted daily thru 12 noon on Thursday, April 26, at the Jones Beach State Park Information Office and Park Commission Headquarters, Belmont Lake State Park. Registration entries may also be mailed to: "Seventh Annual Natural Light Long Island Ocean Run," Box 247, Babylon, N.Y. 11702.

Pre-registration fee is \$5, and the day of

the race fee is \$6.

Trophies donated by Natural Light Beer will go to the first three male and female finishers in each of the following age categories in the five and ten mile runs:

12 and under, 13-15, 16-19, 20-29, 30-39, 40-49, 50-59, 60 and over.

Trophies will also be awarded to the first three male and female finishers in the one mile fun-run.

Free Natural Light Beer will be distributed at the finish line to all participants 19 years and older. Free soft drinks will also be available.

Each runner will receive a discount gift certificate from ABC Athletic Shoes and will be eligible for additional prizes to be awarded by drawing.

Official Race T-Shirts will be given to Pre-registrants Only.

Finish Line Promotions will be responsible for race timing and course measurements.

WGBB (1240 AM) will be broadcasting live from Jones Beach State Park to cover the race, interview participants and cover the highlights of the award ceremony.

Additional information may be obtained by calling (516) 669-1000 Ext. 247 or (516) 785-1600 Ext. 222.

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On Theatre

by Stephen J. Orbach

Opera generally leaves me cold, or at best, tepid. Therefore, it was with some trepidation that I attended "La Tragedie de Carmen," playing at the Vivian Beaumont Theater at Lincoln Center. It is a Peter Brook adaptation of the Bizet opera, a shortened one act version running about 80 minutes. And run it does, giving us the quick version of the fickle Gypsy girl and the men in her life. There are two productions of "Carmen" presented — one in French and the other in English. As I saw the French version, I can faithfully report that I understood who was doing what to/with whom, and why.

With one exception, all lines are sung. It takes on the aspects of a "greatest hits" album, giving us brief renditions of the more

popular arias of the opera. One character speaks an occasional and humorous line in English, which perked up the audience considerably the night I was there. The cast alternate roles from night to night, with a choice of five different actresses in the title role. I attended with two opera buffs, who told me the singing was adequate.

Did I like it? Yes, for the most part. Having sung a very small role in the opera in a prior life (a street urchin, long before my voice changed), I carry the baggage of fond memories of an elaborate "Carmen," with a stage crowded with colorfully costumed players, performed before beautiful backdrops. Peter Brook's production goes for a stark minimalism; the stage is covered with dirt, and props are utilized to note scenery changes. The staging may "work," but it gives a brooding accent to the proceedings, emphasizing the "tragedie" in "Carmen." As such, it gives a different flavor to Bizet's opera, which, along with its quicker tempo, serves to humanize the characters beyond the paper cut-outs of the original.

"La Tragedie de Carmen" is now presented entirely in English, undoubtedly in the belief that this will make the production more accessible to a general audience. Opera buffs should see the opera if only for curiosity's sake, while theater-goers should put "La Tragedie de Carmen" on their list of "must sees," but somewhere close to the bottom.

STUDENT PROFILE:

Kenneth Yadvish, World Class Motorcyclist

by Dennis Warren

Kenneth Yadvish is a man with a penchant for danger.

He attends law school full time, and is a professional motorcyclist during his virtually non-existent spare time.

Taken separately, any one of these activities can be perilous. Together, however, they appear suicidal. But, Yadvish's demeanor indicates he is anything but suicidal — brave perhaps, but otherwise rational, with plenty to live for.

A resident of Roslyn Heights, the 25-year-old Hofstra first-year law student has been racing professionally for five years. "I first became interested in motorcycles when I was about 10 years old, after my brother attached a motor to a bicycle and brought it home," the soft spoken Yadvish said.

"My father was apprehensive at first, but he has always been intrigued with motors, and allowed us to keep it for a month." During that period, Yadvish said, his brother, Stephen, coaxed him into riding the bike. There was to be no turning back.

At 13, he started racing. "I remember my brother was racing and I went to watch him and was scared to death. I told myself I'd never do that," he laughed, and continued: "several months later I was there racing, and I learned from that experience: never say never."

Yadvish started racing in West Hampton on Long Island, but since then has toured most of the major tracks across the country. Over the years, he has moved through the ranks, from junior to novice to semi-pro and, finally, to the professional class.

He has been ranked as high as 49th among the top 100 motorcyclists in America, and participated in the 1983 World Championship where he placed sixteenth, and in a national competition in Maryland in 1982 where he placed fourth.

Yadvish said the sport is gruelling and demands extensive physical preparation. "I have to train from 6 to 8 hours a day using weights and calisthenics leading up to a race." But, he abruptly dismisses any suggestion that the sport is dangerous.

"It's deceiving, it only looks dangerous, but it is really an art form. You have to know how to handle the machine and you need to

have confidence in your own capabilities."

Yadvish has been injured "only" twice during his 15 years of racing. "I broke a couple of ribs once, and fractured an ankle another time," he confided, rather nonchalantly. He said the latter injury came at an inopportune time, when he was about to qualify for his professional license.

"I concealed my injury, fearing that if it was discovered, I'd be barred from further rounds, and would not accumulate the points to have gained my license."

Yadvish said that despite his parents' initial anxieties about him racing professionally, they have come to respect his decision, and even to adjust to the sport's numerous exigencies.

"Today, father loves it, and we do a lot of travelling together." Yadvish said over the years he has developed a good relationship with his father, and that his mother also gives him "room to breathe," while quietly wishing his racing tenure would expire.

Throughout the years, however, Yadvish always wanted to become a lawyer. Once he found himself shying away from the profession because of negative, stereotypical misperceptions of what lawyering really entailed.

"But, eventually I sifted the myth of the lawyer," Yadvish said, "and here I am."

Yadvish said his protracted involvement with the sport helped confirm his decision. "I had to negotiate my own contracts, and to deal with a lot of trade and advertising shows." He hopes someday to work in the area of advertising and copyright law.

He said travelling on the road over the years has exposed him to different aspects of life. "It has opened my eyes, I've seen the good and the bad; I learned to put things in perspective, in order to learn, you have to take some risks."

Yadvish is currently assuming one more risk — Hofstra Law School.

Asked which he finds more dangerous — law school or motorcycle racing, he paused for a while and said, "They both are rigorous, but they exercise a different part of the anatomy."

Fortunately, Yadvish has received no broken bones nor fractures from studying law at Hofstra, so far.

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TRUE STUFF

Lenell Geter, the black engineer who served 19 months of a lifetime sentence in prison for robbery before being cleared, has received an offer of a lifetime of free fried chicken from a restaurant he was once suspected of robbing.

Mr. Geter and his attorney, George Hairston, were on the way to a banquet in Dallas Saturday when they stopped at a restaurant that the police had accused Mr. Geter of robbing in August 1982.

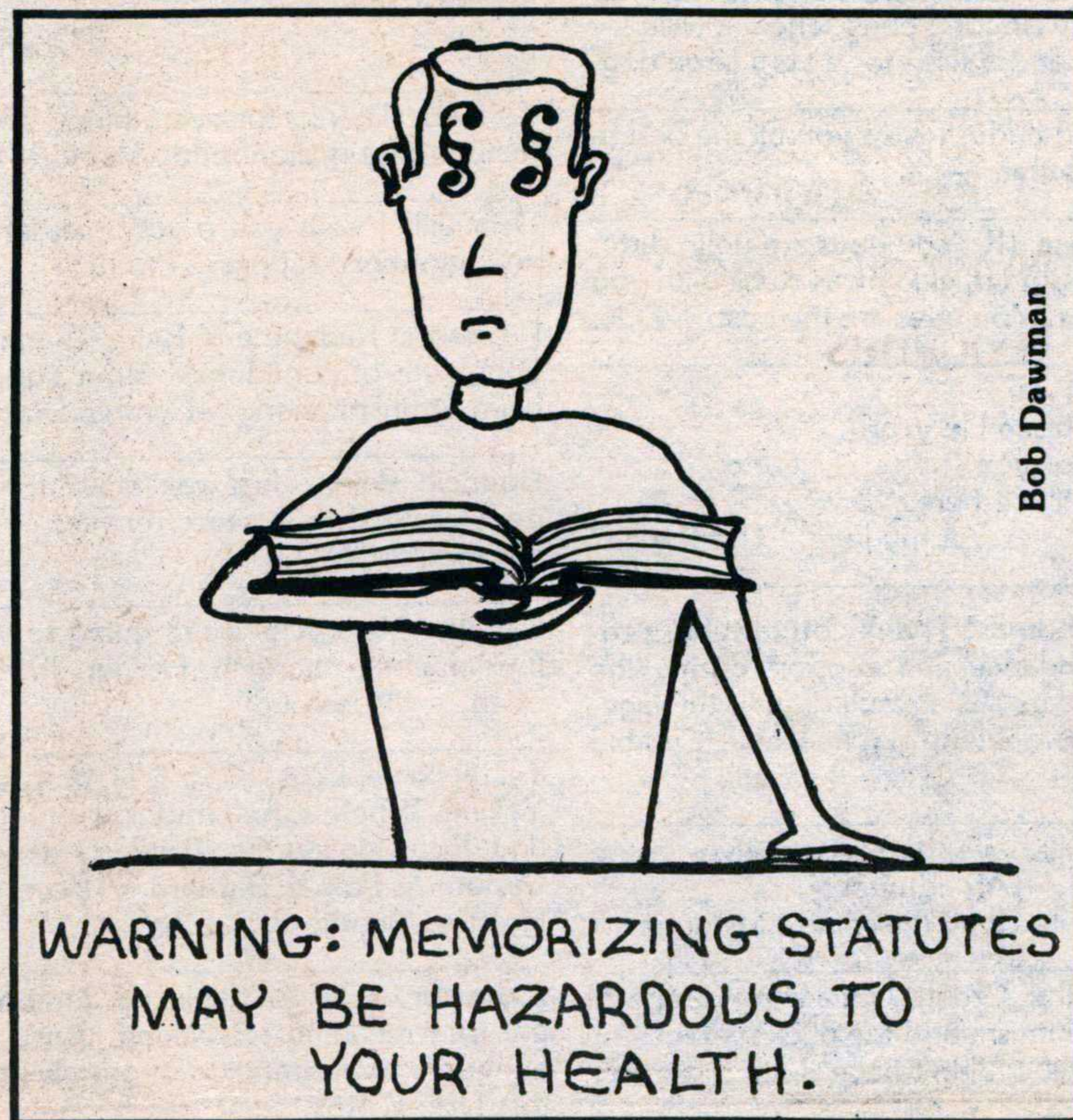
The lawyer "wanted chicken," said Mr.

Geter. "I guess it was a spur of the moment thing."

The manager, Joe Cuna, recognized Mr. Geter from news reports and presented him with a handwritten lifetime free meal pass.

Mr. Geter was convicted of robbing a different restaurant, but information on the robbery at the one he visited Saturday is believed to have played a part in his case. Reports that he may have been a victim of racism led to the reopening of his case.

—Reprinted from NY Times 4/9/84



Bob Dawman

PLAYING WITH A FULL DECK:

the 1984 Bob Cerro Awards



The rapidly-approaching month of June will mark the climax of three years of intensive study for many graduating students of Hofstra Law. It will also mark the first anniversary of my interaction with the student body here. During the past year, I have come into contact with a wide spectrum of lawyers-to-be, some with very promising futures before them, others less fortunate. In my eyes, those who hold a promising future ahead of them possess not only the required legal skills, but radiant personalities as well. Among those most likely to succeed, several stand out as the best of the bunch, scholastically, but also more importantly, humanistically. These people are the "top of the deck," those who stand out among the masses. They warrant recognition, public recognition, for their contributions in raising the reputation of Hofstra Law School. Although their scholastic achievements are unquestionably high, it is their attitudes which set them apart from the bulk of the graduating class. Some mention must therefore be made of these premium classmates.

And so, may I present to you the 1984 Bob Cerro Awards.

I had wanted this awards presentation to be as original as possible, so I have devised the following method of distribution of the awards:

Each recipient has shown his or herself to have demonstrated the highest caliber of legal study, while at the same time showing a genuinely human character, the kind so often lacking in law students.

The divisions are:

1) **THE ACES:** The four individuals, who, in my eyes, are the pride of the law school.

2) **THE KINGS, QUEENS, AND KNAVES:** The twelve individuals who represent the top half of the law school.

3) **THE JOKERS:** Those creative, humorous people without whom the student body could not survive.

4) **MISCELLANEOUS:** Unique categories.

Each recipient will receive a certificate depicting their award. In addition, recipients of the Aces shall receive a certificate entitling them to an all-expense-paid lunch with Bob Cerro, prior to graduation.

And now, the envelopes please!

For best performances in a legally-oriented comedy/musical, earning each of them the title of "JOKER," the winners are:

Jordan Fox, as "Cohen the Barbarian" in 1984: *THE LOW REVUE*

Barbara Lynaugh, as the Editorialist in 1984: *THE LOW REVUE*

For keeping their goals high, as well as putting up with the chaos of the Xerox room during times of turmoil, the following "KNAVES" are knighted:

Kevin Schlosser, Gordon Abitbol, Tony Colletuori, Sab Caponi

For illuminating the Xerox room, as well as the rest of the law school with their charm and smiles, and for exhibiting all of the finer characteristics of scholars of law, I coronate the following "QUEENS":

Francesca Scorsone, Pamela Fitton, Susan Bahn, Carol Casazza

For commanding their "subjects" in the various organizations, such as The Review, The Revue, and The Republicans, with authority, integrity, and creativity, I crown the following "KINGS":

Fred Perkins, Rick Collins, Glenn Berger, John Ciampoli

Before I announce the aces, I feel special mention should be made of the following people, each of whom possess not only outstanding legal skills, but also qualities unique among the student body:

Ann Weiss, the only student capable of putting a canine through legal training.

Susie Pechstein, owner of truly beautiful red hair.

Maureen Doerner, who possesses enormous reserves of patience when it comes to dealing with the administration.

And now, the moment you've all been waiting for, the awarding of the aces. In my eyes, the following people have gone that extra mile, have exhibited all of the characteristics of achievers, have helped to put Hofstra Law on the map, and have shown those wet behind the ears what it's all about. I therefore applaud the "ACES" of 1984:

Dolores Gebhardt, Peter Shafran, Barbara Kornblau, Kevin Blessing

Congratulations to each of the winners. I realize it's a bit early to say this, but it seems appropriate now.

I'm gonna miss you folks.

PERSONAL MESSAGES

To Lori and Richie: Best Wishes on your Engagement! —A

To TCB: A wish for a conscience, a wish for a backbone and a wish for a very large dog.

To Marc and Judy, I wish you all the best in your life together. —A

To the guys in 1K: You guys are ugly, dirty, and stupid. But I'm glad I was stuck with you this past year. You guys are the best. —D.K.

"Pookie:"
It's been a miserable year.
If it wasn't for you
I wouldn't still be here.
All my love, "The Prince"

Professor Thomas: Thank you for your professional guidance and support during the past three years. As a result of your tutelage, I will be a competent trial attorney. Cynthia Diaz-Wilson

Lisa, You still have the sexiest calves in the Law School. —An admirer
P.S. Where have all the mini-skirts gone?

To Carol, the Great: Unflagging support, relentless optimism and the perseverance of a beaver—we couldn't have done it without you! —E & S

To a (former) Street Urchin—
"One more cup of coffee
Before I go...
To the Valley below."

Thanks, E.Z.

To LSD, Thanks for everything...and I wish for you one million teddy bears. —A

Dear Jill: I wish you a very pleasant spring and summer. Tapper

Professors Kadane and Bein, Thank you for your vote of confidence. Your support has been an inspiration. —Cynthia Diaz-Wilson

Bouncin' Baby—Just wait 'til we're in charge next year! They'll never recover. —One of the Men in "N"

Kenela—Next year we're going to work for fundamental change!...Or get drunk more often. —"Rose bud"

Tears, Jeers, Legs, Hips, IPIJ, Moose Court, Yelling, Where's the Grades, Hoping, Wanting, Knowing, VCR's, Broken Heads, TAC, Caponi & Fox & Barnard & Beer. Thanks Hofstra, George

Professor Colbert: Thanks for demonstrating the true meaning of seeking justice and an adequate representation of our clients. Cynthia Diaz-Wilson

Dear CRJ Clinicians: Best of wishes. It has truly been a wonderful year. —CDW

To 404: Congratulations on your graduation. I wish ya all the best. I'll miss ya. —A

Anne, The most supportive co-counsel anyone ever had. We didn't win on substance, but dazzled them with form. Hmmm... —Joe

M—The big day is at hand. Here's to us. Love always—your B.D.

DAR: The best No. 1 "elf" any Law Reviewer ever had. Couldn't we make believe Cortina never happened? You're too good for those affluent Europeans. JMS

Pizza loves Petey!

Most definitely!

Prof. Mahon may be brilliant, but...

Moot Court was the most poorly run program we have ever experienced!

B.A.R.: The place won't be the same without your smile and those breaks by the coffee machine. Too bad that Brooklyn dolt has no taste! Guess who?

Hey Kath, Can Johnny come out and play? —D.K.

Hey Val, Can I have my room back now? —D.K.

Hey Jim, You sure fooled everyone into thinking you were dumb. Good act. O.K. (only kidding). A.U. (as usual). —D.K.

Lauren, If things don't work out with your boyfriend, I'll be there. 2nd year student who admires you from afar

To Pete and Ellen: Good luck in Norwalk. D.W.

To HLS: Good bye and farewell, I hope not to be back too soon. A Graduating 3L

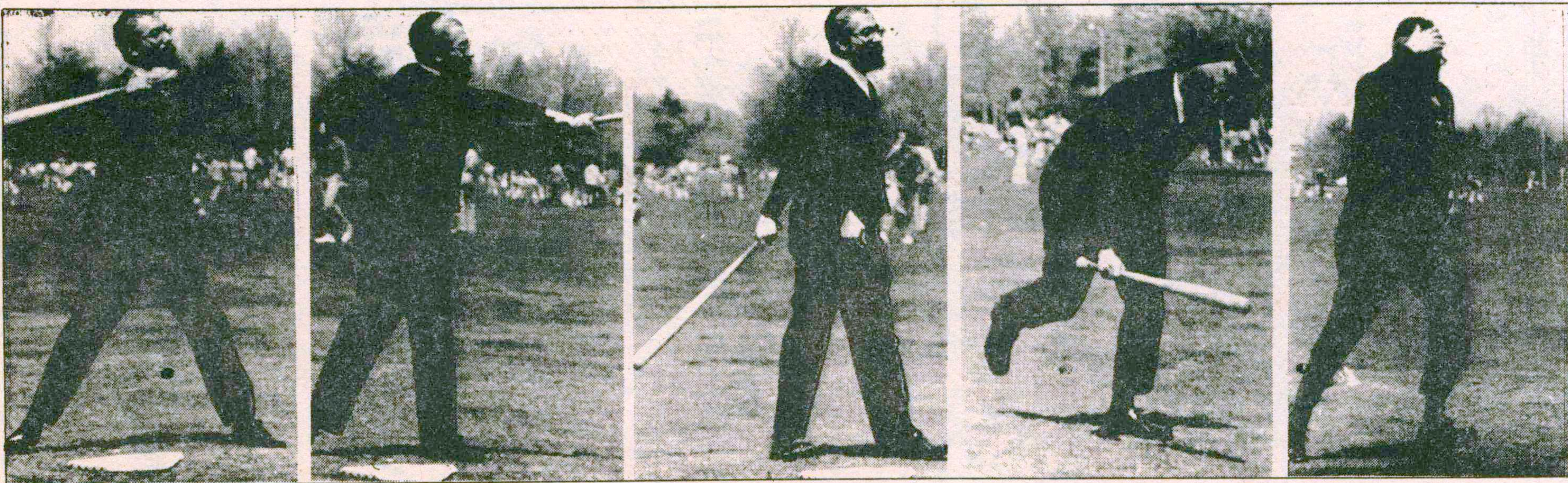
Honeybaby, Law School may not have been a bed a roses, but meeting you makes it all worthwhile. Love H.B. 2

Dear ELS Members,
Thank you again for the support and camaraderie...but most of all, for the roses!
Best of Luck next year!

Carol

Dear Conscience staff,
What a long strange trip it's been!
Your captain

CONSCIENCE PRESENTS MAGICAL MOMENTS OF PICNICS PAST



Move Over Ruth, Aaron Hits 715



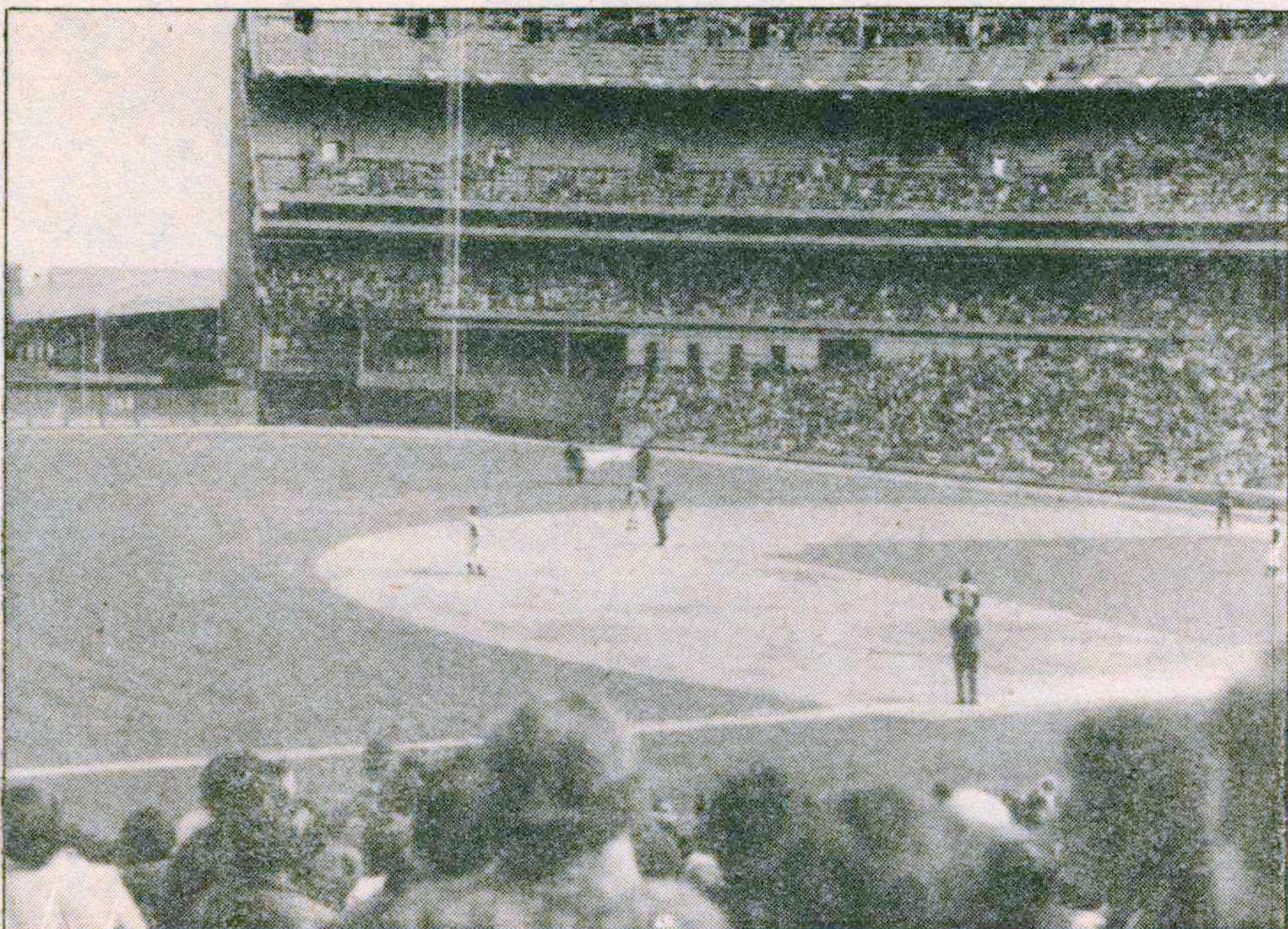
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