Vol. 12 No. 5
March 1985

Conscience

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Pop Quiz

Mario Cuomo (Gov. of N.Y.)
Geraldine Ferraro (Candidate for Vice President)
Jesse Jackson (Candidate for President)
Tip O'Neill (Speaker of the House)
Bill Bradley (Senator of N.J.)
Gary Hart (Candidate for President)
Leon Higginbotham (U.S. Ct. Appls., 3rd Cir.)
Louis Stokes (Chairman, House Ethics Comm.)
Archibald Cox (Former Special Prosecutor)
Ruth Bader Ginsburg (U.S. Ct. Appls., DC Cir.)
Harry T. Edwards (U.S. Ct. Appeals)
David Bazelon (U.S. Ct. Appls., DC Cir.)
Jack Greenberg (Former Head of NAACP Legal Defense Fund)
Jack Weinstein (U.S. Dist. Ct. Judge)
Judith Kaye (N.Y. Ct. Appeals)
Andrew Young (Mayor of Atlanta)
Bishop Tutu (Nobel Peace Prize Laureate, 1984)
Rose Bird (Chief Justice, Cal. Sup. Ct.)
Constance Motley (Chief Judge, U.S. Dist. Ct. S.D.N.Y.)
Floyd Abrams (leading First Amend. Atty.)
Elliot Richardson (Former U.S. Atty. Gen'l.)
Benjamin Civileti (Former U.S. Atty. Gen'l.)
Griffin Bell (Former U.S. Atty. Gen'l.)
Edward Levi (Former U.S. Atty. Gen'l.)
Jimmy Carter (Former President)
Barbara Jordan (Former Texas Congresswoman)
"Sissy" Farenthold (Former Texas State Legislator)
Ralph Nader (Consumer Advocate)
Gary Trudeau (Doonesbury)
Pierre Trudeau (Former Canadian Prime Minister)
Michael Dukakis (Gov. of Mass.)
Lane Kirkland (Pres. AFL-CIO)
All U.S. Sup. Ct. Justices
Julian Bond (Georgia Legislator, Civil Rights Leader)
Martin Feldstein (economist)
William Ruckelshaus (EPA Administrator)
Alan Dershowitz (Attorney)
Robert Abrams (Attorney General of N.Y.)
Diane Feinstein (Mayor of S.F.)

Question: What do these individuals have in common?

Answer: They were all considered at one time or another by the Student Advisory Committee as potentially worthy speakers for the June Commencement.

Question: Which one will be the law school's graduation speaker?

Answer: None of the above. See Page 1

ASKING YOU TO AS YOURSELVES

Conscience

March 1985
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Hofstra University
School of Law

Mayor Wilson Goode Selected As Graduation Speaker

By Randy Montellaro

It's not official as yet but all indications point to Mayor Wilson Goode of Philadelphia as Hofstra Law School's June commencement speaker. Goode is serving his first term as Mayor having been elected in 1983. Prior to succeeding to the mayoral post, he was Philadelphia's City Manager. Goode is not an attorney.

Last summer Mayor Goode was mentioned as a *possible* Vice Presidential running mate with Walter Mondale. Traditionally, vice presidential candidates are chosen to balance the ticket and to solicit votes the presidential candidate otherwise would not receive. As a black mayor of a large metropolitan city, Goode was thought to appeal to urban residents and minority voters. *Ultimately however*, Geraldine Ferraro was selected as Mondale's running mate ostensibly because it was believed she would attract women voters.

Controversy is surrounding the manner in which Goode was selected as the school's graduation speaker. The selection of Goode per se is not what has been questioned but the Dean has been critized for allegedly bypassing the student procedural selection process. Last fall a Student Advisery Committee was formed with the avowed purpose of recommending to Dean Schmertz potential graduation speakers. A list of names was submitted to the Dean which represented a consensus of the student committee members as to worthy graduation speakers. Goode's name did not appear on the list. Some members of the student committee have charged that Dean Schmertz has totally disregarded the Committe's recommendation by selecting an individual who was never seriously considered by them. They further allege that their time and effort was wasted on a lengthy process to compile a list of acceptable speakers which was given little attention by the Dean.

In response to these charges, Dean Schmertz made it clear to the committee members that he and not the committee had the final word on the selection of the graduation speaker. Schmertz stated that the committee existed only in an "advisery" capacity and thus he was not confined solely to the names on the list submitted by the committee. Nevertheless, the Dean stated he did not disregard the list but gave it serious consideration. Overall he said, it was a "good list" and that the number one name on the committee's list, Governor Mario Cuomo, was at the top of his own personal list. Unfortunately, Cuomo declined to attend. Schmertz stated "I had hoped we would have the Governor. I preferred the Governor. I thought we had him." Schmertz claimed that if Cuomo had accepted Hofstra's invitation the committee members would not have been dissatisfied with the selection process because he was their first choice. "I think you [the committee] have had significant imput in choosing a speaker almost to the point of selecting the speaker."

Schmertz felt that Cuomo would accept Hofstra's invitation and that he was shocked when he declined. "Frankly I was misled... [I even saw him in person and he gave me] a favorable impression of coming here. I expected he would eventually say yes."

Schmertz also claimed he did consider other names submitted to him by the student committee. He looked into the availability of the different U.S. Supreme Court Justices but they were unable to attend. Schmertz also stated that he was discouraged as to the availability of Nobel Peace Prize recipient, Bishop Tutu, and that it would be fruitless to extend invitations to Mayor Feinstein and Senator Bradley as they had declined to come in the past. Schmertz also believed no invitations should be extended to Geraldine Ferraro and George Bush because of partisan differences among members of the University Board of Trustees. Schmertz added that no invitations were extended to former President Carter because he was no longer a "viable personality" and to former Congresswoman Barbara Jordan as she "doesn't represent the views I want expressed at the Commencement." Lastly, Schmertz said since the U.S. Ct. of Appeals Judge Leon Higgenbotham had already received an honorary degree from the University, it would be against the policy of the University to confer another upon him.

Schmertz said that the type of graduation speaker he seeks may not be the same type as the graduates are looking for, but there is a "community of interest". A graduation speaker, Schmertz stated, should bring renown to the institution, attract attention to the school, say something of importance to the graduates and the community at large, and be an individual of stature.

Wilson Goode, Schmertz asserted, is getting high praise for his good work in social matters and race relations as Mayor of

continued on page 11

Yearbook Jeopardized

by Susan R. Linder

This year, student government thought it would be worthwhile to reinstate POCKET PARTS, Hofstra Law School's yearbook. POCKET PARTS had not been published since 1982, primarily due to an apathetic student body. Last fall, the yearbook staff spent several days sitting in the library lounge soliciting signatures from students who were in favor of having a yearbook again. Students seemed to be enthusiastic about the prospect of having a yearbook, and over 200 students signed the petition. What ever happened to this enthusiasm?

Since a large part of the student body seemed to favor the idea of another yearbook, the yearbook staff was allocated funds and went ahead with obtaining a publisher and a professional photographer. In addition, candid snap shots were taken around the law school by yearbook roving photographers. Appointments were made for portraits of third year students.

Appointments of portrait sittings were posted throughout the law school over one week prior to the days when the pictures were to be taken, but only approximately one-third of the third year class signed up. Because few third year students had their pictures taken for the yearbook, it is unlikely that student government will be willing to fund a yearbook that only a small portion of the student body is truly interested in receiving. According to SGA President Jim Black, the "yearbook is in grave danger of being canceled." Black stated that unless another 30 or 35 more students are willing to have their pictures taken for the yearbook, the yearbook will not be published. If additional students do show some interest in having the pictures taken, Black said an additional portrait sitting might be arranged with the photographer.

If no additional interest is shown, the one third of the class who were interested enough to have their portraits taken will be left only with portraits that Mom and Dad can proudly display on their mantels. The $5.00 sitting fee paid to the photographer by students who have already had their pictures taken is non-refundable. Few, if any, students were made aware of this policy.

SEC's Fedders Dropped By Law Review

John Fedders, who up until recently was the Director of Enforcement at the U.S. Securities and Exchange Commission, has been dropped as an author for an upcoming edition of the Hofstra Law Review after he disclosed he had beaten his wife. Fedders had resigned his post with the SEC after admitting in a Maryland divorce court that he assaulted his wife seven times during the 17 years of their marriage. Additionally, his wife has alleged that he threatened to kill her.

Fedders had submitted the introductory article for the Fall 1984 volume of the Hofstra Law Review containing a symposium on "Inside Trading." In a memo distributed by Law Reveiw Editor-in-Chief Bonnie Garone to members of the Review, she stated that his "article had focused largely upon 'integrity' and 'America's sense of fairness.' Mr. Fedders no longer appears to be an appropriate spokesman for these values, nor someone to whom the *Revew* should offer a forum from which to comment upon law enforcement priorities."

John Fedders

Inside

Hofstra Law Students In Nat'l Competition

On February 6, 1985, Hofstra joined eight other law schools from the tri-state area in the regionals of the Texas Young Lawyers National Mock Trial Competition. Hofstra sent two teams to compete against Albany, Brooklyn, Cardoza, New York Law, Rutgers, St. John's, Syracuse and Touro Law Schools. The trials were presented in the Brooklyn Supreme Courthouse on Adams Street in Borough Hall. The first round eliminations were decided on Wednesday, February 6th and Thursday, February 7th.

Both Hofstra teams, team number one composed of Tom Leverage and Loretta Ahlfeld, and team number two consisting of Jane Himelfarb, Steven Candito and Eileen Marsh made the first cut into the quarter finals which were held on Friday evening in the courthouse.

Team number two made the next cut, but fell to Syracuse in the semi-finals on Saturday morning, February 9th in the Federal Courthouse for the Eastern District. The case was tried before Federal District Judge Bramwell, and sitting as jurors were the U.S. attorney for the Eastern District, Mr. Dreary, and a prominant defense lawyer from Staten Island, Mr. Gilroy.

Each year the competition has had a series of logistical problems, and its administration has been less than adequate. This year was no exception. Hofstra was informed on Tuesday, the day before the competition that we could use our own students as witnesses. This was done to equalize competition because schools such as Albany and Syracuse have consistently been prepared months in advance by faculty coaches. Team members spent the evening before the competition on the telephone soliciting volunteers to be witnesses rather than preparing their case for trial. Hofstra pulled through with excellent performances of Joe Megale, Karla Schimmel, Janet Brunell, Jill Schorr, Rosemarie Inzarello, Soctt Bache, Juan Gonzales and Tommy Ahlfeld. Without the keen preparation and hard work of these witnesses, Hofstra could have been eliminated from the competition for its failure to provide witnesses. Things were so tight that on Friday evening and Saturday morning, team members had to double as witnesses. The handicap that was said to exist was discovered to be a fiction as both Albany and Syracuse had been preparing their own witnesses for several months.

This competition has consistently been a battlefield for such men as Travis Lewis, the coach and faculty adviser of Syracuse Law School, and Mr. Kelly, Albany's coach. Each year more schools drop out of the competition as few schools can compete with the overzealous behavior of these schools. Mr. Anthony Demarco, Chairman of the N.Y. State Bar Association was this year's host and he allowed the aforementioned coaches to participate in rule and decision making that would affect the outcome of the competition. When in opening remarks, Hofstra was mentioned as having won the competition in a previous year, Mr. Lewin was quoted as saying — "That's because Syracuse wasn't participating that year." With only two weeks of practice, Hofstra did very well. Perhaps with more support, next year Hofstra can win at Syracuse when they are the host school.

Upper Class Moot Court Competition

The Spring round of the first annual Tom C. Clark Center for Advocacy Moot Court Competition for second and third year students of the Law School will be completed on March 25, 1985. Each participant has been given the same problem, a constitutional law issue involving the firing of a public employee because he was living with a woman to whom he was not married. The question is whether the firing was a violation of the employee's right to privacy and whether the person who fired him was liable for damages for the alleged improper dismissal.

The students who participated were assigned sides to write their briefs for and on the first round they argued that side. On the second round they argued the opposite side. The first and second scores, both oral argument and brief writing skills were graded, were combined and six semi-finalists were chosen. The semi-finals will be held on March 21st and the two finalists will be chosen in that competition. The finals will be held on March 25, 1985.

All of the preliminary and semi-final rounds are judged by a panel of three, two alumni judges and a faculty judge. The finals will be judged by the Honorable Leon Lazer, Honorable Eli Wager and a third Judge, as yet unnamed.

Participants were Rosalind Bloom, Steve Brockett, Bruce Elstein, Lee Greenstein, Charles A. Heffner, Rosemarie Inzirello, Alan Jurista, Dennis Pottinger, Anthony Sonnett and Kim Woodie.

Members of the Executive Board are Ann Kalish and Helene Meltzer. Faculty advisors were Prof. Burton Agata, Prof. John Gregory and Prof. Richard Neumann.

The Executive Board has advised us that they will be looking for students who will be second year next year to start working with the Board in the Fall for next year's competition. Stipends will be paid and it is a wonderful administrative learning experience.

Further, all first and second year students are urged to consider signing up for this course (it is a one credit course) for next year. The brief writing and oral argument practice and training are invaluable. Anyone interested in competing or working on the Executive Board, please submit your name and telephone number to the Board in their mail box in Room 216.

SGA Elections Upcoming

by Vera Santeramo

On March 27, the SGA will hold its annual election. The following positions will be available: President, Vice-President, Treasurer, Third Year Representative, Second Year Representative, three CLAC Representatives, N.Y. State Bar Representative, ABA-LSD Representative, University Senate Seat Position, and three Election Commissioners.

There will be a debate between the presidential candidates during Dean's Hour on March 20. Only students who will be 2nd and 3rd year students in the Fall Semester, 1985 may vote in the election.

Candidacy Petitions received by the Election Commission for this year's SGA election.

President
1. David Kosakoff
2. Keith Lavallee

Vice President
1. Rochelle Benjamin
2. Dina E. Epstein
3. Patrick DiLuccio

Treasurer
1. Donna Simendinger
2. Karen Michal
3. Mark Blaustein

3rd Year Rep
1. Helene Meltzer
2. James Black

2nd Year Rep
1. Helayne Heller
2. Scott Bach
3. Richard Schulsohn

N.Y. State Bar Rep
1. Art Simuro
2. Betsy Malik

ABA-LSD Rep
1. Daniel Feldman

University Senate Seat
1. Scott Bach

Election Commissioners
1. Stewart J. Isman

CLAC Reps
1. Patricia E. Palmeri
2. Joseph P. Monteleone

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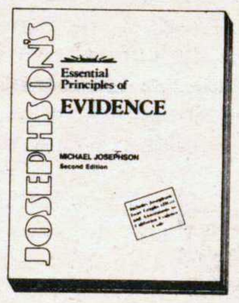

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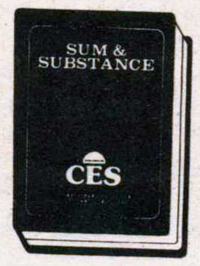

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COMMUNITY FORUM

EDITORIALS:

The Echoing Cry For A CPLR Course

Perhaps one of the law school administration's most familiar harbingers of Spring is by now the 3-L's recurrent appeal for the Hofstra law school curriculum to include a credit-granting course in the rules of New York Civil Practice. At *"present," The Conscience* takes no position on the question of whether such a course should be offered. We do, however, believe it is an appropriate time for an open airing of the arguments on both sides. Initially at least, the CPLR issue one aspect of the law school curriculum that is probably susceptable to an open dialogue between students and faculty; potentially instructive to students regarding the needs and concerns shaping curriculum decisions; without lapsing into colloquy about the structure of American law school education generally.

At a starting point, several arguments previously raised can be identified which no longer — by themselves — satisfy students with the current policy not to offer a CPLR course for credit. Originally, we understand, Hofstra sought to avoid the appearance of being merely a "New York" school teaching the N.Y. bar exam (in contrast to St. John's, for example). Undoubtedly, in the law school's earlier years, this policy was effective in communicating to the outside world our commitment to being a National Law School. Today, however, Hofstra has made major strides to establish its National status, and the "...we're a National Law School..." argument may seem to pale when reports that other National Law Schools (such as Harvard, Penn, Texas, Stanford, NYU and others) see fit to offer NYCPLR courses. Therefore, whether the presence or absence of an NYCPLR course is definitive of a "national" character is not clear. (Interestingly, the only law schools in N.Y. State not offering CPLR courses are Hofstra and Columbia.)

Certainly, there may be other valid reasons for excluding a CPLR course from the curriculum. The type of CPLR course students seek, in substance, involves primarily memorizing procedural rules (30, 60, 90 day statute of limitations rules, etc.) rather than the type of legal analysis (case synthesis and interpretation) which is more the "stuff" of an academic curriculum. Few, in fact, would argue that the 1st year Federal Civ. Pro. course really provides strict practical training in the Federal Rules, and most students would probably be disappointed if a law school NYCPLR course was structured similarly to the FRCP course. Therefore, the argument may go: The numerous 2-week CPLR bar review courses — costing only about $200, versus the approximately $800 for a law school course — are a more efficient, less costly, and academically more appropriate forum from which students can glean the nuts and bolts information about CPLR they want and need for the N.Y. bar exam. The counter-argument may be, however, that the law school could bombine both practical and scholarly elements in its CPLR course; and besides, students take many other courses in law school that are covered in bar review courses. Thus, the issue is joined...

Additionally, the law school may find faculty to teach CPLR course are not available. However, rumor has it that John Pieper (of recent Bar Reveiew acclaim) and even Professor Segal (of CPLR hornbook fame) are ready, willing and able to teach as adjunct faculty if all other resources were exhausted.

Finally, it's possible that simply as a matter of policy, there are other reasons the faculty and administration — as respected professionals in legal education — prefer not to incorporate a CPLR course in the curriculum. (After all, everyone studying for the N.Y. bar will get CLR in their Bar Reveiw course anyway, and many students are heard to say that they don't get the chance to study many areas of substantive law in class they'd like to, and may never again have the chance to...). But, the faculty and administration have taught us only too well that the policy behind a rule must be examined periodically to assure that the rule (s) most effectively accomplish the policy's intent. Thus, *without* asking that the current policy against a CPLR course be "justified," students are asking that the current thinking on this question be imparted.

Therefore, the *Concscience* invites, requests, and respectfully urges Dean Schmertz to present the current faculty and administration view on the CPLR question in the next issue of the *Conscience*. It is our belief that such a presentation will assist students in approaching the matter of CPLR study in the most constructive context.

Hofstra Law Review Receives Recognition

The *Conscience* presents its highest compliments to the Hofstra Law Review, and to the Review's advisors and the law school administration, for being named last month as one of the thirty (30) law reviews to be placed in the files of the LEXIS legal research files. The fact that the review's selection was based on the frequency with which it is cited in appellate and Supreme Court briefs is High praise indeed, and a level of recognition that all Hofstra law affiliates can be proud of. Not only does this mean that every time a researcher "calls up" the table of contents of the LEXIS law review listings that the words Hofstra Law Review will appear (as one of only 30 out of 172) law schools), it also will probably mean that all authors wishing to be published in one of the most widely cited and well recognized journals will submit their work to the Hofstra Law Review for consideration. This too can only increase the opportunity for Hofstra to enhance its reputation. It's unclear at present just how competitive any increse in article submission will get, but it is at least possible that any increase will also rebound to the benefit of the law school's other journals.

Speculation aside, the Hofstra Law Reveiw is to be commended by one and all at the law school for this landmark accomplishment. This recognition constitutes a quantum leap forward in the recognition of yet another aspect of the good work being done by those supporting the Hofstra Law School.

LETTERS TO THE EDITOR:

A Student Makes His Feelings Known On CPLR

To the Editor:

With graduation rapidly approaching, many third year students begin to assess their chances of passing the bar examination. These chances do not look so promising when one looks to the fact that we have not been afforded an opportunity to take a course in New York civil practice at Hofstra. Unfortunately, New York civil practice *is* on the New York bar examination.

What are we to do about this inadequacy? Many of us, including myself, resort to paying outside lecturers to teach New York civil practice. Others, I imagine, do not attempt to learn it until they start their bar review course.

It is a shame to have to pay outsiders to teach such a fundamental course, especially in light of the fact that the yearly tuition at Hofstra Law School is over $7,000.

It is too late for the Class of 1985. However, I ask the administration to reconsider its position on offering a course in New York civil practice in the future. Although Hofstra's national prominence is rising, many of its students still plan to take the New York bar examination. It seems counterproductive to engage in a policy *that gives* Hofstra Law students a *competitive* disadvantage on the New York bar solely to increase national prominence. Wouldn't the school's stature in the legal profession increase if its students pass the bar with greater frequency?

Moreover, it is difficult to understand how offering a course in New York civil practice would detract from Hofstra's national reputation. Other nationally prominent law schools (i.e. New York University) offer it, and Hofstra students not taking the New York bar would not take it.

In conclusion, with our tuition as high as it is, I feel that the school has an obligation to offer students to pay for it themselves and take it on a non credit basis. Also, if the school has the resources to teach courses such as "Anthropology and the Law" surely it can find the funds to offer a course in New York civil practice.

Mike Dornbaum
Class of 1985

Conscience

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

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

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COMMUNITY FORUM

MORE LETTERS TO THE EDITOR:

Letter To Editor Gets Response

[Editor's note: In a letter published last month, a law student expressed his disapproval at being forced to vacate his apartment because the rest of the university was closed even though the law school was in session. He also expressed his displeasure at having to pay, Residential Life, additional rent to obtain housing during this period.]

To the Editor:

My letter relating my experiences with Hofstra's residential life program appeared in the February 14, 1984 issue of *Conscience* under the title "Out of State Student Sounds Off." In a letter dated February 19, 1985, Dean Eric Schmertz expressed his support for much of my position and informed me that he had forwarded a copy of the letter to the University administration.

By invitation, I met with Vice President Fellman on February 26, 1985 to personally discuss my view of the issues addressed in my letter and possible solutions. Mr. Fellman seemed genuinely interested in resolving the billing problems and in making housing available to law students on a schedule consistent with the law school's schedule of classes. Also, he expressed his regret about the poor flow of communication between students with legitimate housing grievances and the University administration.

I cannot predice what progress, if any, will result from our meeting. Nevertheless, I do commend Dean Schmertz and Vice President Fellman for their interest and desire to learn more about the housing problem.

Sincerely,
Randy Arthur

Student Behavior Disrepectful

To the Editor:

I have recently observed, with interest, the behavior of students at work completing their moot court projects. These future lawyers left the library in a deplorable state and, by their work habits, demonstrated a remarkable lack of courtesy to their fellow students. I feel the need to comment upon these conditions.

First of all, I'd like to address the conditions of the library after the moot court students were finished for the day. The appearance of the library as one walked in was of utter chaos. This was due to the fact that many of the students did not bother to reshelve their books when they no longer needed them. Also, many of the students seemed to pull many volumes off the shelf and never bothered to look inside. To hold fault with the library staff for unshelved books seems to be unjust, when the real fault lies with the uncaring student body who removed the books from the shelves in the first place, without returning them.

Secondly, the utmost lack of respect the students showed towards their peers was striking. Not only was the physical appearance of the library affected, but the noise level (90dB's) was unbearable. The most contemptable practice of all however, was the deliberate hiding (hardly accidental misshelving) of significant amounts of materials that other students would need to complete their research projects. This selfishness not only reflects poorly on the moral fiber of law students in general, but at some point down the road, the expense of replacing items that were "accidently misshelved" will ultimately have to be shouldered by all of us.

Let us remember, the less time spent looking all over the library for the book we need, the easier life will be for all of us.

Frank Bossone

Ye Olde Days

To the Editor:

"Back when I was young," was all Grandpa had to say, and I knew I was in trouble. I was going to hear one of three tales: "Life was tough" a/k/a 10 miles to school; "Life was pretty tough" a/k/a $50 a week pay; or "Life was unbelievably tough," a/k/a no premarital sex.

"Yep, back when I was young, law school wasn't as easy as you kids have it today."

Whoa! Grandpa never talked about his days in law school. We all thought he forgot he was a lawyer. And what does he mean, easy? Moot court during vacation. Professors all trying to be Kingsfield. Trying to find a parking spot after 9:00 a.m. That's easy?

"In my day, we had to do *real* work. We didn't have any of those E-man-u-el things you use today. When we did an outline, it was our *own*."

I could tell Grandpa was getting excited — he was spraying every syllable. But as I was wiping myself off, I realized he was right. Steven Emanuel has become a law student's way out (and rich doing it).

Think about it. There are those courses in which the Emanuel has become the textbook, leaving LaFave and Gunther, among others, to lose their royalties. And what happens if there is no Emanuel for the class? If you take it, you search frantically for Gilbert's or Sum & Substance. If they're not available you panic. But think of what it must have been like in my grandfather's time, the B.E. era (Before Emanuels).

When an outline had to be done, class notes and textbook were kkey (how awesome a word). Treaties were also important.

The student would have to read the cases ("Read. Re-read. Re-re-read"), and sift through them to come up with the theories behind the holding. Then, the cases would have to be grouped by topics to make a coherent package that could be referred to and studied from.

The important thing wasn't the outline, however, but the thought procsss behind making one up. Kind of like saying, "It's not whether you win or lose, but how you play the game." The tedious work of slaving over each case was in preparation for the "real world." It was a simulation for things to come. It was a step toward the infamous process of "thinking like a lawyer."

But now, that doesn't happen. People buy the outlines and study from that. I'm not saying that's bad for school, but what about your first case after school?

"Lieberman, I want you to do some research on this case."

"I'm sorry Mr. Partner, sir. I can't do that."

"You can't do that!? Why not?!"

"There's no F. Supp. Emanuel."

I really don't think that will cut it. As it is, there aren't many practical things taught at school, and this is an opportunity that's being wasted. By not doing the nitty-gritty now, you won't be able to do it in the future when it really counts. And if you can't do it, you'll lose your job. And if you lose your job, you'll be unemployed. And if you're unemployed, you can't get the BMW.

The best solution would be to use the Emanuels as a supplement, not as a substitute. This new invention shouldn't be shunned simply because it makes life easier. It's similar to Lexis. You still have to be able to trudge through the library and do research by hand even though the touch of a couple of buttons will do it.

"...and not only that, but there weren't so many damn flavors to choose from. Either vanilla or chocolate. Not this two-hundred-flavors-it's-a-major-decision-every-time--you're-hungry crap. And another thing..."

Grandpa was back to his old tricks. But he was right that one time.

Doug Lieberman

"Closed Budget Meeting: Still a Lead Balloon"

To the Editor:

In February's *Conscience*, Neil Kurlander's Valentines Day "personal" to me was a mud slinging editorial, devoid of substance, rebutting my letter of last November attacking Neil, Jim Black, and the SGA's decision to close this year's budget meeting. Although Neil's letter was pompous and condescending, I was touched to be remembered in a tone that is so personally and uniquely Neil. Casting sentimentality aside for a moment, Neil's editorial combined with recent events and time for reflection allow me an opportunity to correct some overreactions, to confront some new issues, and to reinforce the argument against closed budget meetings. Thus, little or no mud slinging in this letter, only some logic and the underlying truth of why a closed budget meeting is unacceptable, no matter who thinks it's a "dandy" idea.

First, a few issues of personal housekeeping: Was I overly derisive toward Neil Kurlander in my November letter? Undoubtedly, yes. In my enthusiasm to berate Jim Black for his blunderingly insulting and false remarks about last year's SGA (on which I was a representative) I somewhat overreacted to Neil's comments which, though rather curt and flippant, did not warrant as severe an attack as the one I made. For that excessiveness, I do apologize to Mr. Kurlander.

Was Neil egregiously misquoted in October's *Conscience*? Now that five months have passed and memories from the original interview have faded, we will probably never know. As it stands now, Neil claims he was misquoted, and *Conscience* stands by the accuracy of its reporting.

Why was Neil lecturing about evidentiary hearsay in a letter about student government? I'm, not sure myself. Possibly, Neil mistakenly thought I was using the evidentiary version of hearsay when, in fact, I was using the common language version — a reasonable misunderstanding. But, after all Neil, no one thought you were on trial, did they?

For the record; is Neil Kurlander correct in implying that I, Joe Lee, am not omnipotent? Despite the uncanny resemblance between George Burns and myself (I'm the taller one), I am not omnipotent. Thus, it goes to show that you just can't hide anything from that Neil Kurlander guy.

The SGA Closed Budget Meeting: An Impotent Political Tradition. Was closing this year's SGA budget meeting a political blunder? In my November letter, I created mocking portrayals of the thoughts and motivations underlying the SGA's decision to prohibit students from attending the budget meeting, from seeing how their $15,000 is apportioned and why it is apportioned that way. If the meeting hadn't been closed, students could have asked their questions there or, practically speaking, have forfeited that opportunity. As it stands now, the SGA remains wide open to any accusations and speculations, a position of constant defensiveness. Even in this respect alone, a closed budget meeting in a democratically fashioned student government is a political faux pas.

What else is wrong with excluding students from their own budget meeting? First, the money comes from the students, it is spent for the students and, therefore, the students have the right to monitor the entire budgetary process.

Second, the students designed the SGA to be a democratic government body answerable and open to the students; closing the budget meeting prostitutes that design for, as we shall see, no good reason. Moreover, having been on the SGA myself, I know that there are no secrets worth hiding in student government.

Third, even if last year's open budget meeting was "characterized by disorder and confusion", has this year's SGA (complete with a budget twice that of last year's-therefore enough to make lots of people much happier) tacitly admitted that it cannot improve on last year's example without closing the budget meeting entirely? The answer is a resounding yes, and previous statements by Neil, Jim and Doug support my conclusion.

Fourth, the SGA constitution calls for a democratically run system, and by its very nature, democracy is conflict ridden. Parliamentary procedure and mutual understanding that everyone is entitled to voice their opinion makes the system manageable. Although a closed budget meeting eliminates confusion and disorder, is that still democracy?

What will the outcome be? If the new judiciary committee does have any power to review SGA actions, future SGA attempts to close meetings will be invalidated. Why? Because no serious judiciary committee would ever tolerate a slap in the face like being closed out of a meeting, or even out of one portion of a meeting that it may eventually be asked to review.

Thus, hopefully, future SGA's will realize that closed meetings are not only unpopular but also rationally indefensible.

Thank you,

Guidance Counselors Needed For Students

To the Editor:

In the February issue of *Conscience* I said I would write again on how specific aspects of the Law School could be improved in order to give the student-customer better value for his money. I now intend to carry out that threat.

Let't talk about counseling.

Each semester after the first year comes equipped with two traumas (not counting the trauma of paying tuition): final exams at the far end, and registration at the beginning. (First year, of course, is one continuous trauma from start to finish.) The ordeal and terror of finals are closely followed by the ordeal and terror of course selection for the following semester. But students are really not well equipped for the latter task despite the well-intentioned general guidance lecture given to each class at the end of its first year and the brief course descriptions in the

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COMMUNITY FORUM

DEAN'S CORNER: Dean Eric J. Schmertz

January Commencement Address

by James L. Warren

Editor's Note: Mr. Warren entered Hofstra Law in 1970, the inaugural year for the Law School, served as Articles Editor for the first issue of the Hofstra Law Review, and graduated in the top ten percent of the class of 1973.

Several months ago, Dean Schmertz asked me to speak at these ceremonies. It was not until lunch this afternoon, however, that we compared notes to see what we were going to say. I think it's significant that, without prior collaboration, our two topics mesh so well. For this reason, I particularly commend the subject matter to you.

I wanted to begin this address with a joke. I rummaged around in my archives, but wasn't able to find a joke that everybody hadn't heard before. So I talked with a bunch of my friends. Collectively, we were unable to come up with any new humor about lawyers. So we took a poll, and decided that one particular joke was most fitting under these circumstances. Most of you have probably heard it before. For the benefit of those of you who haven't — all three of you — I'm going to give it anyway. For the benefit of those who have, I urge you to reflect on the meaning behind this bit of lawyerly humor.

The joke, of course, involves the survivors of a ship that has recently sunk in shark-infested waters. Some of the survivors reached land, but the four with which we are concerned, a lawyer, a businessman, an accountant, and a cleric, found themselves together in a lifeboat. Land was in sight, but the lifeboat had no oars and the crosscurrent was too strong to allow the boat to float of its own accord toward land. Accordingly, the four occupants decided to swim for it. But they had to deal with the problem of the sharks.

The accountant was the first to try it. He announced to his compatriots that, because his profession involved the application of logic, it should be a fairly simple matter for him to convince the sharks that they should permit him to swim ashore. Thus, he leaned over the boat and explained to the beasts why they should permit him to pass in safety. When he was finished, he leaped overboard. He had barely taken five strokes when the sharks devoured him completely.

The businessman was the next to give it a go. He reasoned that, in his profession, one should always cut as good a deal that offered some benefit to both sides. Accordingly, he leaned over the boat and struck the best business deal he could with the sharks. He then leaped overboard and made it about one third of the way to the shore before the sharks' natural appetite got the better of them. The businessman, too, was gone.

The cleric then announced his intention to swim for land, saying that the higher authority with which he was involved would certainly provide the inspiration and protection necessary for him to gain safety. Accordingly, he leaned over the side of the boat and delivered his most impassioned address. When he concluded, he sprung overboard and began swimming for shore. He made it about two thirds of the way before primal instinct superseded religious fervor, and the sharks had yet a third meal.

The lawyer was left alone in the boat. Onshore, the other survivors, who had been vigorously encouraging the four men to swim to safety, were now yelling to the lawyer to stay put. Nevertheless, the lawyer thought that he should try it and summoned the sharks to the side of the boat. He leaned over and whispered just a few words to them. He then kicked off his shoes and leaped in the water.

The result was astonishing. The sharks parted as the lawyer approached and he swam safely to shore with nary a scratch. Once upon dry land, he was warmly greeted by the other survivors, who could barely contain their surprise at his ability to survive that ordeal. One of them asked the lawyer how he had succeeded with only a whispered word to the sharks, when the accountant, the businessman and the cleric had all failed miserably. He asked the attorney: "What was it you said to the sharks when you leaned over the boat?"

The lawyer said: "I simply told them I was an attorney."

The survivor asked: "But how did that help you?"

And the lawyer answered: "What's the matter, man? Haven't you ever heard of professional courtesy?"

* * * * *

I recently described a case I'm working on to a group of friends. It's a very interesting case, and has engendered a bit of publicity.

Because the case is legally complex, we brought in outside counsel to handle one part of it. He is a past president of his Bar association and enjoys the highest reputation in the legal community. While I was explaining his role, a new member joined our group. She heard the name of our co-counsel and asked who he was. The answer, given by a nonlawyer whose opinion I particularly value, was: "His name doesn't matter. He's just another hired gun."

* * * * *

The methyl isocyanate had barely settled in Bhopal, India, when the world was treated to the spectacle of American lawyers racing to set up card tables outside the Union Carbide plant there. I heard that one of the attorneys went around Bhopal on a house-to-house basis signing up residents who had not been snagged at the card tables. Within less than a week, I believe, the town was picked clean and the lawyers returned with thousands of retainer agreements in hand. There followed a proliferation of lawsuits seeking enormous amounts of money. For some reason, $15 billion seemed to be a popular starting point.

* * * * *

Dean Schmertz has already alluded to Chief Justice Burger's description of lawyers as a plague of "locusts" descending upon the country. I would point out that the Chief Justice also said that this glut of attorneys has gone hand in hand with a marked decrease in the ability to practice law.

* * * * *

A senior partner in my firm recently told of a conversation involving John Ely, Dean of Stanford University Law School. I have heard the same about Jesse Choper, Dean of Boalt Hall at the University of California. These deans both made the point that legal achievement in the last year of law school was dropping. They credited this decline with several factors, but the most important was the enormous amount of time students spent away from their studies trying to land fat-salaried jobs. The deans knew that many of their students would find such jobs. But they didn't know how many of them would become good lawyers. The students had the tools, they had the drive and they had the jobs. But something basic was missing. In a moment, I'm going to discuss what I think that is.

* * * * *

On the plane from San Francisco to New York, I read an article in *The San Francisco Chronicle*. It involved a man named Thurston who had just won a long lawsuit against TWA. Mr. Thurston inadvertently summarized the point of all these related but disconnected stories. This is how the article concluded:

> "After his lengthy court battle, Thurston said he learned a harsh lesson about the legal system.
>
> "'It's very frustrating,' he said. 'The System seems to be designed more for attorneys than for producing justice.'"

* * * * *

I have been a member of my firm's Employment Committee for years. We are a large firm with an enviable reputation in the legal community. We also practice in San Francisco, and most people consider that a plus. Because of these factors, we receive between 2,000 and 3,000 job applications every year. Typically, I will interview between 50 and 150 applicants annually. I've become pretty good at spotting qualities that I think will enable someone to become a good lawyer. I've also become pretty good at detecting traits that can interfere with that process. One of the more pernicious of those traits, it seems to me, and one that is becoming more prevalent, is one of the reasons why law school deans question whether their students will become good lawyers. I refer to an unhealthy emphasis on money.

One of the questions that is more and more frequently asked by aspiring attorneys at the beginning of the interview is: "What is your starting salary?" If this question isn't actually asked, it's in the front of their minds. I can easily tell from their other questions: "What will my salary be after a year?" "What are my fringe benefits?" "How long before I will be eligible for partner?" Incidentally, very few people ask what they must do to demonstrate the ability to be elected to partnership.

We also get questions about how advances are made, how bonuses are meted out, and whether the firm pays for dinner if you work late. I don't get many questions about our firm's pro bono program, although people are interested in it as a legal training device. To the contrary, when I describe our firm's pro bono activities and point out that we expect all new attorneys to participate in them, the news is often met with indifference or, sometimes, with irritation.

The preoccupying concern with many of these applicants — and I don't mean to say that it is all of them, but it is sure a lot — is: "What can this firm do for me? What job will make me the most money?" The proof of this particular pudding is in the selection. I have seen new lawyers choose among firms on the basis of a $1,000 annual difference in salary. I have seen applicants decide where to work because one firm pays Bar dues and the other does not (bar dues are about $75-$100 a year), or because one law office buys dinner if you work late, while the other doesn't. These decisions smack of pettiness. More often than not, they reflect an attitude of self-indulgence that, unless corrected, will infect the applicant's ability to become a good lawyer. I want to talk to you about that attitude today. I also want to talk to you about what the practice of law means, and about some ways you can get off to a good start as a lawyer.

Let's look at the attitude first. I see a perception among law students and new lawyers that the practice of law, through a series of circumstances for which no good lawyer should seek to claim credit — and I place the large "Wall Street" firms, including my own, in the vanguard of those who must share responsibility for this — that the practice of law is a springboard to actual or hoped for riches. This perception is wrong.

The purpose of law is not to make lawyers rich. Nor is it to make clients rich. The pur-

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Moot Court

by Arthur Bodek

What could be so attractive as to induce 250 first year students to end their winter vacations one week early? Need one really ask such an obvious question? We all descended upon the law library to discern the nuances between wrongful life and wrongful birth, or libel and slander. Some questioned the enforceability of prenuptial agreements, others the liability of social hosts for injuries inflicted by their guests. Still others delved into many other questions.

After receiving our problems, some of us got to work immediately trying hard to apply that which we had learned in legal research. Others began by dusting off their "Teply's" and reading it for the first time.

With all of the research, and for many of us (myself not included) the argument, behind us, it is very easy to look back on the experience and say that it really was not all that bad, not nearly as horrible as others had led us to believe it would be. At the time however, it was a bit frustrating. For nearly all of us, it was the first time we were doing any legal research. Getting started was easy enough. Between the encyclopedias and the digests, it was not too difficult to find the first few cases. *Law Review* articles and *Shephards* yielded so many more cases that I reached a point when I felt like I was sinking in a morass of cases. Shephards is an excellent tool from which to learn about the history and treatment of a particular case to determine whether or not it is still "good law." It seemed to me that referring to the cases cited in Shephards was the next logical step. But then those cases needed to be Shephardized. After Shephardizing generation after generation of citations I realized I was getting lost in a web of citations and doing nothing concrete towards the goal of furthering my argument. I was in the same position as so many other people around me. I had a stack of photocopied cases and articles about 30 inches high, yet I had barely started to sift through them. I then realized it was time to put into practice the three skills taught in legal writing, I would have to analyze, synthesize and analogize. I would still have to first read the cases.

From time to time, those of us working on the same problem would bounce arguments off of one another. Despite the temptation to work together and jointly generate one line of argument, it was interesting to note by how much our arguments varied.

Although collusion was not a substantial problem, there were other problems associated with assigning the same problem to 20 students, namely the difficulty in finding needed volumes. With 20 or so people looking up basically the same cases, it became impossible at times to do research properly. The problem was compounded by the fact that approximately 250 people were relying heavily on the library resources at the same time. On one occasion I spent nearly half an hour looking for the Pacific Shephards only to find them buried in a hidden carrol in the basement.

What is my purpose in writing this article? Other than having committed myself to write an article for this issue, I do have two suggestions which might make the research process a little smoother for the students. Firstly, the moot court board should consider drafting more problems. Secondly, the library staff could try harder to enforce the research regulations (e.g. use of no more than four books allowed at a time) or they might impose additional rules such as prohibiting library users from removing a set of Shephards from shelves for more than 10 minutes. As with all suggestions, it must be realized that the powers that rule might feel (possibly even justifiably) that the effort to be expended in pursuit of these goals will not be worth the benefits to be reaped.

COMMUNITY FORUM

Defense Budget:Too Many Dollars/No Sense

By Randy Montellaro

Ronnie, there you go again! Another federal budget with an overindulgence of defense expenditures and with social programs suffering from malnutration. But that's what our President calls a budget freeze. Increase defense spending but reduce almost everything else. So what if the farmers go broke, we will just replace their grain silos with missile silos.

Under The Reagan budget, military spending would rise by more than $31 billion, to a projected $277.5 billion in fiscal year 1986. That would be an increase of 12%, or a real increase of about 6% after taking inflation into account. To arrive at Reagan's so called overall freeze in spending, $42 billion would how to be cut from nonmilitary budgetary items. Reagan's proposed budget would freeze, reduce or even eliminate programs that aid farmers, veterans, students, the sick, small businessmen, exporters and just about everybody else except Social Security recipients.

No one is questioning the fact that budget deficits are choking the nation's economy. President Reagan recognized this long ago and he has even gone so far as to encourage the passage of a balanced budget amendment to the Constitution. Regardless of the merits of a Constitutional amendment, if a balanced budget is his goal, Reagan is going about it the wrong way. If budget cuts are going to be made, they should be made across the board and that includes the Pentagon.

I find it ironic indeed that Defense Secretary Weinberger was once referred to as "Cap the Knife." Supposedly, he earned that nickname because of the way he would slash budgets down to the bone. Naturally, he earned that nickname before becoming the head of the Defense Department. Time has certainly changed good ol' Casper, the taxpapers should sic the ghostbusters on him.

The bill for the nuclear strategic forces has soared by 137 percent since Reagan's first inaugural in 1981. What are we getting for our money, real defense or lopsided spending?

This year the administration is seeking 4 billion dollars to buy an additional 48 MX missiles. Eventually the entire MX system consisting of 100 missiles will cost $42 billion. These expenditures are both economically and militarily unsound. The MX is as vulnerable to a first strike as the Minuteman missile it is replacing. For those of you who have forgotten, the MX was originally designed as a mobile missile which would have been continually shuttled around on an underground railroad system and hiden from the Russians. The idea was that the Russians couldn't destroy the missiles if they couln't find them. Simple enough, but the plan was scrapped as too expensive and environmentally unfeasible. The Reagan administration did the next best illogical thing, they decided to produce the MX even though it couldn't be used for what it was designed. The new plan is to put the MX in Minutemen silos. But have no fear, the administration is working on another mobile missile, the Midgetman, at a cost of only 624 million dollars in the coming year. Old ideas never die, they are just resurrected in a following fiscal year.

Admittedly, the Midgetman is a good idea. It is a single warhead ICBM instead of the traditional multiple warhead missile (MIRV) such as the MX. It is less expensive and most importantly reduces the nuclear stockpile and concurrently the chance of nuclear war.

The Midgetman missile is a radical departure in U.S. strategic defense policy. In the late 1960's, the U.S. had both a quantitative and qualitative nuclear edge over the Russians primarily due to the MIRV which it had first developed. A MIRV missile with its multiple warheads has the capability of destroying many different targets (cities) spread out over a significant area. During the SALT I negotiations which took place in the early 1970's, President Nixon and National Security Adviser Kissinger rebuffed the Russian's offer to ban such missiles because the Russians lagged behind in MIRV technology. The U.S. had an advantage and they wanted to keep it.

This attitude however was not unanimous among all U.S. strategic defense planners and negotiators. Others most notably, Secretary of State Rodgers and CIA personnel, believed the Russians would develop their own MIRV missile within a few years and thereby place U.S. land based Minutemen missiles in jeopardy of a preemptive first strike. These critics felt it would be a mistake not to negotiate a ban on the research, development and deployment of MIRV.

The U.S. Government a little over a decade later and a few billion dollars poorer, is starting to realize that MIRVs do have a destabilizing effect on the nation's security and that they should be negotiated away in favor of single warhead missiles, such as the Midgetman. Coincidentally, the Russians, as predicted, have developed a MIRV missile. What, therefore, is gained be deploying the MX, yet another MIRV? If the Minutemen missile silos were vulnerable to a Russian MIRV first strike, aren't the MX missiles in those same silos also vulnerable? Mr. Reagan, develop the mobile Midgetman, negotiate a ban on MIRVs and deep six the MX.

The next big Reagan defense budget item that needs to be severely trimmed is the B-1 bomber, a plane that will become obsolete almost as soon as it's flying . The Carter Administration after a lengthy study into the necessity for the B-1 bomber, determined that the present fleet of B-52's would more than adequatly satisfy U.S. defense needs until the Stealth bomber was developed. The Reagan administration has, of course, chosen to disregard those findings. Reagan's budget provides 6.2 billion dollars for 48 B-1 bombers, the last increment of a fleet of 100 planes. Billions more are also included in the budget for the Stealth bomber, a plane that is virtually invisible to enemy radar. The Stealth is planned to go into production in the early 1990's. The B-1 bomber will thus be flying off into oblivion in less than a decade. Building the B-1 is not wise fiscal management.

The list goes on. Billions of dollars spent on nuclear aircraft carriers than can be sunk by missiles costing in the thousands. Six trillion dollars, that's trillion, with a T, ($3.7 billion alone in 1986) for the so-called "star wars" system that can be foiled by cruise missiles and strategic bombers. I could go on forever like this. I don't know whether Reagan will get all the things he wants on his shopping list, but I do know the American taxpayer will be swimming in red ink.

COMMUNITY FORUM

January Commencement Address (cont.)

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My first reaction — but I didn't say it — was: "Of course. I won, didn't I?" But I knew that was wrong. I had simply assumed that I was being just by taking my client's side and advocating it as vigorously as possible. After all, I was taught in this law school, by some of the teachers who are in this audience, that our legal system is one of advocacy. I was taught that it is a lawyer's ethical responsibility to pursue his client's position through every avenue legally open.

I still believe, more now than ever after almost 15 years of practice, that the proper role of a lawyer is to be a vigorous advocate. But I also believe that it is important — perhaps it is the essence of lawyering — to honor the role justice must play in the system. I do this by asking myself a series of questions. They read like a checklist from Moot Court 1, but they are vital to my practice of law. Incidentally, when you hear these questions, you will think that you knew them before you started law school, and you will think that you know them now. Chances are, you didn't and you don't. Here they are:

Did I personally investigate to see whether the facts alleged in the complaint were true? Did I meet with my client and with the witnesses to see whether their story differed materially from the allegations? Did I verify their version of the facts to see whether their recollection was colored by self-interest? Did I make certain my clients and witnesses weren't actually lying to me? Did I dig out the relevant documents to see if they supported my client's story? If I found that there really wasn't a dispute as to liability, did I let my client know and did I try to settle the case as quickly as possible? Or did I try to string it out, either because my client wanted me to or because I thought I had to put on a good dog and pony show to prove I was a competent attorney?

Did I research the law thoroughly? Did I try to understand the rationale behind the legal decisions, or did I simply regurgitate headnotes from West's Digests or spit out sections of the CPLR? Had I been diligent about discovery? Had I sought to get only the facts I needed to fill in gaps in my case, or had I tried to smother my opponent with a set of interrogatories that could have passed for the Manhattan telephone book?

Had I been fair in **responding** to discovery? Had I turned over damaging documents that had been properly requested or had I buried them in boxcars of irrelevant computer runs? Had I coached my deposition witnesses so that they knew, above all, that they must truthfully answer any question put to them, no matter how uncomfortable the answer may be? Had I made every effort to settle the case short of trial?

Think about the cumulative substance of these questions. Any lawyer who can't answer every one of them with a pretty firm "Yes," is probably not a very good lawyer. It is likely that he is also not a particularly just one. Why? Because he has not been a fair advocate. He has not **let** justice obtain.

Consider this. In every one of those seemingly pedantic questions lies a potential conflict between a lawyer and his client, between an early and reasonable termination of the case and, perhaps, an early and unreasonable termination of the attorney's employment. Those attorneys who followed a monetary beacon into the practice of law will be tempted to make the wrong choice. If they do, then regardless of whether they win or lose the case, they will not have been good lawyers. Nor will they have obtained a just result. Rather, they will have helped to subvert the function of the law from one of the most historically cohesive forces in our society into a meal ticket for personal benefit. They are the stuff from which are made jokes about lawyers as sharks and hired guns.

We started this address with a joke. It was one of dozens that filter through the legal community every year. The punchline in these jokes invariably focuses on the lawyer. The devil always recognizes his disciple, sharks always extend professional courtesy, you can always tell a lawyer's age by adding up his billable hours and dividing by three. The lawyer always emerges as the moral equivalent of a snake.

When was the last time you heard a joke — any joke — where the lawyer emerged as a good guy? Or maybe even as one of the fall guys? There are lots of separate jokes about doctors and businessmen and accountants and clerics. But when there's a comparison to be made, the lawyer always loses.

Reflect for a moment on the premise behind those jokes. The point isn't that lawyers are incompetent or that they're stupid or even that they are inherently evil. The point is that lawyers are immoral, particularly when it comes to money: "A lawyer will do or say anything for money."
pose of law is to provide the medium through which justice may be served. Justice is an elusive quality, particularly for an advocate, but it is there. It is measured by the dignity shown to the rights of the person who has been injured. It is also measured by the respect accorded the rights of the person who has caused the injury. Justice is never measured only — and sometimes not at all — by dollars.

If the purpose of law is to serve justice, then it is the obligation of lawyers to let that happen. I did not say that it is a lawyer's obligation to **make** it happen. Let the system take care of that. That's what it's for. It is the lawyer's obligation to **let** it happen. The distinction is important, and it goes directly to the attitude that we were discussing just a moment ago. Let me illustrate the distinction for you.

After I graduated from this law school, I was lucky enough to win my first trial. I could hardly wait to tell a close friend, who was an experienced trial attorney, about my success. He listened patiently until I was finished. Then he gave me a quizzical look and said, "Well, that's all well and good. But was justice served?"

I didn't know what to say. How do you answer a question like that?

How can you, who are just entering this profession, address this problem? Try this. It's hard at first, but it gets easier. Strive to be successful short of winning your case in court. Measure your success by the amount of time you *don't* have to spend on a case. Dare to confront your client with the fact that he's going to have to compromise. One of the toughest tasks you will have as an attorney is to explain to your client that he is wrong. You will be surprised how much courage it takes to advance your client's interest to the fullest, to discover that his case has balanced out on the low end of the scales, and to confront him with it.

Many of your clients, perhaps majority of them, will not accept this gracefully. Some will urge you to fight on with nothing more than a wisp of evidence to support your position. Others will treat you like the Greek messenger who, having brought news of the army's defeat to the king, was put to death. Your client will simply replace you. To an attorney, being relieved from a case is among the worst forms of character assassination. But, if you prepare your facts and law diligently, and if you make an even-handed presentation of them to your client, I bet he'll respect you for it. He's not going to love you, but he will respect you. You are then on your way to becoming a good lawyer. If you continue to do this, you will soon cease to be an advocate for your client and will become his legal advisor. When this happens, then you are on your way to becoming a success.

On the other hand, the small day-to-day decisions you must constantly make will tempt you to take a different course—and this goes directly to the questions we mentioned a moment ago. You will be given countless opportunities to file meritless complaints, to stonewall discovery requests, to file frivolous motions, and to block legitimate settlement efforts, all with the knowledge that whatever else your decision might do for the case, it will protract the life of the lawsuit and probably result in greater personal remuneration for you, the lawyer. Think about this when you are asked to file a lawsuit because someone's pride has been injured, but you know there is no reasonable legal avenue open for redress. Think about it when you are evaluating the amount of money your client will seek in his complaint. Resist the temptation to reach a damages figure and then to square it. Think about it when you have an opportunity to settle a case early on a fair and equitable basis. This is a particularly sore point with me.

In my experience, and particularly in view of the increasingly high cost of pursuing lawsuits, more and more parties are willing to reach a reasonable settlement at the outset of a fair case in order to avoid incuring unnecessary legal fees. More often than I care to relate, however, I have seen such settlements refused. I think it is often the lawyers who are responsible for these decisions.

Frequently—and I would say in the majority of cases—I have seen these cases settle after two or three years for substantially what was offered in the first place. The major difference is that both parties have expended lots of money, lots of time, and suffered lots of inconvenience all of which could have been avoided. Most of the money of course, has been spent in the form of legal fees. The attorneys have become the primary beneficiaries of the dispute. The parties have received little or no real benefit that could have not been achieved in the first instance. The just practice of law has suffered a little bit more, and the hired guns have won another round.

When you chose to become a lawyer, you assumed a special responsibility, not only to yourself, but—and I truly believe this—to the Nation as well. Law is not an isolated business, no matter how large or small your individual practice. What I do in California will, in some form, touch what you do in New York. To be a good lawyer requires not only intelligence, which all of you have demonstrated by reaching these ceremonies, but also integrity, which you must exercise, hard work, which you must give, and the will to be just, which yu must use. Justice does not come easily, and it is frequently much less lucative than the many alternatives which will be open to you. If you choose to practice law in a way that is just, however, you will, over the course of years, develop a personal legacy which cannot be matched, regardless of the income you get from it. Don't look at your law degree as a ticket to wealth. Look at it as an opportunity to build your character upon an historic basis that has no equal in this country.

My grandfather was a lawyer. For 16 years he served as Chief Justice of the United States. When he was confirmed to the Supreme Court in 1953, he sold the few issues of stock he had accumulated over the years. I doubt that the value of those stocks was more than $10,000. He did so, he said later, because he knew that many of the companies in which he held stock would come before the Court, and he would necessarily render decisions that could affect the market price of the shares. He said it would be unethical for him to vote in any case where he might personally profit, even though the benefit would be just a few dollars.

When he left the Court, he apologized to my father, who is his son, and to his other children. He had no regrets about devoting his life to public service, but he was sad that this life had left him relatively poor and with nothing of substance for his children to inherit. Let me suggest that the type of legacy he achieved through the practice of law—and, while he was a highly controversial participant in that practice, I have never heard his integrity seriously challenged—embodied the essence of what each of you should seek as you put to work the tools you have learned at this school. You owe it to your profession, but most or all, you owe it to yourselves as attorneys. Be as vigorous and hardworking an advocate as you possibly can, but don't forget that your primary responsibility is to practice law well, and always to be just in the doing of it.

Thank you.

Next and Last Conscience Deadline for Year Thursday, April 11

Look For Guilty Conscience Next Week

COMMUNITY FORUM

Governments Operating Deficits And The Foreign Investor

by Bob Grossman

A major concern that has been expressed recently about the accumulating U.S. Government operating deficits is related to the fact that they are funded in part by foreign investors. This apparent dependence is seen as a very bad or dangerous thing, especially when the spectre of a sudden cashing-in is considered.

This is most disconcerting if it is believed to be true, since it surely makes us appear vulnerable, albeit in some undefined or vague way. And the consequences of such a dumping of U.S. debt are speculated to include higher interest rates, a lower value for the dollar, a slowing economy and possible recession (all hypothesized, for example, in "Reagan's High Risk Growth Game" by Leonard Silk writing for *The New York Times*, Section F, Page 1, Sunday, February 10, 1985).

But is it true? Are these the inevitable results of the deficits, or mere possibilities, or not really likely from the present set of circumstances at all? And are we more economically vulnerable to other countries because of our deficits?

1. *Higher Interest Rates.* Interest is a function of both free market forces and government intervention. As the price for the use of money, the interest rate will change primarily with investment demand, transaction demand and expectations. This is simply supply and demand in a free market.

But things also change where the government intervenes. The government can and does affect interest rates by several means, including changing the amount of money in circulation both physically and through open market operations (issuing and redeeming its own debt instruments), changing credit and reserve requirements of member banks and simply announcing (or leaking) information about its intentions.

There are typically several different goals of intervention that simultaneously enter the decisions of the government planners responsible for monetary policy. For example, there may be a desire to increase or decrease activity in credit sensitive areas of the economy, to change economic activity in general (even though monetary policy is less effective than fiscal policy for this goal), to fund deficit (or interim) operations of government or to affect the value of the currency.

It is asserted that foreign investors will stop investing in our debt instruments at some point. (Silk says that this will happen when their balance sheet limits for investments in this country are reached. Of course, if we keep spending, lending and giving abroad then their stock of dollars will continue to grow. Perhaps they will find another use for them.) But this suggests that our debt will have become no longer as good an investment as it had been previously.

Yet the combination of factors that make debt attractive to a lender include great likelihood of repayment as scheduled, high interest rate, political stability and valuable currency. And since these qualities are most abundant, and most abundantly combined, here (as opposed to any other country), our debt instruments should continue to remain strong on world markets.

But even assuming that a reason could be found for some foreign investors to wish to sell U.S. debt instruments, in numbers sufficient to drive down the price of such instruments (such as to increase yields, which change inversely with prices), this would merely cause interest rates to rise. Assuming that everything else remains the same (ceteris parabus) and that all foreign investors do not act in concert, then it is most likely that while some investors may change their positions, others will be enticed by the very rise in the interest rates that the sellers have created. And the buyers' absorption of the supply will itself have a moderating effect on interest rates.

If high interest rates are seen as a danger, the place to look is to the Federal Reserve, which has been acting to keep rates from dropping too much. They say that they fear that easy credit will bring about inflation in a super-heated economy.

And the prognosis? It is that we should be able to continue this way, at deficits, until our total spending increases beyond our capacity to produce, which is inflation by definition. When this happens, as prices and interest rates start to increase with inflation, we should reduce pressure and the accumulated deficits by operating our national government at a surplus (ask someone old enough to remember). Taxes will increase as incomes rise, which will help, and we especially should be able to cut government spending.

(Historically, the rationale for deficit spending was that during a recession or depression, especially *the Depression*, when total spending fell far short of full-employment capacity, the difference, the recessionary gap, could be and indeed should be, made up by increased government spending, even if that created a deficit. But the converse, that government spending should be correspondingly reduced when the economic activity increases and total spending exceeds full-employment capacity, which was the other side of the same theoretical coin, has eluded our politicians for these many decades.)

Even if we do not cure ourselves, we probably are too strong to suffer much internationally. So what if we are resented for using our power flagrantly and irresponsibly? So what if we are not the gentle giant, and our friends are offended? So what if we beggar our neighbor?

There are other real effects of not acting responsibly, though primarily domestic in the dislocations caused by inflation. We are that much stronger if we take care of these problems, and, perhaps most importantly, it is what we ought to do.

However, inflation is a function of spending in excess of full-employment capacity, and high interest rates tend to bring dollars back in from abroad that then act to lower in-

Continued on page 11

COMMUNITY FORUM

Governments Operating Deficits And The Foreign Investor

continued from page 9

terest rates, which dollars and lowering can fuel a new round of higher spending and increased economic activity are desirable. As now, when there is excess, unused capacity, in which case inflation will not follow. (We are lucky that we have been operating below full-employment capacity, or we would probably now be having a new round of inflation.)

But if the purpose of keeping interest rates high, by the Federal Reserve, is to keep the value of the dollar high in relation to other currencies, to keep dollars in demand with foreign investors who then use them to lend to us, then the high rates have served us well. Although they have created some dislocations domestically, in housing, autos and other credit sensitive industries, these are now recovering. And for that we have been able to buy foreign goods at bargain prices.

Finally, if you are a lender, if you have any savings or bonds or other debt instruments at all, you have benefitted by the higher rates as well.

2. *A Lower Value for the Dollar*. The value of the dollar is primarily important in international transactions. The Federal Reserve, through its monetary policy, which includes changes in interest rates and the money supply, provides the primary internal influence on the value of the dollar. This is simply a reflection of foreign demand for dollars. High interest rates here tend to stimulate high demand for dollars, and therefore high value relative to other currencies.

To the extent that we buy things from other countries, we benefit from a strong dollar relative to the other currencies, because we buy from foreign sellers in their own currencies and a stronger dollar will buy more units of their currency than a weaker dollar. Therefore a stronger dollar will buy more of their goods than a weaker dollar (This assumes, of course, that the foreign producer will not be able to raise his prices to compensate because of the negative impact that such an increase would have in his domestic or other market areas.)

However, there are potential problems here. To the extent that we are buying things abroad that are also produced here, a stronger dollar will act against domestic producers of the same goods. In effect, a dollar that is increasing in value acts to discount the foreign made good. As a result, domestic producers and the anxillary industries that rely on them may suffer to the extent that they are unwilling or unable to compete.

So the idea that a stronger dollar is better per se really sounds like chauvinistic excess in the face of the real, practical importance of low as well as high value, which depends on your perspective, whether producer or buyer. But there is a real argument which favors a more valuable, rather than less valuable, dollar.

If you (as a central planner) decide that you are not going to try to protect your less competitive industries and instead use the strength of your industries in which your world market position is uniquely strong, then the need to keep the dollar weaker, or to moderate its strength, is obviated.

For example, if you are trying to protect the auto industry, which has numerous foreign competitors, working this protection through the value of the dollar (keeping it lower so as not to give your consumers the buying advantage that will in effect discount foreign made cars) will negatively affect all buyers of not only cars, but also anything else made abroad. At the same time, all suppliers of factors of production for domestics automobiles, labor, materials, parts, etc., will have a benefit that comes from not having to compete so sharply in a world market, at the expense or domestic consumers.

In effect, your producer or worker will be able to charge more for his output than a free world market would require. That is one outcome of government intervention to keep the value of the dollar lower rather than higher, an advantage to one sector at the expense of another.

Bear in mind, though, that the lower value may be an effect of low interest rates (low relative to other debt offerings of other countries, together with the other factors for evaluation), so that an effort to keep interest rates low can also act to allow domestic auto manufacturers to be less efficient than their foreign counterparts by creating the weaker dollar which takes away buyers' overseas advantage. This analysis is equally valid for all industries that have competitors abroad.

But an alternative is to let domestic industries compete, to the benefit of consumers. Some industries would do very well, such as computer software, computer hardware technology, bio-medical technology, finance and others that are presently very strong and/or uniquely ours at this time. And the less competitive industries with foreign counterparts would have to become more efficient or eventually go under as part of the process of competing to produce what consumers want at the lowest possible price. Less protected industries but more responsive in an increasingly global market.

3. *A Slowing Economy*. Will a lowered value of the dollar produce a slowing economy? Since the value of the dollar has little effect on purchases of domestically produced goods bought by domestic consumers (especially in the short run), slowing should not be expected to come from them. In fact, the opposite should be true, especially to the extent that the lower value of the dollar would reflect a lower interest rate, meaning that borrowing for purchases on credit would be easier that consumer demand could increase.

What about from shrinking foreign purchases? Just the opposite. If the value of the dollar falls, then our goods should become more attractive to foreign purchasers, who will have the benefit of the increased buying power of their currency relative to ours. Actually, there should be an increase in demand from foreign buyers, while we reduce foreign purchases as a result of our shrinking exchange rate advantage.

Not that the effects would be all good, however. Domestic buyers of goods from abroad would have to pay more for them, and this could inhibit certain industries. But in a diversified economy, it appears impossible for everyone to be happy all of the time. There are cyclic and other factors that are beyond control to which domestic producers must react.

And these create opportunity as well as adversity, as any good commodity trader or short seller will attest. We have been extraordinarily successful as a productive nation, and with our background of wealth and experience, our headstart, there is a little reason to expect that we should not continue to do as well with the new opportunities.

4. *Possible Recession*. Silk said that the nation would be thrown into a recession as a result of foreign investors suddenly stopping the flow of dollars back to the U.S. for debt instruments. Yet we know that money from all over the world is flowing into the U.S. not only because of the strong economic condition and high interest rates, but especially because of our stable political structure.

Money is not only coming *to* us because of our strength, but also flowing *from* other countries ahead of socialistic and other political changes. So that there is an emotional element in the inflow as well as a purely numerical basis, which translates to a willingness of foreign investors to wait years longer for cash flow return from an investment than a domestic investor might, while giving a bonus to domestic sellers of investments. Many foreign investors now have a stake in our continued economic well-being. They may be both unable and unwilling to disinvest here.

But if foreign investors did stop serving as creditors to us, would we suffer recession as a result? Recession can be defined as spending below our capacity to produce, or below our full-employment capacity. But for the reasons discussed above under "interest rates" and "slowing economy," just the opposite should be expected from the results of such a diminishing of credit.

For we are really not relying on foreign investors to supply our spending needs. We are doing that for ourselves by covering our deficits with an increasing money supply and increasing debt, which we make attractive to investors by our soundness, reliability, stability and interest rate. It's just that we are so strong in the world that we have been able to do it with impunity, as least so far.

Letters

continued from page 5

catalog. Students of course seek help everywhere—-from other students, professors, lawyers, friends, even Ann Landers—-but the course selection process is often hit-or-miss. On one occasion, in fact, as chance conversation with a classmate at the eleventh hour saved me from the academic equivalent of a fate worse than death: Signing up for a certain course that was suitable for masochists only. (Naturally, this colorful description was not included in the catalog.)

As lawyers, we would be foolish to make decisions without using all available knowledge. As students, should we be required to do so with respect to our education?

As student-customers, we have purchased an expensive and complex product that requires fine tuning to each of our individual needs along with specialized instructions for its use if we are to obtain the benefits we've paid for.

With respect to course selection, therefore, I suggest that students be given the opportunity to consult with a trained advisor and with individual professors at times allocated for this purpose. We should also have access to textbooks, final exams, and course outlines of each course offered. Finally, those teacher evaluation forms that we fill out, but never see again, should also be made available. We need all the help we can get in making these very important decisions.

Indeed, it would be even more helpful if students had a designated place to seek guidance on all academic and career problems. A fellow student has put it this way:

"We need a permanent advisory program with a permanent staff and regular office hours. Students should be able to get authoritative and unbiased information on course selection and related matters when they are confused about the direction of their careers. Too often professors are loathe to serve as advisors, are not adequately prepared to provide counseling, or have their own mind sets, which can result in advice that is either not helpful or downright misleading."

This function of counseling (or "guidance," or "advising") is too important to be left to chance. It should be organized and vigorously executed, so that each student may receive the most effective education the school can provide for his particular needs.

Jack Foster 3L

Goode To Speak At Graduation

continued from page 1

Philadelphia. Schmertz said that Philadelphia is a section of the country we are drawing students from and his selection as the graduation speaker will aid in the process. Schmertz also believes Goode would be approved for an honorary degree by the Board of Trustees, a prerequisite in the selection of every speaker. Schmertz added as the cities go, the country goes. If the cities fail... we are in deep trouble. Goode has responded impressively to what should be done in a large urban area. [He] represents a leader in what I characterize as the salvation of this country. In a larger sociopolitical sense he will have greater impact on the success or failure of this country [and he] should have an audience for his views outside his own city.

A few members of the student committee expressed concern about what the Dean would do if they ultimately found Goode unacceptable. The Dean responded by saying that he retains the authority to make the decision. The student committee does not have the authority to veto that decision. "I have tried harder than any of my predecessors [to accommodate the students by soliciting suggestions from the Student Advisery Committee]. Schmertz explained that before he became Dean the selection of the speaker "was a matter for a unilateral discretionary decision by the Dean." "[I am] interested in receiving names of persons you [the students] would like to see: I try to select persons from that list that meets the needs and standards of the school....[But] if the [student committee] insists on a veto we might as well disband the process. If you tell me why Mayor Goode is not acceptable, I'll take that into consideration. I will entertain your suggestions, if they are rational." The Student Advisery Committee is however expected to approve in extending an invitation to Mayor Goode.

Update: After this article went to press, SGA President Jim Black announced that Dean Schmertz has agreed to a revamped graduation speaker selection process. Black said that in the future, the Dean will be working more closely with the students to arrive at an acceptable graduation speaker. A graduation speaker committee will be composed of the Dean and five to seven third year students who will work together on every aspect of graduation. The student members of the committee are expected to be appointed by next year's SGA President. The students will no longer submit a separate advisory list of possible speakers to the Dean, as they did this year, but will be working with the Dean in the hope of coming to a consensus.

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PIEPER'S PROOF IS PERFORMANCE

ELS To DC For ALI-ABA

by Carl Howard

On Wednesday, February 13, Barry Cohen, Gary Jonesi, Fran Cohen, and Carl Howard, drove to Washington D.C. to attend the ALI-ABA (American Law Institute, American Bar Association) Environmental Law Conference. The conference was co-sponsored by the Environmental Law Institute (which proved it can throw a great party), and the Smithsonian Institution. Last year only two ELS members were able to attend, but thanks to the efforts of Dean Schmertz, two extra scholarships were available this year.

The conference lasted three days, Feb. 14 through Feb. 16, and covered many of the major Federal environmental acts including: the handling, transportation and disposal of hazardous and toxic substances (RCRA, CERCLA, and TOSCA), The Clean Air Act, The Clean Water Act, the National Environmental Policy Act (including state, or "little" NEPAs), as well as citizen suits and finally, Regulatory Negotiation. Each topic was allotted two hours during which time four to five leading experts in the area would discuss recent cases and new developments, and then answer questions submitted in writing by the audience. The panelists were selected from a broad spectrum of disciplines, including prestigeous law firms, numerous federal government departments, environmental groups, law schools, publishing houses, and the federal courts.

The audience numbered approximately 500, and it too contained a very diverse crowd. There were attorneys from virtually every state, and it was not surprising to see attorneys representing the large industries and corporations which are quite concerned about the tough new laws imposing multi-million dollar liabilities for acts done long ago. At a (wild) reception given by the Environmental Law Institute, I met attorneys from small real estate firms who flew across the country to learn more about landowner successor liability — an issue which arises all too frequently when an innocent purchaser subsequently discovers illegally disposed hazardous waste on his/her property. Also in attendance were law students from all over the East Coast, a few from Colorado, and numerous other states. ELS made valuable contacts with similar groups from Villanova, Colorado, Columbia, and other law schools.

Due to the informal atmosphere of the conference, it was easy to approach the panelists during breaks and pursue areas of personal interest. Barry was able to obtain useful information and contacts for the upcoming ELS Symposium on Indoor Air Pollution, which will be held at Hofstra on March 27, at 6:00 p.m., in room 308.

I imagine attending this conference is similar to a bar-review course; the amount of information coming at the audience was tremendous. The speakers assumed that the audience was up-to-date on the material and focused primarily on new directions and trends in the law. Each speaker had prepared a paper (or at least an outline), which was compiled in one bound volume of 657 pages.

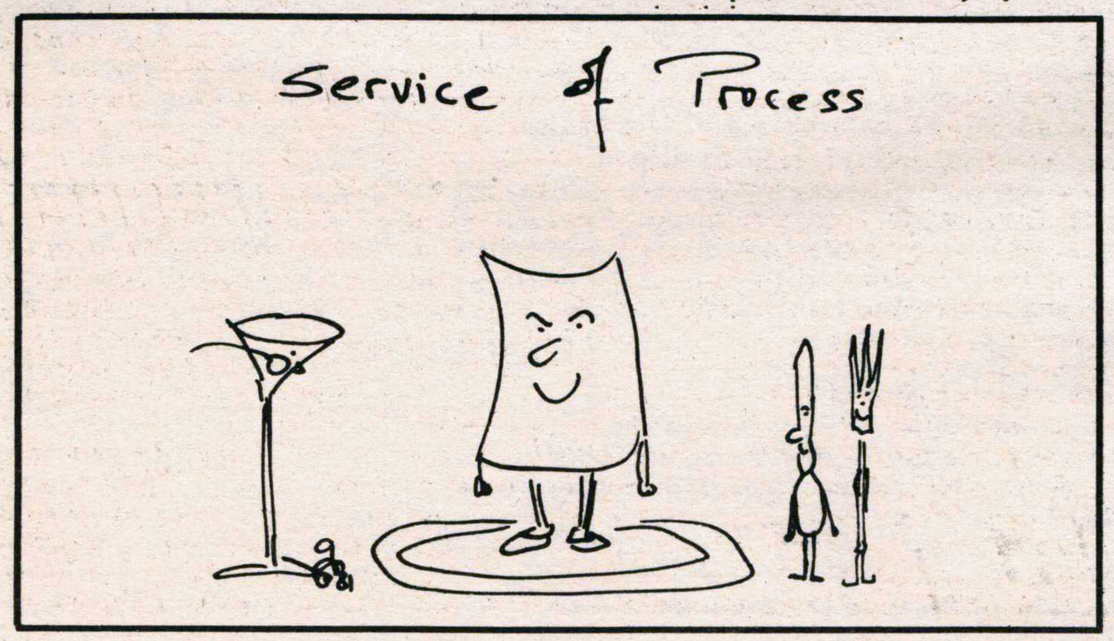
The wealth of information contained in this volume, the opportunity to meet and make contacts with students sharing similar interests and goals, and the easy access to leaders in a field that is rapidly expanding into numerous other areas of the law (real estate, bankruptcy, corporations, etc.) made the journey well worth the effort. More specifically, Barry (presently interning with the New York State Attorney General's Office), Gary (interning with New York City, Department of Environmental Protection, and I (interning with the Federal Environmental Protection Agency), was each able to learn about new amendments and developments affecting on-going cases at each of our respective offices.

Earlier in the semester, ELS members Carl Howard and Gary Jonesi attended the Practising Law Institute's seminar entitled, "Preparation and Trial of a Complex Toxic Chemical or Hazardous Waste Case." The seminar was held at Manhattan's Doral Inn and was chaired by noted attorneys Sheila Birnbaum of Skadden, Arps, Slate, Meagher & Flom, and Richard Phelan of Chicago's Phelan, Pope & John.

The panel included Stanley Chesley, a plaintiff's attorney who has been closely involved in the Agent Orange and Bendectin lawsuits, as well as the current efforts to compensate victims of the Union Carbide gas leak in Bhopal, India. Chesley spoke in some detail about novel settlement strategies but, despite his presence on the panel, the conference was distinctly defendant-oriented. Issues of insurance coverage, incuding the applicability of pollution exclusion clauses in comprehensive general liability policies, were very thoroughly addressed.

"Overall, the presentations were very useful," said Jonesi, "but I was somewhat disturbed at their one-sidedness. When Phelan stated outright that PCBs are not harmful and few audience members batted an eye, I started to cringe in my seat." When asked by Jonesi for a response to Phelan's assertion, panelist Arthur Frank, M.D., Chairman of the University of Kentucky Department of Preventative Medicine and Environmental Health, skirted the issue by noting that the scientific evidence is "inconclusive."

Future conferences: Coming up on May 9th, the American Chemical Society will sponsor a symposium on "Resource Recovery" at Hofstra University. For further information, see the notice on the ELS Board.



IPIJ Corner

All staff and Board Members: Please read this column carefully!

There are two important IPIJ functions upcoming. On Thursday evening March 21, at 6:00 p.m., we will be holding elections for next year's editorial positions. We urge all of our staff members to consider running for one of the following positions: Editor-In-Chief, Managing Editor of Articles, Managing Editor of Staff, Business Manager, Articles Editor (3), Research Editor (3), Notes and Comments Editor (4). Attendance at the elections is *mandatory* for all staff members, associate editors and board members.

Again this year, the International Property Investment Journal is holding its Annual Dinner. The Nassau County Bar Association will be the site for the dinner on Thursday evening April 11, 1985 at 7:00 p.m. Festivities begin with a cocktail hour at 7:00, followed by dinner and speeches by our outgoing Editor-In-Chief, our incoming Editor-In-Chief and our Honored guest speaker. A live band will be performing from 7:00-11:00 p.m.

If there are any questions concerning the elections, the dinner or any other IPIJ matter, please talk to Alan, Emery, Robin or any other IPIJ member who is available.

We look forward to seeing you on Thursday March 21 and Thursday April 11, 1985.

FILM CLIPS

Woody Allen's Latest Achievement

By Joel Shafferman

With his latest film, "The Purple Rose of Cairo", Director Woody Allen has added yet another chapter to a career that has brought everything from guffaws, sly chuckles, Wide-eyed grins and tears of pleasure and sadness to his audiences' faces. Throughout the various periods in his brilliant career, Mr. Allen has displayed an uncanny ability to come up with a purely original idea and then create a finished product that executes the concept flawlessly on the screen. "The Purple Rose of Cairo" is no exception.

The film takes place during the depressed 30's and centers around the plight of Cecilia (Mia Farrow), a poor soul who is slaving as a waitress at a local greasy spoon diner in order to support herself and her lazy abusive husband (Danny Aiello). The only ray of light in Cecilia's otherwise dark life is the sacred time that she spends in the local movie theater watching the escapist romance movies of the period. One day, after getting fired from her job, she rushes to the sanctuary of the theater to see the current attraction, which is titled "The Purple Rose of Cairo", for the fifth time. In the middle of the picture, one of the film's characters; poet, explorer and adventurer Tom Baxter steps off the screen and into the theater to declare his love for Cecilia. Without giving away any more of the story, I'll just say that what follows is at times hilarious, poignant and enchanting.

"The Purple Rose of Cairo" is the rare kind of film that leaves its viewers either teary eyed, smiling or just plain stunned. This film is in my mind a celebration and santification of the movies as a place where one can go to escape reality. But also, I believe that through this film, Woody Allen is trying to tell us that it is really a blessing that we live in the real world rather than the real fantasy world because the challenges and surprises

that face everyone of us is what makes our existence more worthwhile than the film's alternative of living a life where each of us would be fated to having the same corny monotous happy ending.

FILM PICKS

While I would urge everyone to make "The Purple Rose of Cairo" the next that they see, there are some other outstanding pictures that are presently playing around the New York area. If anyone has grown to value my opinion, than I'd recommend the following films! "Witness" which is directed by Peter Weir and stars Harrison Ford in the most accomplished role he's played to date, "The Falcon and The Snowman" which stars Sean Penn and Timothy Hutton and Rob (Meathead) Reiner's 2nd successful directorial effort, "The Sure Thing."

While I realize that the Academy Awards are really nothing more than a demonstration of certain people's sense of politics and self-indulgence, I'll take the liberty just this once to indulge myself and give you my

Personal Oscar Picks

Best Picture: AMADEUS
Best Actor: TOM HULCE (Amadeus)
Best Actress: SISSY SPACEK (The River)
Best Supporting Actress: Peggy Ashcroft (A Passage to India)
Best Supporting Actor: Adolphe Caesar (A Soldier's Story)

Opening Ceremonies — Thursday, March 28, 10 a.m.-12 noon
Student Center Theater

James Shuart
Paul Harper
Joseph Astman
McGeorge Bundy
William Johnson
Thomas Cronin

Foreign Policy — Thursday, 1-2:30 p.m.
Kenneth Thompson
Robert Cuervo
Joan Smyth Iverson

Economic Policy — Thursday, 1-2:30 p.m.
M. Mark Amen
Herb Gebelein
Ronald King
Philip Simpson

Foreign Policy: India, The Middle East, The Pacific — Thursday, 2:45-4:15 p.m.
Srinivas Chary
Douglas Little
Timothy Maga

Interaction in Washington — Thursday, 2:45-4:15 p.m.
Monte Poen
James Crown
John Hart
William Shaffer

Legal Initiatives of the Kennedy Administration — Thursday, 4:30-6 p.m.
Hofstra University Cultural Center Library, first floor
Burton Agata
Linda Champlin
James Hickey
Lawrence Joseph
John Regan

Staff Recollections — Thursday, 7:30 p.m.
McGeorge Bundy
Walter Heller
David Powers
Arthur Schlesinger, Jr.
Theodore Sorensen

Disarmament and the Nuclear Test Ban Treaty — Friday, March 29, 9-10:30 a.m.
Philip Briggs
Bernard Firestone
Marcus Raskin

Kennedy and Europe — Friday, 10:45-12:15 p.m.
D. Cameron Watt
A. Paul Kubricht
Frank Costigliola

Issues at Home — Friday, 10:45-12:15 p.m.
Blanche Linden-Ward
Teddy Lisle
Vladimar Pechatrov
Judith Sealander

Science and Space — Friday, 1:45-3:30 p.m.
Jerome Wiesner
Lewis Branscomb
Carl Kaysen
Emanuel Piore
Isidor Rabi
James Van Allen

Civil Rights
Charles Hamilton
Jon Lewis
Burke Marshall
James Meredith
Robert Weaver
Harris Wofford

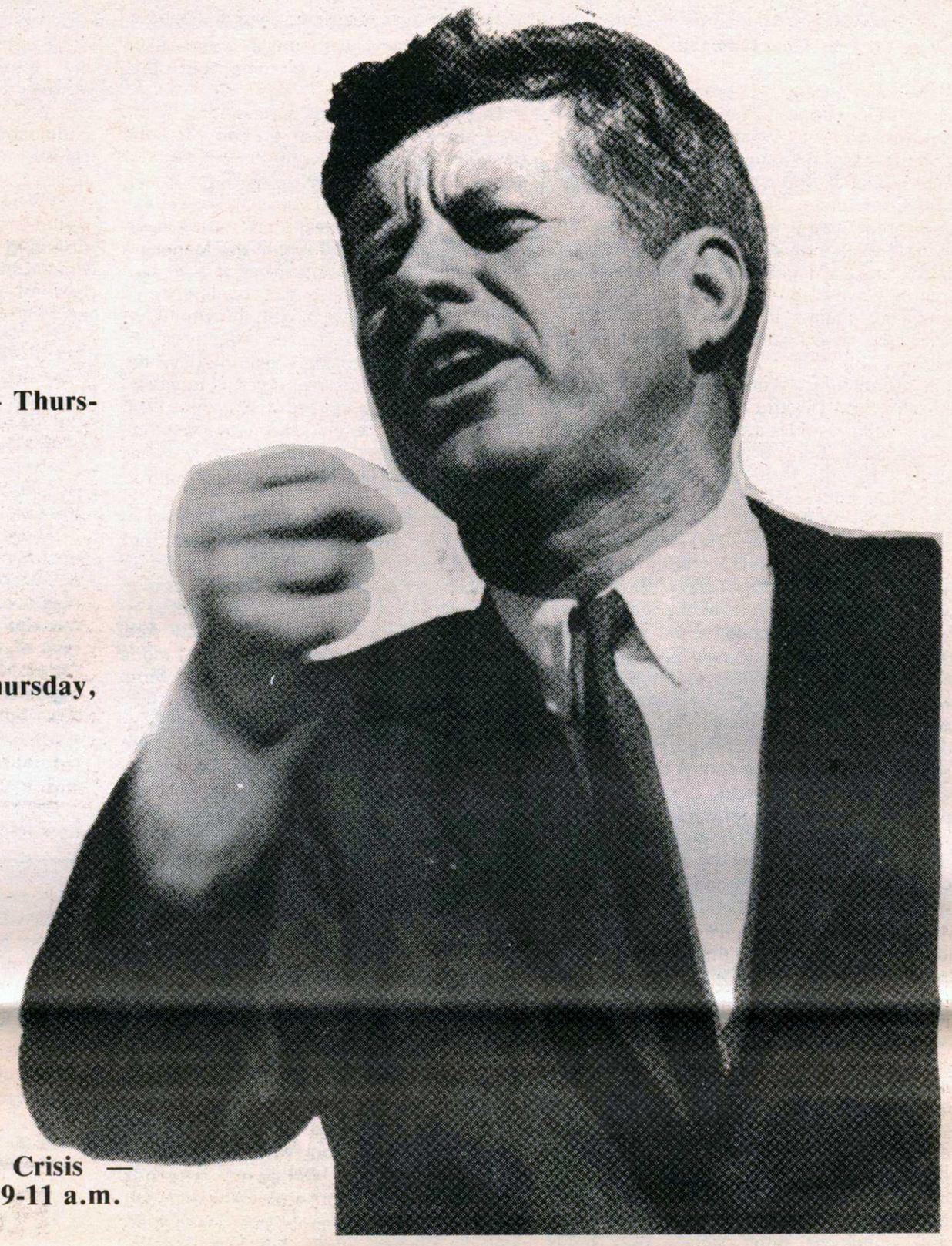
The Cuban Missile Crisis — Saturday, March 30, 9-11 a.m.
Lester Brune
Barton Bernstein
Thomas Paterson
Michael Riccards

JFK: Building the Image — Saturday, 11-12:30 p.m.
Paul Erickson
Montague Kern
Ralph Levering
Mary Ann Watson

Presidential Biographers — Saturday, 1-2:45 p.m.
William Manchester
Bruce Miroff
Herbert Parmet

Intimate Look at JFK — Saturday, 2:45-3:30 p.m.
Burton Berinsky
Allan Goodrich
Stanley Tretick

John F. Kennedy and the Media — Saturday, 3:30-5:30 p.m.
John Seigenthaler
Simeon Booker
Henry Brandon
Sarah McClendon
Mary McGrory
Pierre Salinger
Sander Vanocur



Senator Edward Kennedy will address the conference at 12:30 p.m., Friday, March 29 in the Physical Fitness Center.

All events are held in Dining Room ABC Student Center unless otherwise indicated.
Hofstra U. students admitted Free

John F. Kennedy
The New Frontier

FOURTH ANNUAL PRESIDENTIAL CONFERENCE
THURSDAY, FRIDAY, SATURDAY
MARCH 28, 29, 30, 1985

HOFSTRA UNIVERSITY
HEMPSTEAD, NEW YORK 11550

SPORTS

Meet The Mangos

By Steve Moll

When we last left our heroes, the intramural hockey season here at Hofstra was about to begin. I am happy to report that your Hofstra Law School Mangoheads have thus far compiled a perfect record of 4 wins and no losses. With only one regular season game remaining, (March 11 at 7 p.m.) it looks like the Mangos will be going to the playoffs for the third year in a row.

The Mangoheads have defeated: The Gamecocks 7-1, the Speds 5-0, the Chiefs (another law school team) 4-1, and the Dolphins 4-0. Goaltending sensation Keith "Mr. Clutch" Weidman has performed spectacularly in the net, allowing only 2 goals in 4 games. These games have all attracted a substanial number of vocal fans from the law school.

Despite the team's success this year, the low-key and humble nature of the team's players has given rise to great speculation as to the team's personal history. Diane "We're not in Kansas anymore" Inbody, head of the Mangohead Fan Club and member of the Mangoettes cheering squad, has reported numerous requests for more information about the Mangohead players. Therefore, without further ado, let's meet the Mangos.

Captain Mike "Mikey" Ambrosino is a veteran ice hockey player who, according to his parents, learned to skate before he learned to walk. Mikey currently resides in the sleepy little fishing hamlet of Port Washington. Mikey is an ardent nature lover who can often be found feeding the ducks at one of Port Washington's many ponds.

Steve "Stormin'" Norman — despite the fact that he grew up on a small farm in Pennsylvania, Steve is one of the most popular players on the team. In his youth, after performing his daily chores, Steve practiced and has since developed a booming and much-feared slap-shot. In his spare time, Steve enjoys gardening.

Lou "Captain Lou" Ruggiero is a finesse player — always there with the perfect pass. His unselfish attitude is evident in the number of assists he has racked up this year. Lou is fluent in four languages, not counting English and loves to travel. He recently returned from a trip to France, where he was the Last Mango in Paris.

Dave "Dr. Mango" Rabbino has made quite a reputation for himself around the league due to his famous backhand slap shot. Dave also enjoys basketball and is considered an expert on the ski slopes.

On defense, Steve "Swandive" Moll delights the fans at every turn, with his solid blocking and floor antics, which some liken to "gatoring". Few people know that Steve is a talented songwriter, whose unsung hits include "My Name is Herbie (Ya Ya Ya Ya Ya) and "The Ichabod Crane Song".

Keith "Mr. Clutch" Weidman is the key to the Mango's success this year. As the fans say, "as Weidman goes, so go the Mangos" and its true. Keith's excellence as a goalie began when he formed an ice hockey team at C.W. Post. Thus far Keith has posted two shutouts this year.

"Call Me Irresponsi-" Bill Condon or "Chilly Willy" to his friends is easily the hardest working Mango in the bunch. This hard work paid off when he won the Most Valued Asset award two weeks in a row. This award is bestowed each week by noted asset watcher and leader of the Mangoettes cheering squad, "Brooklyn" Lori Barenkopf.

Curt "Butter" Rubin or "Otis" to both friend and foe alike is known for his aggressive play and has become the team's enforcer. Easily the most popular Mangohead with the fans, Otis lives in Point Lookout and is an accomplished Cellist.

Howie "the Canon" Lipper also possesses an amazing slap-shot which he often unleashes from the point position much to the dismay of the opposing goaltender. An avowed vegetarian, Howie skips the team's traditional pre-game dinners, but from all accounts makes a mean Tofu Surprise.

Barry "Kamikaze" Cohen plays like a man possessed. Though officially listed as a defensemen in the program, Barry roams the entire length of the floor with abandon. When not playing hockey, Barry has his hands full with the Environmental Law Society and with his interest in Mexican cuisine.

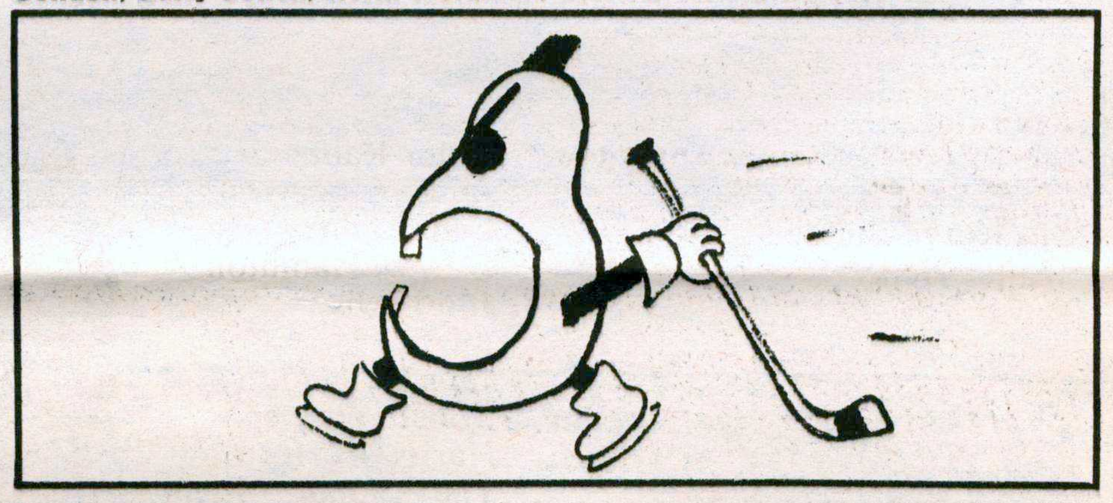
Steve "the Rocket" Brocket, or "Biff" to his pals, is a newcomer to the Mangohead fold, although he plays like a three year veteran. Biff has vowed to carry on the Mangohead tradition next year. Steve hails from upstate New York and is a bull-goose loony fan of the Amazin' New York Mets.

Denis "Larry" O'Leary, another newcomer to the team arrived with much fanfare. O'Leary has more than lived up to the expectations of his fellow Mangoheads. Denis attributes his interest in the Mangoheads to the fact that his idol, Scott Scher, once played for the team.

Jeff "Mr. Hustle" Korek is also a newcomer to the team. His outstanding play on another team last year caught the eye of Mangohead Captain "Mikey" Ambrosino who promptly recruited him. Since joining the Mangos, Jeff's selfless hustle has created numerous scoring opportunities. Jeff also enjoys tennis and water polo.

There you have it. A brief introduction to your own Hofstra Law School Mangoheads. Stay tuned to this column for the results of the March 11th game and further playoff information.

Standing l. to r.: Steve Norman, Dave Rabbino, Mike Ambrosimo, Steve Moll, Denis O'Leary, Jeff Koreb, Lou Ruggiero, Howie Lipper. Kneeling l. to r.: Bill Condon, Barry Cohen, Keith Weidman, Steve Brockett, Curt Rubin.



Redmen Save The Scene

By Roy Mirro

I am writing this article in the last week of February. I state this because sports fans know that this is the hibernation state, the lull in the sporting world when golf, downhill skiing, the Superstars' competition, and the Battle of the Network Stars mesmerizes the nation. The hibernation begins after the Superbowl and lasts until spring training or until the NCAA, NHL, and NBA playoffs get under way. The causes for this dormant state are that the regular seasons of the NHL and NBA are insignificant since practically every team makes the playoffs. The regular seasons have been especially insignificant this winter; the Rangers have been decimated by injuries; the Islanders are no longer championship caliber; the Knicks, well, they stink; and the Nets and the Devils are from New Jersey. Then, there is the USFL. Does anybody really watch the USFL? Can anybody name all 14 teams? (For the knowledgeable USFL fan: name at least 1 player on each team.) All that is left is the Redmen of St. John's and thank goodness for them.

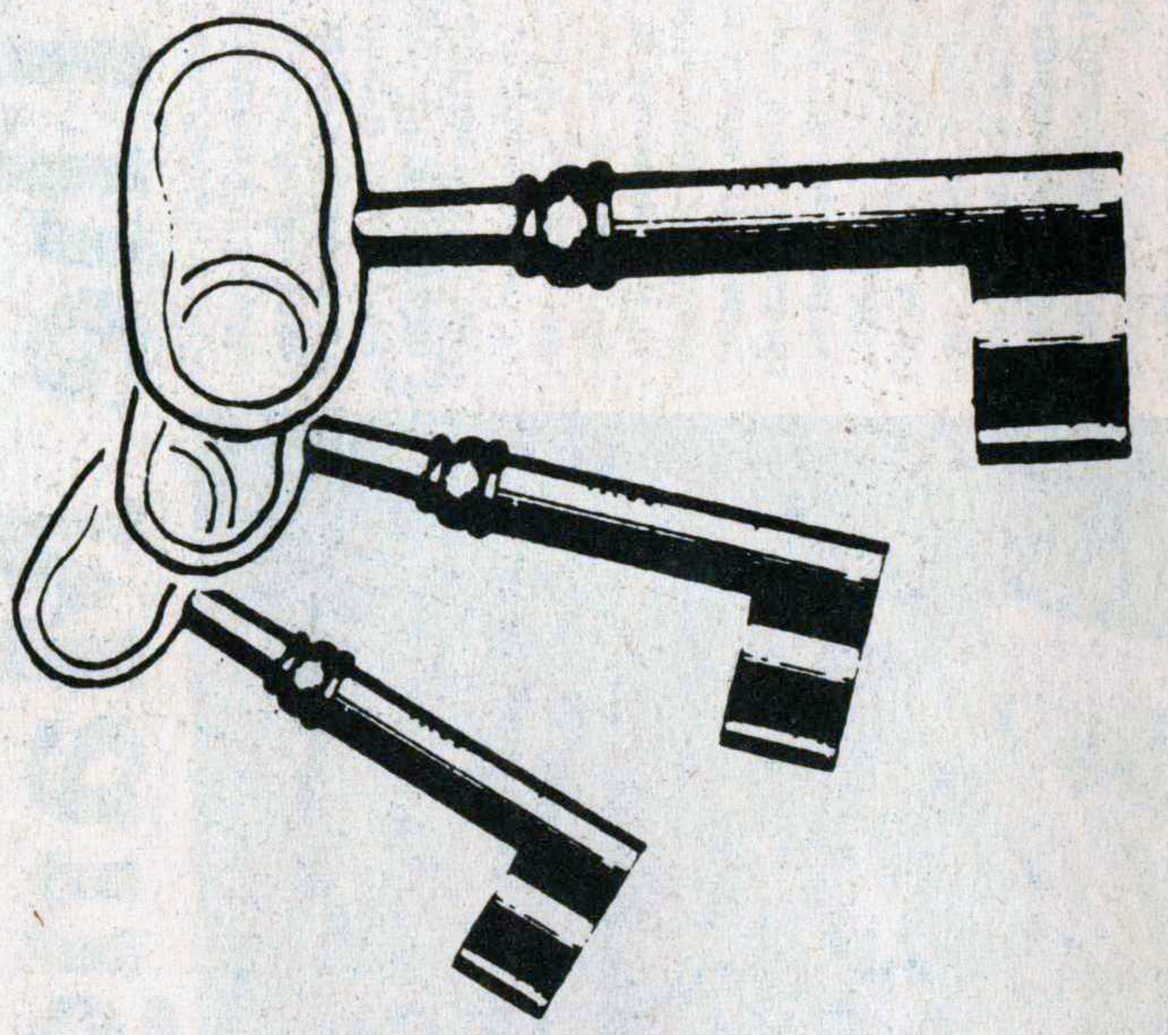
First in the Big East, first in the nation, St. John's has captured the backpages of every sports section in the area. After all, they are the most exciting thing to happen in sports this winter. However, it is not just because they are number one. They are an exciting team. They rarely blow out opponents, as every game seems to be a nail biter, keeping you on the edge of your seat. When St. John's met Seton Hall, the doormat of the Big East, it seemed like the Redmen were still on the Jersey Turnpike in the first half. However, they came out storming in the second half, scored 16 straight unanswered points and went home with their number one ranking safe and sound.

There are so many dimensions to the Redmen. They have size and depth. They can run opponents into the ground or they can beat them with a patient half court offense. They also have arguably the best player in college basketball in Chris Mullin. He does whatever it takes to win and his likeness to Larry Bird is becoming more apparent every game. He is a miracle worker, rescuing his team so often with second half heroics that one seems to expect it every time. But, St. John's is not a one man show. There is Walter Berry, whose rebounding and amazing offensive talents have combined with a St. John's team that was 18-12 last year and helped make them number one this year. Their center, Bill Wennington, may not be able jump but his contributions have been immeasurable. Also, the performances of Mike Moses, Willis Glass, Ron Stewart and Mark Jackson have given St. John's depth.

No article of St. John's would be complete without a discussion of Lou Carnesecca and his lucky sweater.. The sweater, the ugliest garment known to modern man, is brown, blue and red and has Americans adjusting the color on their television sets during every St. John's game. Louie says that the sweater is lucky and who is to doubt him; it is undefeated thus far. Luck or not, Lou Carnesecca probably has his best team ever and he is enjoying every minute of it.

As expected, I am rooting for St. John's to win it all, as I have every year that I can remember watching college basketball. I would love to see Louie and that ugly sweater win the national championship, but if not it is OK because St. John's saved the winter sports season.

The key to our success is your Success



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