



ASKING YOU TO ASK YOURSELVES

Conscience

Hofstra University,
School of Law
Hempstead, NY
11550

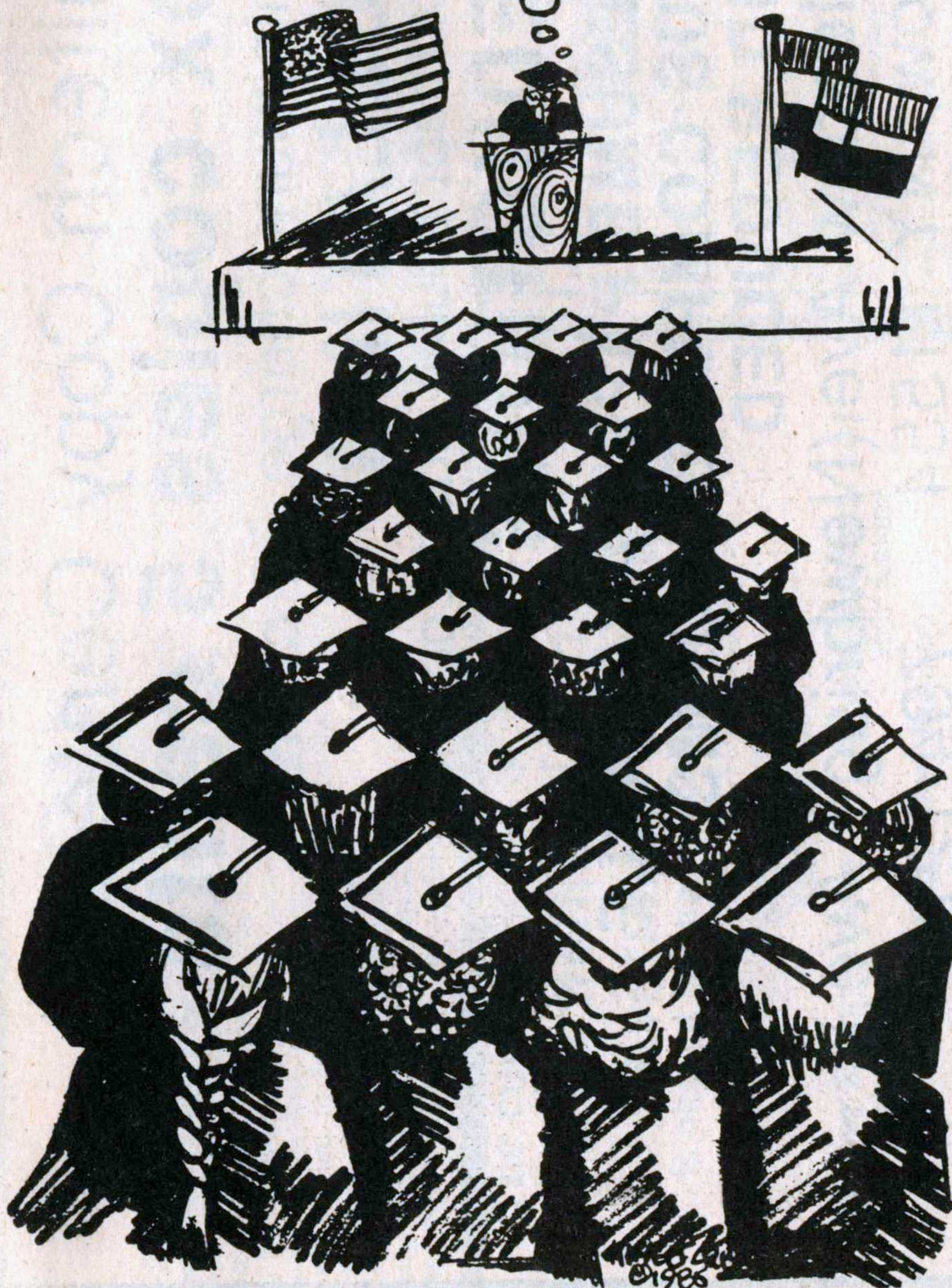
Conscience 1985

NON-PROFIT
ORG.
U.S. POSTAGE
PAID
Hempstead, NY
Permit No. 120

Return Postage
Guaranteed

HOFSTRA LAW
1985
Commencement

WE MADE IT!



©1985



ASKING YOU TO ASK YOURSELVES

Conscience

April-May 1985

Vol. 12 No. 7

Hofstra University
School of Law
© Conscience 1985

Kosakoff Elected SGA President

by Dennis Warren

Hofstra law students recently elected a new Student Government to coordinate and execute the activities of the various student clubs and organizations for the 1985-86 academic year.

In an election held March 27, and characterized by a relatively low turnout of student voters, a ticket headed by first-year student David Kosakoff swept the key student government positions. Kosakoff, elected president, beat his opponent Keith Lavallee by more than a two to one margin.

Rochelle Benjamin and Karen Michal, two other members of Kosakoff's slate, were elected as vice president and treasurer respectively.

The only surprising event, in an otherwise lackluster election, was the upset of incumbent treasurer Donna Simendinger, who ran third in the race behind Michal and Mark Blaustein.

The policies and programs that the new administration will adopt have not been formally proposed. But about fifth Hofstra students were able to glean the general trend from a debate held before the election among the two presidential contenders.

This debate was sponsored by the Election Commissioner in room 238, and was moderated by Election Commissioner, Kenneth Yadavish. The two presidential candidates faced questions from three panelists, Lisa Nasoff, outgoing second year representative; Doug Leberman, outgoing Student Government vice president; and Dennis Warren, *Conscience* reporter. Following the panelists' questioning, the forum was opened to the audience.

Central to the concern of the incoming administration is the problem of parking—or rather, the lack of it. Kosakoff said he would

seek to establish a committee to study the situation, and to find ways to alleviate the parking crunch on campus. He said his committee, unlike so many others in the past, was likely to be heard by the administration because in recent times the situation has become more acute with the construction of the new media center in the rear of the school.

Kosakoff also expressed concern for the lack of interaction among the law school students; he said there was a great deal of apathy which his government would seek to immediately address.

On the question of the highly controversial budget area, Kosakoff said he would seek to hold all his budget hearings in public. This question arose from the furor which erupted last September when *Conscience* charged the Student Government with secret budget meetings. (See: *Conscience*, Oct. 1984 issue.)

He also said he would attempt to adopt a policy of fairness in allocation of finances to the various clubs, based on demonstrated need for the money. According to Kosakoff, his government would be flexible in its policy of allocation to those who may need more finances after the formal budget has been distributed, but this would be based on the availability of extra money and need.

Kosakoff, at the forum, said he felt that he was qualified to run as president. He said his background in management prepared him, and that his undergraduate years in Hofstra University had acquainted him with the "mentality of the Hofstra Administration."

The debate itself reflected few differences between the opponents. Both Lavallee and Kosakoff pledged to support the school's effort to attract more minority students to the corridors of the law school.



From L-R Helene Meltzer, 3rd Yr. Rep; Karen Michal, Treasurer; David Kosakoff, President; Rochelle Benjamin, Vice President; Helayne Heller, 2nd Yr. Rep.

Election Results

PRESIDENT

*David Kosakoff — 154
Keith Lavallee — 67
Write-in — 14

VICE PRESIDENT

*Rochelle Benjamin — 104
Dina E. Epstein — 81
Patrick DiLuccio — 63
Write-in — 2

TREASURER

Donna Simendinger — 48
*Karen Michal — 123
Mark Blaustein — 70
Write-in — 3

2nd YEAR REP

*Helayne Heller — 90
Richard Schulson — 62
Write-in — 2

3rd YEAR REP

*Helene Meltzer — 59
Write-in — 12

N.Y. STATE BAR REP

Art Simuro — 90
*Betsy Malik — 124
Write-in — 5

ABA-LSD REP

*Daniel Feldman — 161
Write-in — 10

UNIVERSITY SENATE SEAT

*Scott Bach — 156
Write-in — 13

ELECTION COMMITTEE (3 positions open)

*Stewart J. Isman — 148
*Write-in Larry Spivak — 43
*Write-in Al Kiefer — 8
Misc. Write-ins — 59

CLAC REPS

(3 positions open)
*Patricia E. Palmeri — 115
*Joseph P. Monteleone — 117
*Write-in Andrew Nachamie — 10
Misc. Write-ins — 29

*Denotes Winner

Student Graduation Speaker Selected

by Ellen Marie Janine Panzeca

On April 10th & 11th, an election "run off" was held to determine this year's choice for Student Graduation Speaker. From a field of 14 candidates, approximately 140 out of 195 graduating students who took part in the election narrowed the field down to Steve Candito, Laurie Gold and Jack Foster. Approximately 180 3L voted in the final election which was held on April 17th and 18th. The 1985 graduating class chose as their graduation speaker Steve Candito.

At the graduation ceremony which will be held on June 2nd, Steve says his speech will consist of two parts—reminiscing about our law school experience and talking about what we should do with our education.

In a related matter, Mayor Goode has officially accepted Hofstra Law School's invitation to speak at the June commencement. He is expected to speak on inner-city problems.



Steve Candito

Evaluations Boycotted

by David Muskovitch

A widespread student boycott was initiated this past semester. The boycott has consisted of students either not filling out their teacher evaluation forms, or writing on the top of the forms, "I respectfully refuse..."

According to SGA President Jim Black, the SGA organized the boycott because the Faculty Tenure Committee has repeatedly made student access to the evaluations very difficult, and has refused even to discuss compiling the results of the evaluations to enable more meaningful use by both students and faculty. (At present the teacher evaluations are stored, uncompiled, in the Dean's office.) Jim Black stated that the boycott was undertaken as a last resort, in an attempt to "at least start a dialogue" about the subject.

The Faculty Tenure Committee has taken

the position that the purpose of the evaluations is to help the tenure committee make decisions on granting tenure and renewing contracts. The SGA and a significant number of students reject these limited goals, and feel that since the evaluations are written by students regarding the school's professors, that the students should have greater access to these evaluations.

In the past, general apathy toward teacher evaluations has accounted for many students not filling out the evaluations. This semester, however, there has been a very notable increase in the number of students not filling out the forms. Further, a significant number of students have written the "protest phrase" on the top of the forms. Jim Black has estimated that between one-half to two-thirds of the student body has participated in the boycott in some way. The results of this protest remain to be seen.

Journals Elect New Editors

Law Review

The Volume 14 Board of Editors of the Law Review is already involved in the process of learning and assuming their new responsibilities. We look forward to a challenging and productive year.

This year the outgoing (Vol. 13) Board has made an organized effort to train the incoming board. At the same time, the incoming Board is preparing a comprehensive orientation program for the new staff. Our goal for 1985-86 is to increase the number and quality of published student articles.

HLR has gained a fine reputation in a relatively brief period of time. The outgoing Editor-in-Chief, Bonnie Garone, did an exceptional job this year, executing her duties in a highly professional manner. Whatever success we experience in reaching our goals in the coming year should be credited in part to the foundation created by the efforts of Bonnie and the Volume 13 Board.

Linda Keenan
Editor-in-Chief
HLR 1985-86

The Hofstra Law Review is pleased to announce the election of the Volume 14 Board of Editors

Editor-in-Chief

Linda Keenan

Managing Editors

Steve Brockett

Judy Hyam

Articles Editors

Joyce Calvin

Steve Harris

Lisa Nasoff

Research Editors

Deborah Clark-Weintraub

Jack Dunn

Karen Galanek

Notes & Comments Editors

Mike Aaron

Maria Harris

Julie Kuschner

Jim Ryan

Loretta Sposito

IPIJ

The newly elected board of editors at the International Property Investment Journal is looking forward to a highly productive year next school term. The work that the incoming board hopes to accomplish, however, could never be done without the excellent foundation laid by the present board of editors. Included within this foundation are procedures for an efficient organization, a legacy for careful review of all articles at every stage of development, and a helping

attitude towards those staff members in need of encouragement. Therefore, the newly elected board would like to express its appreciation to the outgoing board for inheriting this reputable publication. The new board's only wish for the future is to continue the fine tradition of its predecessors.

Ken Yadvish
Editor-in-Chief
IPIJ 1985-86

The current Board of Editors of the *International Property Investment Journal*

is pleased to announce the election of the
Board of Editors for Volume 5

Editor-in-Chief

Ken Yadvish

Managing Editor, Articles

Dale Weber

Managing Editor, Staff

Eric Levine

Managing Editor, Business

Peter Chatzinoff

Articles Editors

John Auerbacher

Ross Gerber

Jill Schorr

Notes & Comments Editors

Jeff Korek

Ken Lewis

Sally Liebman

Maria Morra

Research Editors

Jim Goodman Lisa Grasso

Ann Kalish Roberta Leventhal

Labor Law Journal

The Hofstra Labor Law Journal is pleased to announce its Volume 3 Board of Editors for 1985-1986:

EDITOR-IN-CHIEF

Laurice Firenze

Managing Editor of Staff

Robert Cohen

Articles Editors

Francesca Capitano

Rachel Kleiman

Bruce Levy

Douglas Lieberman

Managing Editor of Business

Hope Zimmerman

Notes and Comments Editors

James Black

Robert Lipp

Cynthia Sheps

Sally Wasserman

Research Editors

Judith Brodlieb

Karen Newman

Eric Zucker

Special Projects Editor/Speakers Program

Mitchell Rubinstein

ELS Holds Symposium on Indoor Air Pollution

By Carl Howard

On Wednesday, March 27, the Hofstra Environmental Law Society (ELS), in conjunction with the St. John's Environmental and Energy Law Club, devoted four hours to the study of the myriad pollutants that are found in indoor air.

The conference was chaired by Alice Freund, Director of the Public Employee Health Program, New Jersey Department of Health, and the speakers included Dr. Robert E. Mancini, Chairman and Professor of the Department of Pharmacology and Toxicology at NY College of Osteopathic Medicine, Dr. Daniel Wartenberg from the Harvard School of Public Health, Thomas Cutter, a consulting Ventilation Engineer, and Jean-Ann McGrane, Professor at Empire State College, Center for Labor Studies.

Ms. Freund began the program with a story of her own personal escape from the polluted city outdoor air, only to find herself engaged in a daily ritual to cleanse the indoor air in her country apartment of build-up of harmful pollutants found in virtually all homes. Briefly, such pollutants might include fumes and/or particles from asbestos, formaldehyde, radon Gas, various fuels, caustics, cleaning fluids, detergents, as well as a variety of toxic by-product from cigarette smoke, and Dr. Mancini addressed the topic of health risks associated with indoor air pollution. He made the point that virtually anything that is taken into the body in excessive amounts can be termed "toxic", and he then went through a seemingly endless list of possible indoor toxins.

Dr. Wartenberg addressed the health effects of pesticides in the indoor air, noting how easy it is to buy a can of roach or termite or ant, etc. killer and then spray toxic chemicals into poorly ventilated rooms. It may well be that the spray has a more profound effect on humans than on the intended prey, especially since humans will store the chemical in fatty tissue, while the intended prey will, over generations, develop im-

munity to the spray. Dr. Wartenberg also suggested that one of the main impediments to developing regulation for indoor air pollution is our inability to assess the actual health risk. He added that this inability should not discourage regulation but should induce society to spend the necessary time, energy & money to assess such risks. Thomas Cutter spoke on the importance of adequate building design with respect to ventilation systems. Often problems resulting from the concentration of indoor pollutants stem from the fact that buildings have had their ventilation ducts sealed so as to prevent burglaries. Another explanation for the frequency of high concentrations of indoor air pollutants can be traced to the fact that energy conservation has received such high priority that buildings and homes no longer "breathe", and ventilation is not considered a priority, if it is considered at all.

Ms. McGrane discussed existing regulation in the field of indoor air pollution. As noted in the approximately 250 bound pages of materials handed out by ELS prior to the symposium, several states have enacted "Clean Indoor Air" laws. However, a great deal still needs to be done in this area, and step one involves educating the breathing public to pay more attention to their health, and to think about their rights to a healthy environment both in, and out of doors.

The final stages of the symposium consisted of a question and answer period, followed by a buffet dinner. The audience ranged from industry workers who were exposed to carbon monoxide fumes and radiation, to Long Island housewives concerned with the quality of the home heating fuel that was leaving black residue on their walls, to representatives from the American Lung Association who distributed additional information to many eager recipients.

To those of you who were not able to attend the symposium, ELS has a limited number of additional handouts in its office located in Roosevelt, Room 311a.

Minority Recruitment & Retention Report Released

[Editor's Note: The following is an excerpt from the Report to the Dean on Problems Facing Minority Law Students. A student committee has begun to examine the report and discuss ways of how to implement it.]

In a memorandum to the Law School Faculty, dated August 23, 1983, expressing his disappointment at "an apparent inability to improve our recruitment of minority students," the Dean announced the establishment of an *Ad Hoc* Committee for Recruitment and Retention of Minority Students in an "effort to do better." He designated as members, Dr. Greta Rainsford, a member of the University's Board of Trustees, Professors Agata and Gregory, and Mr. Joseph Davis, a third year student, then President of the Hofstra Chapter of the Black American Law Students Association (BALSA). He asked Assistant Dean Douglas to serve as Chairman. Subsequently, the Dean expanded the Committee to include Professors Colbert and Lane and Director of Placement Christenson. After Mr. Davis' graduation, Ms. Joy Johnson and Ms. Brenda James, President and Vice-President, respectively, of BALSA, joined the Committee. Professor Agata is serving as Chairman for the current academic year.

As of October 24, 1984, the Committee has met on 15 separate occasions. Designees of the Committee also have held one meeting with the faculty who currently are carrying out the Academic Enhancement (Tutorial) Program. In accordance with the Dean's charge, this Report contains the committee's recommendations and a brief statement of the reasons for those recommendations. The recommendations represent not only consensus but the unanimous view of the members on many issues and near unanimous views on all others.

Among the first issues addressed by the Committee was the question of who constituted "minority" students for the purposes of the Committee's work. After examining a number of possible approaches to the issue, it was concluded that a firm definition was neither feasible nor desirable. It was concluded that American Blacks, Hispanics, Native-Americans and Asian-Americans clearly would be included. It was possible that non-American Blacks also would be appropriate for inclusion. Focusing on the racial or ethnic categories involved a rejection of economic disadvantage as a separate category or factor. The primary purpose of the committee's work as it viewed its charge was to enhance the conditions for opportunity and the success of groups underrepresented in the legal profession by virtue of racial or ethnic biases in the society at large and thereby enrich the community and the Law School and provide a measure of fairness to the individuals in those groups.

Necessarily, the Committee's report only can be and only is intended to provide a beginning point for dealing with the difficulties in achieving the goals established by the Dean. Many of the problem areas are identified. The recommendations vary from the general to those that are quite specific. For some, immediate implementation is feasible; others involve longer range objectives. All require the commitment and good faith of the University and Law School administrations, the law faculty, the law school staff and Hofstra law students, both non-minority and minority. Solutions of many of the problems will require the exercise of a capacity for empathy by all concerned. Often, perceptions provide the basis for action or reaction. The perceptions may or may not be wholly accurate at all times or in all respects, but the existence of the perceptions is quite real and consequently, the basis for those perceptions must be addressed.

We now address the specific problems considered by the Committee. The first involves the institutional environment, a problem in which perceptions play a key role. The report then considers problems of financial aid, admissions, retention of students, placement and alumni relations. We conclude with a recommendation for the appointment of a full-time administrator charged with the duty to deal with problems relating to minority students.

At its very first meeting, the Committee was made acutely aware that Black students at the Law School, and perhaps minority students in general, perceive the environment or atmosphere of the Law School as uninviting, lacking in cordiality and generally hostile. Consequently, once

minority students get here, they often feel excluded and isolated. This may be the most pervasive, and perhaps at bottom the most important problem facing minority students at the Law School and the Law School's attempt to recruit and retain minority students. The committee neither suggests nor concludes that the problem is unique to Hofstra or do we or can we assess the seriousness of the problem at Hofstra compared with other institutions. Regardless of whether the situation should or could be judged to be better (or worse) than at other schools, the Committee concluded that the problem at Hofstra should and must be openly recognized and conscientiously addressed.

It must be emphasized that the issue was presented to and considered by the Committee in a totally non-confrontational context. The Committee was so impressed with the seriousness of the problem and the eloquence of the student who described it that it requested the Dean to ask the faculty as a whole to hear the students in person. The Dean convened a faculty meeting at which there was more than the usual number of faculty present who heard several students address the subject. We believe this was an important first step in addressing the problem.

The core of the problem is the fact that minority students to a significant and substantial extent perceive the Law School environment as at the least not cordial and sometimes hostile to them. This perception in part may be attributable to insecurities on the part of minority students derived from transforming their experience in the larger society into expectations formed even before the student has been exposed to the Law School. By like token, there are experiences while at the Law School which reflect actual hostility. The precise extent to which each explanation is valid is beside the point. We start with the assumption that where the hostility is real the school should not and will not tolerate conduct based on or overt expressions of that hostility. This is non-negotiable. As for other reasons for these perceptions, we are committed to dealing with them. The point is that the perception exists and causes deep pain to individuals and adversely affects their lives.

The Committee is convinced that few non-minority persons were or even could be aware of the situation facing minority students when they enter Law School. The Committee further believes that open recognition of the problem is essential to effective progress and that the faculty generally and students and staff, as well, will be receptive to taking practical steps to assure that a different perception is fostered and to eliminate the basis for the perception.

The Committee engaged in a wide-ranging discussion of the atmosphere at the Law School for minority students. Among the issues raised was the sometimes lack of interaction between minority and non-minority law students which often is perceived as and in fact may result in or perpetuate nonfriendly or even hostile relationships between majority and minority group students. This is not to say that there is no contact between the two groups or that hostility characterizes all contacts. Rather, the contacts are sharply limited in number and in scope. The goal should be a greater sense of easily shared participation in the school's academic and extra-curricular environment. The interaction (or lack of interaction) between minority students and faculty, both in and outside of the classroom presents a similar problem. However, minority students did not report a sense of unfriendliness or hostility on the part of faculty. They did report their own reluctance to put themselves forth to faculty which suggests that faculty may have to make some extra efforts in this regard by such acts as their presence at Law School events sponsored by minority students. The faculty might also examine the curriculum, and whether class discussions might be more sensitive to the impact of substantive legal issues on minority groups. Additionally, the presence of outside speakers who would be of special interest to minority students by virtue of subject or the fact the speaker is a member of a minority group would enhance the environment.

The Committee, while agreeing that the atmosphere at the Law School was a critical consideration in a minority applicant's ultimate decision to attend or not, reached no immediate consensus as to what factors determined whether a particular law school had a comfortable environment and was sensitive to the needs of its students and prospective students. Among the factors considered by the Committee were the following:

(1) The number of minority group students enrolled at a law school;

- (2) The number of minority group members of the faculty and the administration and on the staff;
- (3) The availability of financial aid;
- (4) The relevance or perceived relevance of the curriculum to minority group concerns;
- (5) The strength of the clinical education program;
- (6) The identification of the law school with issues of concern to minority law students, evidenced by the selection and invitation of guest speakers, sponsorship of events, relation to the community at large, and the like.

Although we realize that the problem of the Law School atmosphere as experienced by minority students is complex and requires ongoing and conscientious attention, the Committee has a number of recommendations, some of which may be implemented without delay.

(1) First, and perhaps foremost, there should be an explicit public recognition of our problem. Although most of us believe that the faculty has a long-standing commitment to the recruitment and education of minority law students, it is not so clear that we have communicated this commitment and the expectations which accompany it clearly and unequivocally to the student body and staff.

We recommend, therefore, not only that the faculty pay serious attention to this issue, but also that the Dean communicate these concerns to the students. The efforts should be directed to specific as well as more general goals. By way of example, the perception that minority students believe that they are generally not welcome in study groups, is just one of the problems that the student body should confront. Among the possible mechanisms is a series of meetings with leaders of student organizations, the "cabinet" to the Student Government Organization, journal editors and the like. The Dean's column in *Conscience* might be devoted to the issue from time to time.

(2) We recommend that faculty members volunteer to act individually as advisors to individual minority students. We do not contemplate merely a variation on the current advisement system under which each faculty member receives a list of students, many of whom never seek advice. Rather, we anticipate that a faculty member would assume responsibility for one or more students for the entire academic year and be available to provide advice with respect to academic and other problems.

(3) Minority students believe that too many people may be aware of their individual academic problems and moreover all minority students are seen in the same light, that is, as doing poorly or failing.

Clearly related to these perceived attitudes is the pattern of staffing in the Law School. This

belief is reinforced by the fact that the staffs of the Admission's Office, the Registrar's Office, the Dean's Office, and most other significant staff positions are held, and historically have been held, by non-minority persons. We are aware of minority personnel assigned to the copy room, the library and the word processor; however, few, if any, secretarial and other staff positions have been held by minority persons. Accordingly, the Committee recommends that as vacancies occur, the Law School should make aggressive efforts to modify these staffing patterns. To the extent this requires cooperation by the University personnel system, the Law School should press the issue at that level.

(4) With leadership from the Dean's Office, the faculty also should be sensitive to the minority students' perceptions of the school and their relationship to it. We recommend that each faculty member make affirmative efforts to include minority students among those they recruit and hire as legal research assistants. A handful of faculty members have done so, and have found the results to be satisfactory, and in some instances highly gratifying. Also, faculty sensitive to the problem should consciously seek to include minority students in informal discussions and group functions. Relatively simple acts can be fruitful. For example, one member of the Committee told us that on occasion he had stopped to chat with students at the "minority table" in the library. He was soon joined by other, non-minority students, attracted by the presence of the faculty member. The result was interaction between the two groups, at least for the moment.

(5) The Law School should intensify its efforts to increase the numbers of minority faculty. The value of minority faculty in providing professional role models for minority students should not be understated. We know from experience that this should not and need not mean a dilution of appropriate quality expectations and that the goal is achievable. Indeed, as early as 1972 the Law School had three black faculty members and one of Hispanic origin on a much smaller faculty; however, there have been no black or other minority adjunct faculty members except in connection with the Trial Techniques program.

We recognize, of course, that every coin has at least two sides. The Committee is aware of the fact that minority students sometimes tend to collect and isolate themselves from the Law School's activities. This condition requires not only that efforts be made by non-minority individuals, but that minority students undertake efforts (difficult as it may be) to become involved with the school at large. We recommend that the Law School, perhaps with the assistance of BALSA, attempt to understand this phenomenon and to ameliorate its effect.

MORE NEWS:

Dean: "2L's Don't Belong in Court"

In an April 12th article appearing in *Newsday*, Dean Schmertz went on record to oppose a plan that would allow students in the 2nd year of three-year law programs to work as lawyers in university-sponsored clinics that offer legal aid to the poor. At present, only third-year students who are supervised by a practicing attorney are permitted to do this kind of work.

Dean Schmertz refused to join the law deans of Columbia University, New York University, Yeshiva University and the City University School of Law in Queens who all support the proposed legislation submitted by Assemblyman Saul Weprin (D-Bayside) to the state legislature on behalf of the deans. Dean Schmertz's position is that, "to thrust them [2nd year students] into a program in the 2nd year is premature."

Hofstra Law School, among others, allow students in their last year of law school to try cases for the indigent. Students work on cases involving Social Security, federal litigation, domestic disputes, immigration and misdemeanor criminal offenses.

Thirteen other states and some federal jurisdictions in New York State already allow some 2nd year law students to practice in clinics.

Sol Wachtler, the Chief Judge of the New York Court of Appeals, would not comment on the proposal until he had a chance to see it but he did state that, "[C]linically oriented programs are very positive because they give students a hands-on type of experience, which is extremely beneficial." He went on to add, "Having a curriculum that is completely oriented to the academics is not the best kind of training for the practice of law."

COMMUNITY FORUM

A Fond Farewell

EDITORIALS:

CPLR: It's About Time

The time has come to say good-bye and to look back on my year as Editor-in-Chief of *Conscience*. It has been more than a rewarding experience. As I approach graduation, my feelings are mixed because I know I will never again experience the thrill of not only seeing my by-line atop my monthly column but also seeing the title of Editor-in-Chief next to my name in the staff box. It is an indescribable feeling. Each issue of the newspaper becomes your own little baby and you know it survives only because you nurture its existence. Whatever time I devoted to the paper was more than paid back many times by the experience I gained during my tenure.

I have many people to thank who made my job much easier. I won't name names because the list is exceedingly lengthy. Needless to say, the people whose names can be found in the staff box below, especially the editors, have my utmost respect and thanks. I will do my best to thank each and every one of them personally. No job they filled was either too small or too mundane. I am also grateful to the members of various student organizations for their assistance and submission of articles to the paper.

As this year comes to a close, I am happy to say that I will be leaving on fairly good terms with both the law school administration and the SGA. By its very nature a newspaper must at times take a position in opposition to those in authority, it's inevitable. This does not mean however that a conciliatory relationship cannot be continually maintained. Even though this newspaper will never shirk its responsibility and fail to confront a controversial story it should not intentionally foster an antagonistic relationship. Adversarial yes, antagonistic no.

Naturally, I proclaim this year's volume of *Conscience* a success. As Editor-in-Chief, I did make some mistakes but on the whole I am able to look back with ample pride to each and every issue of *Conscience*.

On the lighter side we published *Guilty Conscience* for the first time in the past two years. It is no understatement when I say that *Guilty* garnered an overwhelming favorable reception from the students, faculty and yes, even the Deans. It has been so warmly received that the alumni will not only be receiving their monthly copy of the regular edition of *Conscience* in the mail but *Guilty Conscience* as well. Because of the generally tasteful manner in which the humor was portrayed, Dean Schmertz has given his approval to allow *Guilty* to be sent to the alumni for what may be the first time in its history. While Dean Schmertz has made it clear that his decision sets no future precedent, it is my hope that next year's issue of *Guilty* will also exhibit enough restraint so that it too can be sent to the alumni.

One year ago I took over the position of Editor-in-Chief with a great deal of trepidation. I asked myself whether I would be willing to dedicate the required time and effort to insure that the paper was published each month. In a word, the answer at that time was No. But I took the job when I realized no one else was willing to take the responsibility and thus the viability of the paper was in doubt. Unfortunately, the crisis that was avoided last year has now reached the critical point. While there exists some qualified candidates, at this juncture no one has stepped forward to assume the helm for next year. Next year's *Conscience*, if there is one, will at least begin without an Editor-in-Chief. It is my hope that eventually someone will emerge next year to assume the role. In any event, a substantial majority of the staff will be graduating this year and unless new members are found among the present 1Ls and 2Ls, it will be difficult for the paper to get off the ground next year. I cannot stress enough that the writing experience gained while working for a newspaper is invaluable. At the beginning of next year an organization meeting will be held for new members, please attend. Whatever talents and time you may have will be put to good use. I know if I had to do it all over again I would gladly rejoin the paper.

Randy Montellaro
Editor-in-Chief
1984-85

In response to last month's request that Dean Schmertz impart to students the current policy on not offering a CPLR course at the Law School, the Dean has provided a copy of a faculty resolution on this question dated October, 1980. That response is printed on page 7 of this paper. Since that date, apparently, the CPLR issue has not been re-examined formally.

We respect Dean Schmertz' decision not to comment personally on our editorial, as it is understood to be a matter of committee decision-making that sets policy on questions like the CPLR issue, and the Dean feels obliged to respect the agreed parameters of the faculty decision-making process.

The *Conscience* notes that the reasons cited in paragraph two of the faculty resolution for not re-offering a CPLR course — although fair and reasonable — may not go far enough in seeking to overcome what appears to be limited problems with one course offered five years ago on an experimental basis. Indeed, the fact that the faculty committee thought the experimental course failed to address many substantial issues in depth suggests that there are important areas of study that a CPLR course should address. The *Conscience* would strongly urge the faculty to reconsider the need for and propriety of offering a CPLR course at Hofstra now that five years have passed since the issue was last considered. In doing so, we would hope that before a decision is made, a model of an acceptable CPLR course could be identified so that the process of inquiry does more than merely knock down a CPLR "strawman." In addition, The *Conscience* most strongly recommends that Student government take steps early next year to focus responsible attention on this issue (perhaps an investigatory committee should be convened to learn what the other national and non-national schools' CPLR courses are like in terms of content, scope and depth; and whether they're offered for credit). The only CPLR course worth offering here is a good one; and the only fair evaluation of whether a CPLR course must be offered will be one that examines, in a constructive light, the kind of benefits that can be derived from offering a CPLR course of high caliber.

It may have been our mistake not to have raised this question earlier and in a more detailed manner. However, we guarantee that every graduating class will confront this area of concern. We urge that you do not allow even the honest mistakes of the past prevent you from making what could be significant improvements in the near future.

1985-86 Conscience Editorial Board

Managing Editor Doug Lieberman
News Editor Eric Zucker
Editorial Page Editor Dennis Warren
Features Editor Steve Wasserman

Layout Editor, Jim Black

Business Manager, Rob Rosenberg

EDITORIAL BOARD

Randy Montellaro, Editor-in-Chief
Nel Panzeca, Managing Editor
Steve Brockett, Business Manager
Fred Paine, Editorial Page Editor
Eric Zucker, News Editor
Jane Himelfarb, Arts and Graphics Editor
Roy Mirro, Sports Editor



April-May 1985 © Conscience 1985 Vol. 12 No. 7

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

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

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

CONSCIENCE STAFF AND CONTRIBUTORS

Jim Black, Arthur Bodek, Laura Detweiler, Karen Funk, Anthony Giancana, Kenneth Goldman, Rob Grossman, Carl Howard, Randy Janine, Doug Lieberman, Steven Moll, Tyrone Montague, David Muskovitch, Lisa Nasoff, Marianne Norato, Steven Pitcairn, Rob Rosenberg, Melinda A. Rubin, Joel Shafferman, Monica Sheehan, Dennis Warren, Kevin Way

COMMUNITY FORUM

LETTERS TO THE EDITOR:

Dean Criticized

To the Editor:

Each month with trepidation we read *Conscience's* report of the latest scandal that our poor alma mater has produced. However, the March 1985 issue published an article so scandalous that it surpasses any we had previously read during the last six years. We speak, of course, of the inane and excruciatingly embarrassing comments attributed to the law school's current dean, Eric Schmertz, concerning the selection of a commencement speaker.

We hope that the Dean's statements on the appropriateness of inviting certain people to serve as a commencement speaker were either misquotes or taken out of context. In particular, we are concerned about statements about such eminent individuals as former President Jimmy Carter ("no longer a 'viable personality'") and former Congresswoman Barbara Jordan, who the Dean was disinclined to invite because she "doesn't represent the views I want expressed at the commencement." (Emphasis added).

Is a former president of the United States, merely because he was not reelected, no longer a viable personality? And what is a viable personality, anyway? Furthermore, what views of Ms. Jordan does the Dean not

believe should be expressed at commencement?

We regard this latter statement as particularly distressing. Whose views the Dean happens to agree with is not properly a factor in the commencement speaker selection process. Moreover, this perception demonstrates a woefully inadequate appreciation of the *raison d'être* of a university—a place where all views should be expressed and challenged. That the Dean is unwilling to invite Ms. Jordan because of her views and appears afraid to invite Vice President Bush or former Congresswoman Ferraro lest he incur the wrath of partisan members of the Board of Trustees, is deeply disturbing.

The Dean states that a graduation speaker "should bring reknown 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." The Dean's statements undermine all that he hopes a graduation speaker would accomplish.

Sincerely,

Marilyn B. Fagelson '83

Anthony E. Kaplan '82

Paul R. Levenson '82

Kristen Turksel Palace '82

Dean Responds

To the Editor

I would like to set the record straight on the selection of a commencement speaker, and reply to the letter of April 8 from Marilyn B. Fagelson '83, Anthony E. Kaplan '82, Paul R. Levenson '82 and Kristen Turksel Palace '82.

The *Conscience* article on the subject was inaccurate in several respects. I did not reject certain suggested speakers "for fear of incurring the wrath of partisan members of the Board of Trustees." What I said was that any proposed speaker should be approved by the Board for an Honorary Degree; that I would not want to select a speaker who would not qualify for an Honorary Degree; and that the selection process should bear that in mind.

I hardly think that my view that former President Carter was "no longer a viable political personality" was "inane" or "embarrassing." Rather, I think it is a fact of political life; a relevant fact to be considered; and a view which is entitled to respect even if disagreed with.

I did not state that Barbara Jordan "doesn't represent the views I want expressed." I would not have said that because I don't believe that. What I said and meant was that Barbara Jordan is no longer a public official and that as a consequence could no longer speak with the same authority on public matters of interest and concern as she could and did when she was in Congress. By contrast, Mayor Goode of Philadelphia, our commencement speaker this year, is a political leader of a major city, does occupy a public post of importance, and is charged with major responsibilities which, in my view, put him in a position of leadership to speak more authoritatively on those contemporary matters of interest and concern.

Again, this is a view with which there may be honest disagreement but it is hardly "inane" or "excruciatingly embarrassing."

I do not know what the "latest scandals" are to which the authors of the letter refer. I

do note, however, that I arranged to have *Conscience* sent to the alumni so I have opened up that channel of communication. As far as I know, that was not done by prior administrations. Perhaps the authors of the letter should resort to the dictionary for accurate definitions of "scandal," "inane" and "excruciatingly embarrassing."

I was accurately quoted as saying that a commencement speaker "should attract attention to the School, say something of importance to graduates and to the community at large and be an individual of stature."

No prior Dean had any institutional input from students in the selection of the commencement speaker, and therefore I believe, no prior Dean explained to students why certain proposed speakers should not or could not be invited.

By agreeing to an advisory committee of students from the graduating class to suggest and to discuss with me the selection of the commencement speaker, I think that I have expanded the selection process.

My willingness to work with an advisory committee of students to aid me in my selection of a commencement speaker (when the authority to make the selection resides with the Dean) seems to involve an attendant risk of being quoted, misquoted or misunderstood in my discussions with that committee. However that risk will not discourage me from continuing that more open process.

Finally, I note that the authors make no acknowledgement of the many positive developments at the School over the last three years, all reported in *Conscience*.

.....

Sincerely,

Eric J. Schmertz, Dean

Foul or ...

To The Editor:

When I was a student in this law school, I often wondered why so few of our alumni exhibit any interest at all in the institution that launched their careers. Recently, I got an answer when I received Volume 2 No. 1 of the *Hofstra Labor Law Journal*.

Last year, as a third year student, I was Editor-in-Chief of the then-named *Hofstra Labor Law Forum*. Due to a number of unforeseeable setbacks, the first issue of my tenure, Volume 2 No. 1, was not completed before my graduation. This is hardly unusual; my own board of editors inherited a similar situation from the previous board. Anyone involved with publishing a law journal knows that the process is fraught with problems and delays of every description. Most of the work on the issue, and all of the creative editing work, had been completed long before the current board of editors assumed responsibility.

When I received the issue in the mail,

however, I was surprised and shocked to discover that my successor took it upon herself to add the names of her own board of editors to the issue because she felt that my board and I had not done our fair share of the work. Anyone who remembers me knows that I was deeply committed to the journal and was its hardest worker...[O]ne of the oldest excuses on record is to blame your predecessor for your own inadequacies.

Although the damage is done, I feel that I must register my profound disappointment... I did learn, however, why many alumni ignore Hofstra. It is because Hofstra ignores the contributions of its students once they become alumni.

Dolores Gebhardt

Class of 1984

[Editor's Note: *Conscience* must be very cognizant of the libel laws. Thus, in our discretion we have edited the above letter to allow its viewpoint to be aired.]

Fair?

To The Editor:

This letter is written in response to a letter which you will be including this month from Dolores Gebhardt, my predecessor as Editor-in-Chief of the *Hofstra Labor Law Journal*. Ms. Gebhardt was kind enough to inform me in advance that she had submitted a letter to you, as well as the nature of the viewpoints presented in the letter. Without knowing the specific points she raised, I will try to anticipate her comments and address my response accordingly.

Ms. Gebhardt has questioned the inclusion of both the 1983-84 and 1984-85 editorial boards in the masthead of the Volume 2 Number 1 issue of the *Hofstra Labor Law Journal*. It is true that traditionally, only one editorial board is listed in each issue of a law journal, even if the succeeding editorial board was involved in putting the "finishing touches" on the issue. In some instances, however, more than one editorial board has been credited with the completion of an issue. (See, e.g., *New York University Review of Law & Social Change*, Volume 12, No. 1, published by the New York University School of Law.) In my estimation, and that of the entire editorial board of the *Labor Law Journal*, the degree of time and work which this year's board and staff devoted to the completion of the issue justified a decision to break with tradition and list both boards in the manner we chose.

As anyone who has worked on a law journal knows, the footnotes of the articles are as important as the text of the article itself. Often the ratio of text to footnotes can be as high as 50-50. Unfortunately, however, footnotes can also be extremely difficult to edit, due to the variety and complexity of "bluebook" rules to which one must adhere. Many of us began our tenure on the editorial board without a solid knowledge of these rules, and had to learn the subtleties of bluebook form as we were editing. Most of the articles given to us for this issue were not

in "publishable" form. Although they had already been put into typeset, there was a substantial amount of footnote editing yet to be done. This procedure took a semester to complete, including the "down time" while we were waiting for the printer to incorporate the revisions, and the correction of additional errors made by the printer in re-setting the type. For this reason, we decided that the work which the current editorial board and staff put into the completion of the issue, from editing through final publication, should be reflected by inclusion in the masthead. This work involved a thorough editorial review, and necessitated completely rewriting many of the over 1,300 footnotes contained in the issue. In addition, the fact that the name of the journal had changed from the *Hofstra Labor Law Forum* to the *Hofstra Labor Law Journal* before the issue had been completed, lent further support to the decision that a delineation between the two boards was justified.

Whether or not Ms. Gebhardt or any other members of last year's board are in agreement with our decision, I would like them to know that the listing of our names in no way implies any intent to discredit the amount of work which they put into the issue, or their commitment to the *Journal*. Indeed, the production of a quality journal takes a great deal of time to complete, particularly when a journal is relatively new, as the *Forum* was when Ms. Gebhardt's term began.

I would like to extend my deepest apologies, both personally and on behalf of this year's editorial board, to anyone who may have misunderstood the reasons behind our decision to include two masthead listings, and been hurt as a result of this misunderstanding.

Very truly yours,

Lois C. Florman

Editor-in-Chief

Hofstra Labor Law Journal

ESSAYS ARE THE "KILLERS" ON THE BAR EXAMINATION! (ASK ANY "REPEATER")

For over 40 years, LOUIS A. KASS has taught many thousands of successful bar applicants how to ATTACK, ANALYZE and ANSWER the most difficult Essays! WHY TAKE ANY CHANCES? REGISTER NOW! We were oversubscribed twelve consecutive times!

6 SUNDAYS, Commencing JUNE 16, 1985 (1 to 4 p.m.), HOTEL BARBIZON PLAZA, NEW YORK CITY.

FEE: \$250

KASS PROBLEM ANALYSIS CLINICS
27 WILLIAM STREET
NEW YORK, NEW YORK 10005
(212) WH 3-2690

Student Rep.
Scott Ugell
(516) 489-7172

PASS WITH PIEPER

SOLD OUT

THE LIVE PERFORMANCE OF THE SUMMER 1985 PIEPER MULTISTATE BAR REVIEW IN NEW YORK CITY IS COMPLETELY SUBSCRIBED. NO FURTHER REGISTRATIONS ARE BEING ACCEPTED FOR THIS LOCATION.

LIMITED SEATING IS STILL AVAILABLE FOR THE TAPE LOCATION IN NEW YORK CITY AT THE MADISON SQUARE GARDEN THEATRE ON 31st ST., BETWEEN 7th and 8th AVENUES FOR THE A.M. SESSION GIVEN 9-1 PM AND THE P.M. SESSION GIVEN 6-10 PM.

REGISTRATIONS ARE ALSO STILL AVAILABLE FOR THE TAPE LOCATIONS IN NASSAU, SUFFOLK, WESTCHESTER, ALBANY, BUFFALO, SYRACUSE AND WASHINGTON, D.C.

Pieper New York-Multistate Bar Review, Ltd.

90 Willis Avenue
Mineola, New York 11501
(516) 747-4311

Hofstra Reps:

Bronwyn Black
Craig Heller

Lois Florman
Shari Landecker

Gary Glowatz
David Muskovich

COMMUNITY FORUM

DEAN'S CORNER:

Dean Eric J. Schmertz

In an editorial in last month's *Conscience* I was asked to comment on student interest in a CPLR course and to set forth the School's policy.

At a Faculty Meeting on October 2, 1980 the faculty and student representatives considered the following report of an ad hoc Committee on the New York Procedure course:

"The members of this Committee have been appointed by the Dean, pursuant to a faculty resolution, to review New York Procedure which was offered last spring on an experimental basis. Of course, our charge did not include an evaluation of the instructor. Members of the Committee have observed classes, spoken informally with many students, examined the student evaluations and reviewed the course assignments and materials. We unanimously recommend that this course not be offered again for academic credit.

Our reasons are threefold. First, the scope of course coverage did not reflect the faculty's desire to focus on those complex procedural issues which are not adequately dealt with in our first year, five credit Civil Procedure course. Instead, New York Procedure was a survey course, necessarily involving extensive duplication of areas already adequately covered. Second, due to the scope of the subjects covered and the time allotted, we believe that it was virtually impossible to deal with many issues in great depth. Third, the intellectual and preparation demands made upon the students did not appear to justify the granting of academic credit.

The Committee is well aware of the fact that most students were very enthusiastic about the course, but many agreed with our evaluation of the course content. The members of the Committee and the students were greatly impressed with Professor Siegel's unquestioned

knowledge of the subject and engaging and stimulating teaching. However, we do not believe that those factors justify the granting of credit for the course. We believe that if a teacher of the stature and ability of Professor Siegel could not accomplish the faculty's goals for a course denominated as New York Procedure, then it is improbable that any instructor could do so. The Committee makes no recommendation regarding the offering of the "Advanced Procedure" course as now described in our catalogue. The Committee also makes no recommendation regarding the possibility of offering New York Procedure on a non-credit basis."

A motion to offer a New York Procedure course for credit which was thereafter substituted by a motion that a New York Procedure course be offered as a non-credit course to be paid for out of tuition to the extent that funds were not available from other sources was defeated by a vote of 10 to 5, with one abstention. The members of the faculty voted in opposition, two in favor and one abstained. Three student representatives voted in favor.

Law Review Dinner April 14, 1985

My congratulations to all of you on another excellent dinner and on an excellent year of scholarship and publication and especially upon the prestigious achievement of being one of the 31 law reviews selected for inclusion in LEXIS.

Shortly after I became Dean a little over three years ago I spoke to that year's Law Review Dinner. I said then as I have repeatedly said, that we have a very good Law School and that it was entitled to national recognition. I also said that the Hofstra Law Review was the bellwether of our activities — that it enjoyed more national renown and deserved notoriety for ex-

cellence than our other activities. I suggested that all the rest of what we do should emulate the standards and recognition of our Law Review. As we are a single institution, I think it should please all of us including our Law Review, that we think that we have made significant strides in that direction.

Setting aside the frailties of any rating systems or rating agency, our rank among the 172 law schools has improved from 98th to 28th and from the Adequate Plus to the Strong category. Any way that it is looked upon, 28th is better than 98th.

Our faculty, which has always been distinguished has some new members whose credentials are outstanding. The academic records of our student applications have improved significantly. We are getting more applicants than ever before in the highest category. While other law schools report a drop in applications and deposits from 10% to 20%, our applications are only 12 (out of 2,100) below 1984 and present deposits exceeded both 1983 and 1984.

We now have six distinguished professorships, recognizing certain academic specialties and excellence in teaching and I am prepared to announce this evening that by year's end we should have four more making a total of 10.

Our Moot Court Competition has become more professional and more successful. Our team made the national finals and this year won the Nassau County Bar Association's Moot Court Competition. This, we think, will continue to grow in proficiency and success as a result of our new upper class moot court competition.

The International Property Investment Journal and the Labor Law Journal have each published three editions and are beginning to impress those interested in those fields with their scholarship. Publications by the faculty have increased in quantity and impressiveness. At this moment Professors Gregory, Adamski, Regan, Hickey, Agata Twerski, Resnick, Lane, Wypyski and the Dean are working on books or book revisions and most other members of the faculty, particularly Professors Twerski, Lane, Monroe Freedman, Bush, Champlin, Bein, Diamond, Ginsburg and Resnick have

published or are in the process of publishing important articles. The public service and other professional activities of many of our faculty have been well publicized. The clinical legal education program received a Presidential citation for excellence in public service. The curriculum continues to be relevant and broad based and last year included for the first time a beginning course in the important field of Alternatives to Litigation. The Placement Office is doing remarkably well in what continues to be reported to be a tight employment market. Director Hugh Christenson reports that from a 88% return of a questionnaire, 94% of last year's graduating class gained employment within nine months of graduation. And that has been a consistent percentage for at least the last three years. We are dealing more aggressively with our determination to increase the numbers of minority students by establishing a Committee on Recruitment and Retention of Minority Students, by the implementation of the report and recommendations of that Committee and by obtaining from the University additional scholarship money especially for deserving minority applicants. You should all know that we have scholarship funds available, together with our two GOP grants to provide seven full tuition scholarships for this upcoming class for minority applicants.

The fourth annual Edward F. Carluoch Labor Law Conference will be held this year in Tel Aviv, Israel as a joint conference on comparative labor law with the Tel Aviv University Law School.

Gene Wypyski and I have started serious and encouraging discussions with persons of means for the construction of a new Law Library Building. We warn you that we will be asking for alumni support — something we have reserved these last three and one-half years.

All of this, together with other activities, including increased and regular lecture series under the auspices of student organizations and endowed professorships, represent important and genuine gems in how we look and what we do, but I am frank to state, and happily so, that the Hofstra Law Review is still the "jewel in our crown."

Gorbachev, Soviet Foreign Policy and Idea and Ideology

by Dennis Warren

On March 10, 1985, in what has perhaps become a much too familiar occurrence in the Soviet Union, the political guard changed once more. This time, a relatively young Mikhail Gorbachev, 54, arrived at the helm.

The elevation of Gorbachev to the number one post has prompted statements of less than guarded optimism among Western analysts and the press. Underlying reports of the advent of Gorbachev has been the suggestion that his era will likely alter Moscow's mood and political direction. Desirable though this may be for the West, such optimism is, at best, premature.

In fact, any analysis which concludes, or even suggests that radical or moderate changes would accompany Gorbachev's rise to power, reflects abysmal ignorance of the mechanics of the Soviet political machinery.

Unlike Western Democracies, where state power and policies invariably become personalized by the character (or lack thereof) of the leader; in the Soviet Union, the leader is merely a passenger in a sailing ship. So, despite Gorbachev's charisma, his suave and debonair manner, he will undoubtedly have to toe the party line, just like any other member of the party hierarchy.

Thus, we hear about Reaganomics, but it is quite unlikely that we will ever hear about Gorbachevism or any other such personopolitical doctrine. Gorbachev is hardpressed to singularly alter the flow of Soviet politics—and for good reasons. Why change

a program that works?

On its face, the above may appear absurd. But an objective analysis of the history of Soviet foreign policy, for instance, may give some credence to the assertion that this policy pays political dividends to the Soviet state. Generally, foreign policy impinges directly and radically on self-interest. It seeks to achieve the goals of a particular state or to protect strategic and material interests. Soviet foreign policy has succeeded as far as serving the interests of the Soviet state is concerned.

Following the October revolution in 1917, there was no other socialist state in the world. Today, 68 years later, more than half of the world's territory is governed under some form of socialist or communist system—all tied in varying degrees to the mother of the revolution—the USSR.

From the Western standpoint, it is vigorously argued that the tactics used by the Soviets to spread their influence are questionable, and depend on the use of violence and warfare.

This may be absolutely true, but herein lies the strength of Soviet foreign policy—its ability to rationalize its actions within an ideological framework. The underlying postulates of the dialectical approach [the approach scrupulously adhered to by the USSR], openly advocates revolution and violence to overcome the "oppression of capitalism and imperialism." So, nowhere in the Soviet manifesto has the USSR promised not to use force in defense of or perpetuation

of the socialist revolution.

Juxtaposed with Soviet policy, the inherent disadvantage of U.S. foreign policy becomes more apparent. Many times the U.S. is caught in a contradiction with regards to its foreign policy, one occasioned by the diverse interests which go into formulating that policy per se. In simpler terms, the U.S. oftentimes does not speak with one voice, nor does it act consistently with its stated international goals. Thus we have found that many times the government disagrees with support to fascist regimes, yet these regimes are still supported by multinationals which seem able to defy the government with impunity. Nothing seems wrong with this on the surface, but when contrasted to what the U.S. stands for, in the eyes of the Third World and the West, these contradictions do indeed hurt U.S. credibility more than further it.

After all, the U.S. is the leader of the free world, which by example shows others what democracy and freedom should be all about. It is the purported moral antithesis to Communism. But in the past, much of this image has been tarnished in the eyes of Third World spectators, especially when the U.S. supports the South African regime, the Contras or other despots insensitive to the rudiments of human rights in their respective states.

But the Soviets are often protected from criticisms of this kind, because of the ideological components of its foreign policy. People tend to say, "That's what Soviet power is all about—revolution." Ironically, the Soviet Union in most major struggles throughout the Third World seems to have the uncanny ability to pick the "right side."

Thus, the ideological factors present in the Soviet policy have enabled the Union to spread its influence globally, a situation

which Gorbachev certainly won't want to change.

His recent willingness to meet with Regan, and to discuss peace initiatives, has been cited by some as an indication of a possible shift. But this is not new. In fact, the Soviets have continually called for peace under the slogan of peaceful co-existence. This is but part of Lenin's grand strategy for the defeat of imperialism—to avoid direct confrontation with the U.S. while escalating the revolution in the developing countries for independence and economic development.

It seems unlikely that Gorbachev will shelve the ideological underpinnings of Soviet international relations without compelling cause, just as it is unlikely he will withdraw troops from Afghanistan. And whereas to the people of the United States, Soviet political style may be repugnant, it is naive to assume that everyone in the world bears this same perception of the Soviet system. There are many in Third World countries that have embraced the philosophy and strategy of the USSR, and there are some who are neutral, watching to see which superpower is the right one to align themselves with. It is to these that the U.S. must appeal. But this appeal cannot be barren words or glib rhetoric, it must be based on concrete action consistent with the U.S.'s ideal of freedom and justice.

The U.S., in order to persuade the skeptics, must begin to cease the support of the fascist regimes in Latin America and other parts of the world. Sovereignty and independence must be respected; international law and order must be respected by the U.S.

Indeed, this is a tough road to travel, but the rewards at the end of the journey may give rise to a stronger, more meaningful U.S. foreign policy.

COMMUNITY FORUM

This is It

By Randy Montellaro

Well, this is it, my last column in a long line of monthly columns I have written over the past three years. Since I am graduating, you will only have to put up with my liberal bias this one last time. This being my final column, I have had a difficult time deciding what to write about because I still have a lot left to say. Liberals always have a lot to say about everything. They don't always have the answers, but they always have something to say about this, that or the other things. I am no different. I don't pretend to have all the answers (only some) but I do have an opinion about almost everything and always will have a lot of questions.

Now that I have warned you that I still have so much left to say but so little time to say it, I've tried to compile a list of things I would write on if I did have the time (roughly another four or five years). This list is by no means exclusive but it is a good starting point if you're looking for an argument. Do me a favor however, don't start the argument with me, I can use the peace. This list, although not all encompassing, does include a little bit of everything (politics, morals, fortune cookie philosophy, etc.), in other words, life, the universe and everything. Additionally, the list is solely off the top of my head and thus each item is not listed in any order of importance.

The positions I take on the varying issues are not intended to sway you one way or the other but the list is compiled in the hope that you will pause and think about the issues I raise and to question the traditional dogma when needed. Or to echo the *Conscience* slogan found on every cover of *Conscience*,

I'm "asking you to ask yourselves."

1. Remember Vietnam because if we don't it could happen again and soon.
2. Don't forget the devastation which took place at Hiroshima and Nagasaki. Next time it might happen on a worldwide scale. Support a Nuclear Freeze.
3. Passage of the ERA is long overdue.
4. Don't accept "tax simplification" and the "flat tax" until you're sure you know all the facts.
5. We have to live on this planet so respect it and don't pollute it.
6. The advancement of civil rights still has a long way to go.
7. You must take at least some responsibility for the future and children yet unborn.
8. Don't forget Watergate.
9. Don't let America become an armed camp. Support gun control.
10. Remember you should not go to law school only because you want to make money.
11. Give someone you meet the benefit of the doubt before you notice the color of his/her skin.
12. Never place things before people.
13. The death penalty should not be the final answer.
14. The "trickle down" theory is full of leaks.
15. Alternative energy sources must be found but the nuclear power experiment should be ended. Nuke Shoreham.
16. Isn't it about time women receive comparable pay for comparable work?
17. Detente has to be pursued, it's the only sane solution.
18. The First Amendment should be

venerated.

19. The U.S. should cut all ties with South Africa unless South Africa ends apartheid, now.

20. Either draft registration must end or conscientious objectors should be exempt.

21. The U.S. must stay out of Central America. Haven't we learned anything after Allende, Somoza, Batista, et al.?

22. The separation of church and state must be maintained.

23. Right to have an abortion must always exist, even though abortions may be personally offensive.

24. Elect politicians who are not out for

themselves but are for the people.

25. Anyone who wants a job should be entitled to one.

26. Anyone who wants to pursue a higher education should be allowed to.

27. Keep weapons of war out of space.

28. "We Are the World" is not just another song — open up your hearts and wallets.

Regardless of whether you may agree or disagree with what I have said in this or any other column, I implore you to remember just one thing, Nothing is written in stone. Seek out the opinions of others but do not blindly accept their opinions. Make up your own mind and don't be afraid to voice it.

Attention Alumni

The HLS Alumni Association is compiling an Alumni Directory. If you know of any fellow alumni not receiving *Conscience*, they are no longer on the mailing list. Please send their name and address to:

**Hofstra Law School
Alumni Association
c/o Dean's Office
Hempstead, N.Y. 11550**



The National Institute for Trial Advocacy

in cooperation with the
HOFSTRA UNIVERSITY
SCHOOL OF LAW

Announces an Intensive Program in

TRIAL ADVOCACY

For The Northeast Region

TO BE HELD AT THE
Hofstra University School of Law
Hempstead, New York
August 8-18, 1985

The program is designed primarily for lawyers with one to five years of trial experience. Each day, participants will perform as counsel in some phase of a trial. These performances will be critiqued by a faculty consisting of an experienced trial judge, experienced trial lawyers, and a law professor, and will be videotaped for later review and critique. Participants will gain the equivalent experience of several trials.

For an informational brochure and application form, contact:

Prof. David Diamond
Prof. Lawrence Kessler
Hofstra University School of Law
Hempstead, New York 11550
Telephone: (516) 560-5894

COMMUNITY FORUM

A Farewell to Arms

By Jim Black

Now that my term as president has come to an end, there are some comments I would like to make, that I have felt it would be inappropriate to make before.

First, I would like to go over some of the accomplishments this administration has seen. We have gained a seat on the University Senate, which aided us in getting the liquor policy, which prohibited the serving of liquor by student organizations on campus waived. We have also opened new avenues for negotiation of the still unsolved law school parking problem. A Judiciary Board has been formed, and one of its members is serving on the Residential Life Judiciary Board. Thus, as promised, we have taken several steps toward complete integration of the Law School into the University community.

This year the Democratic Law Students Association has been reestablished, and the Gay-Lesbian Alliance has been formed, increasing the number of active law school organizations to twelve. We worked with a record budget this year, enabling us to fund almost every function the organizations wanted, buy a computer, and still leave a surplus for next year. I must commend all the members of the government for their strong fiscal responsibility, which helped us all by being sure the students' money was allocated carefully.

I would like to take this time to thank three graduating students, whose help during this year made my job much easier. First, Conscience Editor-in-Chief, Randy Montellaro,

who put on end to prior existing editorial philosophy that government and press must be adversaries, both professionally and personally.

Last year, for many reasons, the S.G.A. President and Conscience Editor-in-Chief were leaders of two antagonistic factions. Unfortunately, that antagonism ate up much energy, making last year less productive than it might have been. This year, I am happy to say times have changed. Not only have Randy and I retained a personal friendship, the Student Government and Conscience have worked hand-in-hand. The best examples of this are the Adopt-A-Family program, and the end-of-the-year picnic, both of which we co-sponsored. Regarding the Adopt-A-Family program, that was probably the best spent money of the year, and I hope it will become an enduring program.

Next, I would like to thank Neil Kurlander, the Third Year Representative. While Neil did not seek this office, but was elected as a write-in, he became my most trusted ally on the government, even over those who ran with me, or were elected due to my help. He was always able to cut through the nonsense and infighting, making the sanest and most reasonable suggestions, which were often followed.

Finally, I would like to thank Andy Luskin. Up till this year, he had stayed out of the lime light of school politics. Befriending me changed all that. I appointed him as Chairman of the Graduation Speakers Committee, mostly because of his reputation in this school as being fair, impartial, and in possession of unquestionable integrity. Un-

fortunately, even Andy became grist for the mills of complaint and criticism. Yet he stayed in his position, rode out a storm of criticism and it was his fairness alone that probably saved the credibility of the committee with the administration, and guaranteed its future existence.

To these three men, for their loyalty, friendship, and help, this is just a small way of saying "Thank-you".

Now, I feel compelled to turn to a less happy side of my presidency. For reasons I have yet to fathom, a select few members of our elite corps found themselves with nothing better to do than drag my reputation through the mud. I do not mean those who publically questioned my policies or decisions. I welcomed the commentary on the government, and wish there had been more of it. I refer to those persons who thought up things involving my personal life and personality that they decided to tear at, as scavengers tear at the carcass of a defeated animal. But perhaps more painful to me has

been how those I considered my friends were so willing to turn on me. One of the banes of my office, is that you hear everything people say about you, and *who says it*, and I mean *everything*. You quickly learn who your friends are, and how very few of them you really have. The cruelest cut of all has come from those "friends" who have abandoned me out of convenience because "its become too hard to defend him", and thus easier to join all my other detractors, retaining their popularity by joining in the fun. I must admit I feel very sorry for them. Such shallow people can only hope they won't fail too miserably at life.

But nonetheless, in this season, when we commemorate the glorification of He who died so all wrongs may be forgiven, it would be wrong to hold a grudge. I forgive them, for their maledictions, and I hope that those who have consciences can forgive themselves for their wrongs. To them, and to you all, in parting, I say only what He said upon His departure, Shalom —Peace.

Good Luck on Finals

ISLAND BOOKS

EFFECTIVE JANUARY 1, 1985,

We are moving to larger spaces
to offer you a
larger selection
and
serve you better.

Our Expertise and Selection make it worth the ride.

For Mail and Telephone Orders
We Take

MASTERCARD and **VISA** and
Ship **UPS**

JUST GIVE US A CALL.

YOU SHOULD RECEIVE YOUR ORDER
WITHIN TWO WORKING DAYS.

Complete Selection of Casebooks & Hornbooks

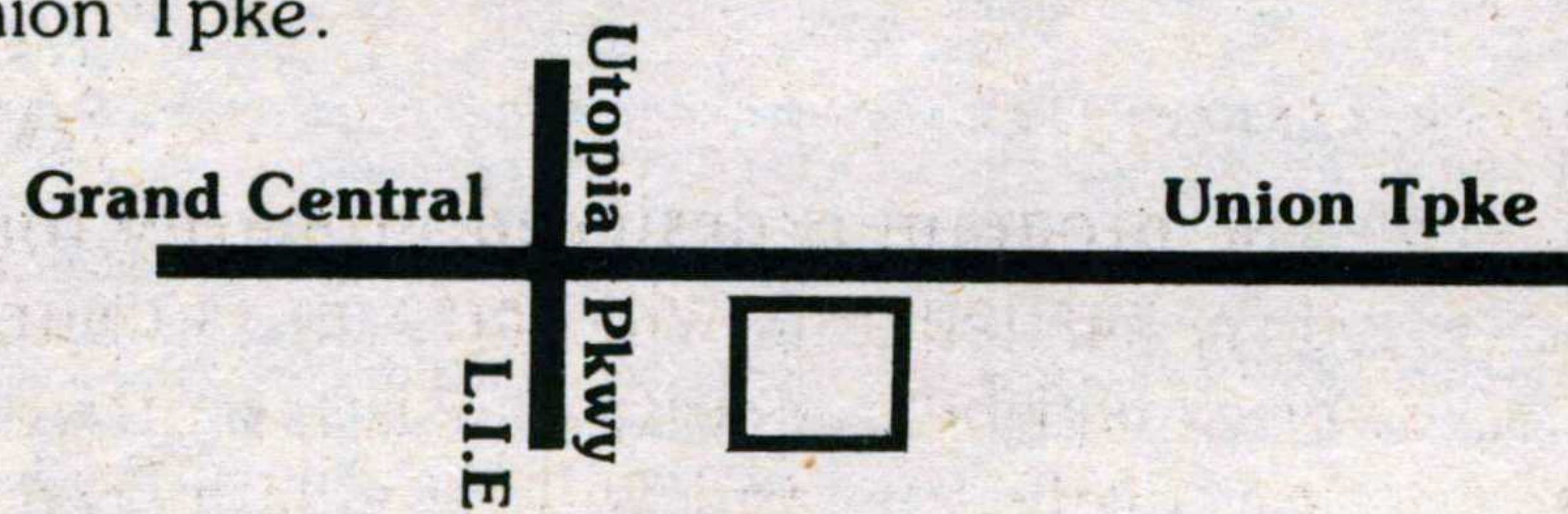
We Carry Every Review In Existence:
Briefs, Charts, Tapes, Outlines

FROM HOFSTRA:

176-29 Union Turnpike
Flushing, N.Y. 11366
(718) 969-7173/7174

VIA GRAND CENTRAL PARKWAY: West to 188th Street Exit. Make right at exit, two lights to Union Turnpike. Make left onto Union Tpke to Utopia Pkwy. (178th St.)

VIA LONG ISLAND EXPWY: West to Utopia Pkwy. Make left under L.I.E. approx. one mile to Union Tpke.



**ALL SPRING
SEMESTER CASEBOOKS**

**LARGEST SELECTION OF LAWBOOKS IN
THE METROPOLITAN AREA — WE SHIP UPS**

COMMUNITY FORUM

MORE LETTERS:

Guilty Conscience Guilty?

To The Editor:

We admit that some parts of *Guilty Conscience* were hilarious. On skimming the issue, we were amused and willing to overlook some of the sexist material. Closer reading, however, reveals that sexism permeates the issue.

Especially offensive items:

1. "From the Desk of Charlotte Hoffer," Sex Offenses, Sex Discrimination. Sex offenses, particularly gang rape, are hardly comedy sketch material.

2. "Guilty Conscience Forum." An appropriate subtitle for this might be "The Joys of Sexual Harassment." Be assured that the women who greatly outnumber the men on Law Review and in the upper class ranks didn't get there by sleeping around.

3. "Moll Heads New Club at Hofstra." Once again, we are reminded that sex discrimination and wife beating are acceptable behavior. Don't worry, boys, we're not interested in your club.

4. (Back cover) "The Key to Our Success is Our Jiggle." Need we say more?

The above list is not exhaustive. Hark — we hear the rising chorus of "Feminists have no sense of humor." Why should we laugh about rape, wife beating and sexual harassment? Would anyone be laughing about an

issue "poking fun" at blacks? Jews? Women die every day in the U.S. from wife beating and rape. Hardly a laughing matter.

Unfortunately, sex discrimination and harassment still exists, even at Hofstra Law. Therefore, we sign ourselves,

Uppity Law Women

[Editor's Note: It is the long standing policy of *Conscience* not to print anonymous letters. However, we will break with tradition in this case because the above letter has raised the spectre of sexism, but reserve our right to respond.

Guilty Conscience serves as a parody of the law school. It was intended as a farce — it offered a chance to let off steam and to be frivolous. No malicious intent existed on our part to subject the reputation of any specific person or group of people to unwarranted abuse.

Conscience stands committed to the advancement of the social, political and economic status of women. If sexism exists in the law school and in the community, we reaffirm our commitment as the "voice" of the law school to see that it is eradicated and condemned. It is our hope that you will take the time to read the article on sexual harassment and complete the accompanying survey in this issue.]

Last Words from the Meister

To the Editor:

For awhile, I thought that my biggest satisfaction at Hofstra would be in manipulating larger and larger numbers of pathetic law students into kicking around a leather testicle (now popularly known as a Hackysack). After looking back on the past two years, I realize that things have changed. The Environmental Law Society (ELS) is on the move and I feel like I've contributed to its growth. The major force behind the recent growth of ELS, however, has been Barry Cohen.

Barry will never let me forget the day when, as first year students, he asked me to attend an ELS meeting and I replied, "Barry, I'm not into that toxic s---." It was tough getting 5-10 students (including myself) to an ELS function; now there are more than 30 members who are actively involved. Twenty-two people worked on the *Hofstra Environmental Law Digest* this year and another dozen organized our Symposium on Indoor Air Pollution or participated in other activities.

As Editor of the Digest, I have seen what began as a twinkle in Barry's eye grow into a biannual publication that is getting better and better. Three issues have been published and we have several hundred dollars in subscription revenues from law libraries, attorneys, environmental groups, and other organizations. In addition, articles from our Digest are being reprinted in the New York State Bar Association's Environmental Law Section Newsletter and the Digest is being marketed by several periodical subscription agents who are listing our publication in their catalogues.

The symposium this year brought more than 80 people to Hofstra to hear about the increasingly emphasized dangers of indoor air pollution. Thanks to the "tireless" efforts of Barry "King Golden Acorn" Cohen and his entourage of junior Golden Acorns (a.k.a. other dedicated ELS members), the symposium was a first class presentation which left the audience, despite being KO'd by Dr. Mancini's low blows, eminently more aware of the indoor air environment that some say poses a very serious health threat. (P.S.

In our last function of the year, Richard Gross, a Hofstra Law School graduate in 1975, came up from Washington, D.C. to speak from federal toxic substances regulation. Gross is the Chief of the EPA's Existing Chemical Control Branch. He assured us that his branch does exist and showed us pictures of his Indians to prove it. He then provided an inside look at environmental regulation which was both candid and interesting. After Gross spoke, ELS members called an emergency meeting at Falstaff's in order to satisfy their thirst for more knowledge about toxic substances.

The many activities that ELS has sponsored are helping to educate both our members and the surrounding community. We also feel that Hofstra Law School is getting good exposure. However, the best thing about ELS has been the interaction among our members. Many of us work in city, state, or federal agencies and the knowledge we gain from each other is invaluable. When working to meet deadlines we sometimes get irritable but we usually become close friends in between punches.

So why did I write this anyway? Don't get me wrong — there are many things about Hofstra that I abhor. But rather than add to the long list of *Conscience* articles that condemn the Law School, I wanted to point out one of the bright spots. In doing so, I have taken the opportunity to pat ourselves on the back. Whether deserved or not, much of what we have done could not have been possible without the support of the SGA. A special thanks go to both the Zarin and Black administrations for having faith in us.

As I leave Hofstra, I am confident that the ELS will continue to thrive. The current state of the environment requires that such groups remain active within the law school community. The younger members here at Hofstra are good, sincere people who care about the environment and the continued strength of the ELS. Support them in their quest for the Golden Acorn.

Gary Jones,
Hackmeister turned ELSmeister

The Final Word?

To the Editor:

I was really tempted not to reply to Joe Lee's continuing saga, concerning the SGA's decision to close this year's budget meetings. Talk about beating a dead horse. But after much consideration, I decided to respond, and mostly out of respect for Joe. I mean, I didn't want to ruin his summer, and now, he'll have something with which to occupy his time for the next three months, for it certainly does appear that Joe has nothing better to do than to continue his absurd tirades on this issue.

I actually enjoyed Joe's last letter. At least he showed some humor this time. Unfortunately, he still hadn't shown much common sense. Although Joe continues to argue that the closed budget meeting is "undemocratic, because it keeps out students," he still fails to address the fact that all students still have the same opportunity to voice that opinions as they had before, only now they can do it on assembly called a budget "hearing" rather than at a budget "vote." Are there any differences in the hearings and the vote so that student input is any less respected when presented at the hearings instead of the vote? If anything, student opinion is probably granted more weight

now, for the SGA members have a full week to consider the information put forward at the hearings. In the past, everything had to be decided at one meeting. It seems unlikely that anything said at that meeting could have persuaded any decisions, as the SGA members, by necessity, had to enter the meeting with certain preconceived notions as to what allocations they were going to make to the more than ten student groups; the meeting lasted only a few hours, and didn't possibly present the opportunity for reasonable reflection based upon anything said at the meeting.

Most people have in fact recognized the wisdom of the procedure instituted by this year's SGA. Besides Joe of course, the only student groups that voiced their displeasure were *Conscience* and ELS. The vast majority of the groups were quite satisfied with both the budgetary process and the ultimate results. If Joe is so concerned with the wishes of the majority, he should certainly respect the message that the majority has presented here.

Have a good summer Joe. Look me up in Martindale — Hubbel if (when) you reply.

Neil Kurlander
3rd Year Representative

Why Bother?

To the Editor:

On May 7, students will file into the law school, sweating profusely. Each will have four pens, and one will have forty pencils. They will sit in what was once classrooms, and wait for the ladies reading *The Enquirer* in the front of the room to say the dreaded word: "begin." It is test taking time.

This letter is not to expound on the disadvantages/advantages of taking tests. They seem to be a necessary evil — like cod liver oil, studying for the bar exam, and Top 40 radio. Instead, this letter is to question what is done with the exams after they are taken and graded. You may be saying to yourself "I didn't know anything was done with the exams. I thought they were just filed somewhere." And that's where the problem lies.

Every semester students study for tests, take tests, and get grades on tests. Never do they learn anything from tests. Isn't school's purpose to learn? There should be a process for going over exams after they have been taken.

A system where the exam is reviewed that turns into individuals asking about their specific answers ("Well, what about if you put...") is not the type of system I am advocating. It's not even a good system. It's only a gripe session that becomes an oral grading of exams.

The system I'm talking about has nothing to do with grades. The purpose of going over the exam is not to determine how a grade was arrived at. The purpose is to learn from the exam. The exam should be treated as a class hypothetical.

The reason for coming up with such a system is simple. The current scenario, for lack of a better word, sucks. You take an exam, you think you did well on an exam, you get a C on the exam, you don't know what you missed on the exam conceptually, and never will. The problem is that once you get into the real world, your case may be the same as question 2. You answer it the same way you did on the exam, thinking you know what your talking about. The problem is the judge lets you know why you got the C.

The exams can be reviewed in a number of ways. The professor can orally go over a model answer to a group. The model answer can be written out and left with a secretary to be picked up by those who want it. Instead of

a model answer, the professor could just make available a list of the areas that should have been covered in the answer. Whatever the method, it will give the student an opportunity to learn from his mistakes.

The arguments against the practice don't seem to outweigh the benefits. It may force professors to come up with model answers — but they have to have something in mind when they grade the exam in the first place, don't they? It may also force them to come in an extra day — but that would only be true if the group method was chosen. As for making it necessary to draft new exams each year, if the concepts are that important that they will always be on exams, then there would only be so many ways to ask the question anyway.

The proposal is definitely a radical change. That's probably why nothing will be done about it — especially if it's not done in the top 27 law schools. But isn't it possible that implementing the system so students can learn from their exams HELP Hofstra move up in the rankings?

Hail and Farewell to the Editor

I want to convey special thanks to Randy Montellaro, Editor-in-Chief of *Conscience*. For the past year, Randy has worked tirelessly and uncompromisingly to see that each month another quality issue of *Conscience* was available to its readers.

Some *Conscience* readers may not know Randy. He is the person who has spent many hours of each week organizing meetings, writing feature stories and editorials, gathering articles from fellow students and other sources, and making frequent trips to the printer to "cut and paste" the paper to its completed form. He is the person who has kept us in tune to what was happening in and around the law school and the legal community. Everyone who has had the privilege of working alongside Randy has not only been inspired by his dedication to this paper, but by the cheerful and engaging presence of the man himself.

Randy has been the heart and soul of this paper. For all you have given to us Randy, thanks.

Nel Panzeca
Managing Editor

COMMUNITY FORUM

ESSAY: *Why the Law? Why Hofstra? Why Me?*

By Frederick C. Paine

Although the approach of graduation often finds students looking back — with justifiable satisfaction — at the accomplishments of their law school career, recently I've felt at least a twinge of anxiety and uncertainty when I've tried to look forward. Even though I am lucky enough to feel I've done reasonably well academically here and to have secured a good job with a good firm after graduation, the prospect of entering the career race with no better goal in mind than becoming partner left me feeling as though — even if successful — I might end up living a rather empty seven or so years. I've been wondering; what personal goals will sustain me throughout a period of stress and self sacrifice greater and no less intense than law school itself? I felt a little bit the same way on entering law school. I'd worked hard to get into law school, and finally, on being admitted my "noble quest" was over. The need to "succeed" in law school, however, supplanted my insecurity once lawyering skills began. After all, I'd given up a total of about \$100,000 in gross salary for three years and would be borrowing \$20,000 to go to law school. That large an investment at age 28 for a guy who was flat broke seemed more than sufficient motive to make sure I gave law school a fair shot. But all those aspirations were directed to becoming a law student, and being a good one if possible. Had I overlooked the ultimate goal of being a lawyer? I don't think so, but I think the process of law school changed me a bit without my knowing it, so that a little introspection was needed for me to collect my thoughts . . . sorts of coming up for air before diving in again for the next leg of the professional journey. During that process, an idea occurred to me recently as follows.

I lay in bed reading one night in March (not cases) while listening to the Tonight Show. (Real "high brow"). The first guest was a black woman vocalist who sang only Gospel music. In fact, it was she who ten years before had been "discovered" as probably the greatest female vocalist of the century. If memory serves, she was offered virtually unlimited sums if she would sing popular music — not just Gospel songs. She refused. Without a doubt, she has a fine voice. I'm surely no expert, but I'm not tone deaf either; and as she sang it was certain she had an incredibly strong, clear, precise, beautiful and exciting voice. Sure, the fantastic Tonight Show band was playing a red hot arrangement of her Gospel tunes which added to the performance's appeal, but this woman was devastating. When she finished, the crowd was wild! They couldn't stop cheering; and both Carson and Doc Severinson had tears in their eyes. So did I. There's no doubt that this woman gave up a lot of money and fame because of her commitment only to sing Gospel music. But her fidelity to that commitment hadn't detracted from her love of her work or the substantive talents that had originally gained recognition for her.

As I listened, I wonder what it was about this performer that was so impressive; what kept her from being just mediocre even though she'd chosen less than the sure road to stardom; what seemed to make her contribution, though less illustrious, more significant? Six words came to my mind: a Superior Sense of Moral Purpose. It quickly occurred to me that, indeed, it's a superior sense of moral purpose that permits anyone to commit themselves fully to a particular course of action — probably to do their best — regardless of how successful they are perceived to be by the world around them. Don't be fooled though, the "moral" aspect of this notion has nothing to do with any absolute idea I have about what's good or bad. It's merely what any individual, rightly or

wrongly, may decide is a value of paramount importance such that it justifies the dedication of their life's time and energy to its pursuit. Certainly many never identify a superior sense of moral purpose in their life's work. Of those people, some achieve great success and others don't. By contrast, for those who do identify a superior sense of moral purpose in their work, there is no assurance of fame or recognition. The next question was whether my theory had any application to law students and lawyers.

To begin that analysis I had to step back for a moment and consider what really brings people to the decision to go to law school? Undoubtedly, the most frequent and quickest response to that question is "The Money!" — "yeah, we just can't wait to get out there and start raking in all those big fat bucks from all those widders and orphans helplessly at our mercy; ha, ha, ha." I don't buy it! After three years of law school, I can't help but be reminded of a remark made of Winston Churchill:

"Accustomed to the hardships of battle, he (had) no distaste for pleasure."

Sure, we all want to be paid well for what we do, and the law offers a better chance than many careers for good compensation. But it's not the highest paid job by a long shot, and even some easier jobs pay better. Doctors make more money than lawyers, so do dentists, veterinarians, bankers, (and how, and they go to grad school for only 2 years . . .), people running their own businesses — what about the guy who "invented" the pet rock . . .!

Nope, money alone is not the sole reason for choosing the law. Lawyers just aren't the highest paid professionals anymore; and besides, what leads someone to choose the law over a lot of other equally good or better money making alternatives? (The subject of making money arises again shortly so please stay with me if you can.) That is, we know we're going to work hard and we're not stupid enough to be giving all our efforts away . . . but why the legal route? The answer is probably People. Probably every person who decides to go to law school, in some way or another, likes or cares about people; has at some time sought to or wanted to correct an injustice or unfairness that they've seen done; or simply wanted to try to apply their thinking and beliefs to help improve the structure of the ways "things are done" . . . You surely can't trust random events always to treat you well (just think of what would have become of poor Mrs. Palsgraff without a little lawyerly help), and the deliberate acts of individuals also require a little molding if societal living is going to be acceptable. (no matter what side of the Goetz case you're on) No, money alone as a justification for practicing law just doesn't wash. Even if our social concern has been substantially sublimated by the competitiveness of the profession and recent trends favoring quantitative rather than qualitative measures of success (recall that only five or six years ago it was "hip" to be anti-establishment), it's probably a societal or moral concern (for lack of a better term) that is the most common theme linking those who choose to be law students and ultimately lawyers. Not all of us maintain that concern as our paramount motive, but in the long run it's the one I think most likely to sustain us in the practice of law.

All that I'm saying, so far, is that from among a larger group of over-achievers, those of us who have a significant concern for social fairness and well-being have probably chosen the legal profession as the means of both supporting ourselves and of making a worthwhile contribution during our lives. Unquestionably, there is the opportunity for the lawyer to pursue his or her calling with a Superior Sense of Moral Purpose. And yet, every professional has that same

opportunity by pursuing his or her chosen profession with the thought in mind that that profession equally makes the kind of contribution to society that that individual most values. But then why do we choose the law, how do we view the contribution we can make in another calling? If we want to make a contribution and if we want to strive for greatness (not just material success, greatness — to improve the condition of things simply by what we try to accomplish and the way in which we try to do it . . .) then we must look at what opportunities we are offered by the law and compare them to other professions.

For example, artists can have a superior sense of moral purpose about their work. Guaranteed of no tangeable reward for their labors, they seek to express ideas and emotions through images. To do so, they make themselves mirrors or interpreters of life using their intellect, experience and emotion to describe their vision. While unquestionably enriching our lives, however, too often their ideas aren't clearly understood or are incapable of reaching a broad cross-section of society. Though no less noble than the law in its purpose the opportunity to effect order or change in society is more remote in the arts than in the law.

And what of the Clergy? Clearly there is a superior sense of moral purpose that propels one to follow this calling. Members of the clergy seek to reduce suffering, to give comfort and guidance to those facing uncontrollable and inexplicable life events. The clergy even seeks to promote order through a set of rules, or a code of conduct, intended to achieve its purposes. Yet, unlike the law, the clergy can only appeal to peoples' faith and reason to actualize its goals — there is no worldly mechanism of enforcement. Again, the lawyer's need to effect order or change can't be satisfied by this calling.

And what of the banker or businessman? Ah there, you say, no purpose other than profit. But even the banker can find a superior sense of moral purpose in the tenants of the economic philosophies — that competition produces a prosperous economy, the result of which is an improved human condition. This profession requires diligence, intelligence, creativity, and it shapes events. But history clearly has shown that possession of wealth or power gives society no assurance of justice or fairness. And so some other mechanism is required to assure that a concentration of wealth does not rob even the marginally less wealthy of their opportunity to contribute to society and to grow.

And what of the Doctor? Surely he has superior sense of moral purpose in the desire to ease people's suffering and to cure diseases. Yet his methods are limited. The scientific method to discover the laws of science or nature is that of searching for particular results that can be repeated with mathematical precision; then applying them almost in a mechanical way. Contrast the lawyers method of deriving rules: using logic and creativity, the lawyer shapes thinking and opinion by deriving a rule not that has absolute (or even sterile) validity, but which is tailored to address a perceived need. And how is that need identified? In terms of the policy that the rule is intended to implement. And these rules are enforceable! Then consider the extent to which the rules and policies are tested and challenged: in an adversarial setting, where there are usually three separate levels of review even in the initial phase of developing a rule in a precedent setting case. After that, every time a rule is invoked in a court cast, it is re-examined (subject to equally well tested rules of evidence and procedure) to determine if it is applicable to a given set of facts and whether the rules of integrity is still viable at that time given society's needs. Not only is the state of the law one of the most intensely

examined and challenged aspects of the social order — all court opinions are a public record open to anyone for inspection — even the lawyer himself, in every aspect of his life, is increasingly being held to higher ethical standards as a symbol of the responsibility and trust which the society has placed in his or her hands. Based on this analysis, it appears to me that the lawyer is offered quite a unique opportunity both to challenge him or herself intellectually and to apply those talents in a creative way that maximizes the ability to effect order or change in society. This profession, regardless of the particular philosophical orientation of any individual, affords every lawyer the chance to present his or her views (within the legal framework) and to have them measured and tested by the rigorous standards of the profession. As students, we have now minimally acquired the skills and understanding of the system needed to engage in the unique opportunity afforded by the profession to both make law and to effect the social order. I can't help but feel that anyone concerned with such values can believe that the lawyer is afforded an especially important opportunity to approach his or her work with a superior sense of moral purpose.

My last level of inquiry on this theme turns to what about our experiences at Hofstra might affect our lives as lawyers. Sure, I know lots of people will say that the effect will be negative since this isn't Harvard, (and the placement office didn't do as much as they'd have liked, and "I never once had lunch with Dean."). But let's face it, probably less than one per cent of us could have gone to Harvard. And regardless of where we could or couldn't have gone, we all decided to go to law school and to go to Hofstra. I haven't heard of anyone who was forced to come here by the Hofstra administration. We came!

Now I'm not about to launch into a Pollyanna list of praises of the school. I'm afraid I'm already misunderstood to believe that everything is peachy and that I'm just somebody who likes to please the big shots. Rather, my approach is more that of a salesman or public relations guy. I'm convinced that I won't supply my competitors from other schools with ammunition to criticize me indirectly by criticizing Hofstra — you know, don't air your dirty laundry in public. But my view is just that, my approach. My question here is, how has our Hofstra experience contributed to the betterment of our lives as lawyers? (Grab at least as much good as you can find!) I think Hofstra has contributed in at least two ways.

First, the existence of this school is a reflection of its founder's superior sense of moral purpose in seeking to create a national law school that ultimately would achieve status and recognition as among the country's finest law schools, and to do it on Long Island. Whether progress toward that end has been accomplished I leave to your judgement, but I think progress has been made. There's the Gorham Report, the six endowed chairs, a well respected faculty, a more relaxed classroom atmosphere than in most law schools, the trial techniques program, the clinics, and there's other indicia easily identifiable of some success. The amazing thing is that a group of about ten professors came together and founded this school only 15 years ago — on a shoe string — and that it's now here at least nominally vying for national prominence. I also take some pride in the commitment to substance over form that's been the hallmark of building this institution. I can't help but be stirred when recalling Professor Twerski's remarks, at his convocation, about how he was hired. I'm proud indeed that Hofstra was "THE" one law school willing to hire Professor Twerski ("despite" his religious affiliations) and that it was an Irishman, Malachy

Continued on page 12

COMMUNITY FORUM

Final Thoughts of a 3L

by Jack Foster

Last month I complained that the student-customer at the law school does not have any designated person to run to with such academic problems as course selection and catch-22 administrative nightmares. I suggested that a counseling office be created to fill this need. While I've received very favorable response from students and faculty, I wonder how seriously the administration regards letters like this or even the thoughtful editorials that appear in *Conscience* (assuming they read them). I sometimes get the feeling that we students are writing only to each other — preaching to the already converted — and that the administration lets us play our little games secure in the knowledge that they were here long before we were and will be here long after we're gone. After all, despite the fact that the student-customer is footing the bill, we are still visitors playing by "their" rules on "their" field. We're transient, they're permanent. And individually, we need them more than they need us.

If this all sounds like a portrayal of a callous, heartless, or even sadistic hierarchy, let me hasten to say that it is not so intended. I believe the administration is primarily concerned with building Hofstra into an even better law school of national prominence. I just think that more attention should be paid to the student-customers' day-to-day needs as evidenced by our oral and written complaints.

Recognizing these conditions, what can be done to help the student-customer make the transition from ignorance to wisdom less

painful, more interesting, more efficient, and more effective?

For one thing, regardless of how effective teachers and texts are, many students need supplemental academic help right up through the third year. They either can't catch the professor or are too embarrassed to burden him or her with trivial questions.

One obvious remedy for this problem is the extension of lawfellow classes to cover the entire curriculum. Another is the creation of a "big brother" system, wherein certain students would be available for consultation in specific subjects.

For a variety of reasons, students can often help other students better than professors can. We have a wealth of untapped knowledge and enthusiasm walking around in the form of upperclassmen (and women). Giving them the opportunity to teach other students would serve the dual purpose of delivering help to the needy and providing to the donors the interest in academic life that some students find lacking after the first year. Also the experience of teaching results in a sharpening of subject knowledge and communicative skills, both worthwhile attributes for would-be lawyers.

Now, stepping into the classroom, we confront the actual teaching process, which is one of the most exciting and important phases of the law school experience.

"Arguably, the most important criterion of a law school's academic excellence is consistently effective teaching which...grows out of the deep and special insights of experienced professionals who illuminate through their ability to communicate and ultimately

empower students to teach themselves." Interim Report by the Ad Hoc Committee on Academic Excellence, *Conscience*, Oct. 17, 1983.

I have had the best teachers and the less than best. All were knowledgeable but not all were effective. (Knowledge alone does not a teacher make.) Unfortunately, the few exceptions caused damage beyond what their numbers would indicate. What is it then that makes some teachers good and others less than good?

Without delving into the mysteries of the teaching personality, I humbly offer a few suggestions that might enhance any teacher's effectiveness. (Most of our teachers already follow some of these practices; I offer them for those who might benefit by their adoption.)

1. Distribution of a course outline. Serves as a road map for the student who may not be sure of where the teacher is headed. Also a guide for those who wish to read ahead.

2. Designation of office hours. "Grab me when you can" is unfair to both student and teacher. A few minutes of one-on-one can be invaluable to the student.

The following items, 3 through 12, apply to classroom techniques.)

3. Repetition. It doesn't always penetrate the first (or even the second) time.

4. Pausing frequently. It takes a few seconds for a complex or unfamiliar idea to sink in.

5. Asking the class if a point is understood before moving on. A structure needs a solid foundation.

6. Use of clear diagrams on a clean

blackboard. Visual reinforcement is worth many words.

7. Use of handouts containing information or hypotheticals. Give them something to remember you by.

8. Frequent review and summation of material. "This is what we've covered so far."

9. Careful selection of casebooks. Like teachers and cognacs, some are much better than others.

10. Recommendation of specific supplemental commercial outlines. If they don't learn it in school, they'll find out in the streets.

11. Preparation of the class for the final exam through review of a prior exam or of a hypothetical.

12. Maintenance of class control, including

a) avoiding side-tracking by students, and

b) enforcing silence during lecture. A few thoughtless students are perpetual talkers and disturb those around them. They should be asked to leave the room.

And so on and on. I hope these suggestions encourage some teachers to improve the already high quality of their performance.

Since this is my final letter to *Conscience*, I must put matters into perspective by noting that there is much more good at Hofstra than bad. To increase that imbalance, it may be useful for school personnel to adopt the notion of the student as a customer. I hope the students who follow me continue to urge that this be done.

Wilson Goode Will Never Make it to Puerto Rico

by Howard Lipper

As graduation nears I'm full of many memories of my experiences at Hofstra. I've made some terrific friendships, matured immensely, and received excellent training that prepares me for the career I've always wanted.

Yet, I couldn't leave without some expression of my concerns for the school's future, pointing out some symptoms of a problem that can only plague Hofstra's chances to maintain and improve its reputation. Generally speaking, it's the belief shared by myself and many of my colleagues that this school is frequently run without the students' best interests in mind. Examples range from no New York Practice course to problems with housing. We have a Dean who is a tremendous credit to the school. When it comes to the students, however, we don't even get a letter in *Conscience* written with us in mind. Instead the Dean's Corner has merely been a place where past speeches are repeated.

I've heard the same complaints about the environment in the law school for three years and little has been done by the administration in response. We have: a parking problem, a temperature problem, a library that is functional and well supplied but not a comfortable place to work, a lounge which is not fit for law students, and problems at Twin Oaks with rental schedules. Little seems to be done to keep the alumni involved with the school. The placement office is limited in its financial resources from ever finding a lot of our alumni.

Despite all the school's physical deficiencies, we are an extremely capable and hard-working student body. The school's three journals produce a work product largely without the faculty's help. Recently an environmental digest has been run, a product

of tremendous energy of those students involved. We have students in Moot Court competitions which the school hardly encourages, and countless clubs, societies and associations. The school's administration is still on record as having blamed the student body for being somewhat lethargic in 2nd and 3rd year. My suggestion is that such criticism merely comes from those who don't know how to tap into a student's potential, and who don't appreciate the students' workload. Faculty members must remember their responsibility to the student body, daily in class, as well as at exam time.

My best experience at Hofstra came from the trial techniques program. Ironically, countless friendships were initiated only because many of us who never actually met in 2½ years of school together finally came to know one another. Why is SGA the institution that's necessary for bringing students together in an informal atmosphere? As professionals, relationships we make now may serve us later on and Hofstra should take an interest in the social events at school. A cohesive student body can only benefit the school.

Trial techniques was also valuable in providing exposure to practitioners from adverse areas, both geographic and in terms of subject matter. It would benefit first year students tremendously if moot court involved outside judges. Students would be more motivated, the judges could be expected to take their work more seriously, than certain professors seem to, and the school's exposure to the community would increase.

Hofstra's been good to me. I benefitted from my experiences here and will always have fond memories. But these thoughts sour when I recall a stubborn administration, one which at times seemed very insensitive to our needs.

In closing I recall our graduation speaker meeting attended by the Dean. The Dean "asked" us to accept the fact that he held the ultimate reins over the speaker choice, because the Dean simply always had that power. (After all, why should he think we'd expect a real rationale? we're only Hofstra Law Students.) My colleague Juan Gonzalez, in his reliably eloquent style, reminded the Dean that Mayor Wilson Goode would never make it to Puerto Rico, where Juan plans to settle. Juan was clearly saying that the alumni's experience at Hofstra means more to the school's future than a 30 second

spot on national T.V.

What's important is that the school tend to its own students first by showing respect and a true interest in our future, not merely the interests of the "national law school" ideal. In fact Mayor Wilson Goode may be an excellent speaker choice, but nothing matters more to the law school's future than the sentiments its alumni take with them when they graduate; whether we return to Puerto Rico, Oregon, Washington, D.C., Chicago, Kansas....

Coldstream Wine & Liquors

1085 Front Street

Uniondale, N.Y.

481-8599

Lowest Liquor Prices Allowed By
New York State Law

Stock Up Now

Ask About Our Party Special
5 blocks East of California Avenue

Monday-Wednesday 9:00 am to 8:00 pm

Thursday 9:00 am to 9:00 pm

Friday & Saturday 9:00 am to 10:00 pm

COMMUNITY FORUM

Existing Myths About Sexual Harrasment

by Robin Frankel

Sexual harassment is illegal...whether it occurs in the college environment or in the employment sector. Of the approximately 44,000,000 women in the work force in this country alone, 75-80 percent can expect to experience sexual harassment in their work lives. This is regardless of race, ethnic background, class, age, sexual preference or marital status. It can happen to ANY woman.

Those who are concerned with sexual harassment at colleges agree that the main weapon against it is education. Sexual harassment may include:

1. verbal harassment or abuse
2. sexist remarks about a woman's clothing
3. unnecessary touching, patting or pinching
4. constant brushing against a person's body
5. subtle pressure for sexual favors
6. demanding of sexual favors accompanied by implied or overt threats concerning one's grades, job, letters of recommendation, etc.

7. physical assault.

Sexual harassment is one way in which women are denied equal respect, equal consideration, and equal opportunity. An incident of sexual harassment can be devastating for a student, affecting her emotional state and her opportunity to achieve academic recognition.

A woman is a whole person with many facets, one of which is sexuality. Laws have already been passed recognizing the importance of equality of women in job opportunities and in education. Harassment on the basis of sex is a violation of Section 703 of the Civil Rights Act of 1964. Sexual harassment of students violates Title IX of the Education Amendments of 1972, which prohibits sex discrimination in any federally funded educational program or activity.

According to a nationwide study recently conducted by *Harvard Business Review*, men do not see sexual harassment in the workplace to be a real problem. The majority of men perceived the actual incidence of harassment to be greatly exaggerated. On

the other hand, women subscribers to the *Review* saw sexual harassment as a growing problem which not only violates women's rights but also affects their work productivity.

Because most women fail to publicize their complaints, either formally or informally, college officials may believe that the absence of complaints indicates the absence of a problem. Like rape, sexual harassment is a hidden problem usually treated as a joke or blamed on the victim herself.

The following are some myths about sexual harassment. See how many YOU believe are true:

MYTH: Women should ignore sexual harassment when it occurs.

FACT: In one survey, 33 percent of those reporting sexual harassment tried to ignore the unwanted attentions. In 75 percent of these, the harassment CONTINUED OR BECAME WORSE. One quarter of the women who had ignored received unwarranted reprimands from their bosses or had their workloads increased.

MYTH: If a woman really wants to discourage unwanted sexual attention she just has to say "No," otherwise she must have asked for it.

FACT: Many men believe a woman's "no" to mean a "yes" and therefore do not accept her refusal.

MYTH: Most charges of sexual harassment are false. Women use these charges as a way of "getting back" at a man with whom

they are angry.

FACT: WOMEN HAVE LITTLE TO GAIN FROM FALSE CHARGES. Women who openly charge harassment are often not believed, may be ridiculed, may lose their job, be given a bad grade, etc.

In some cases it may be difficult to distinguish between acceptable social behavior and harassment. The behavior becomes harassment, however, when it is unsolicited, non-reciprocal, and repeated conduct that is demeaning, abusive and inappropriate to the employment or educational relationship.

If you feel you have been subjected to sexual harassment I advise you to take the following steps:

1. SAY NO!!! Say it firmly, without smiling, without apologizing.
2. KEEP A DIARY OR A LOG. Write down what is happening to you. Include direct quotes, any witnesses, or patterns of harassment.
3. Ask others who know the harasser if they have ever been harassed or if they know of anyone who left because of his behavior.
4. Tell the harasser, in writing, that you object to his behavior. Describe the specific things which offend or upset you. Keep a copy of the letter.
5. Attend Womens Center meetings with this information.

Why?

Continued from page 11

Mahon, who decided to hire him — and who made that decision because he believed (and rightly so) that Professor Twerski was a very valuable academic and intellectual asset. Just to add a little perspective on the school; I've wondered what the Hofstra Law School might be like ten years from now if the founder's values aren't sustained by us and others. Where will the next generation of faculty come from, who'll choose them, who'll ensure that they're no less qualified and committed to the substantive values that have brought this school up to a position of clear academic credibility? It's not too hard today to identify the personalities that "make up" the Hofstra Law School, but in ten years when (perhaps) there's no Kessler, Freedman, Friedman, Schmetz, Kadane, Gans, Resnick, Mahon, Twerski, Silverman, Agata, Regan, Rabinowitz, Champlin, Adamski — the list isn't exclusive, just use your imagination... to what extent will the surviving institution exhibit those good (maybe great) qualities that do exist today? Yes, there's work to be done to make progress, but there's also some very precious ground not to be lost. Part of what we'll take with us after graduation is attributable to the good that's been done here so far — regardless of how much more we believe has yet to be accomplished.

That leads to the second aspect of our experience — what we as students with a common experience have gained simply by being here. Just like the school itself in its struggle for distinction, as students, our very decision to go to law school and to come to Hofstra reflects that we were willing to take on an extra measure of responsibility to distinguish ourselves. No, we won't get to claim we're Harvard grads or be members of the Harvard Club. We've got to be better just to be deemed "as good" — it makes us angry, but it makes us proud when we succeed; and for better or worse, it probably makes us better because we'll try a little harder. Sure, we're stuck with that and that doesn't make it great, but we accepted those risks when we signed on here. Now we know we can take the profession head on — and if we're good there'll be no denying it. And we'll make damn sure of that!

There's another aspect, though, of our time here that undeniably binds us; and that's simply that we've gone through it

together. We suffered and struggled through the uncertainty of first year and all the rest. We probably worked as hard here as we ever have before. And in the process we've learned a little about ourselves and each other. Whether we've seen good or bad in ourselves and each other, it's in the context of our group (during a rather brief three years) that we've formed those opinions. Whether you're so impressed with student "x" that you'll try to pattern yourself after him or her for the rest of your life; or whether you think that someone or something was so horrible that you'll dedicate your life to seeing that such folly is never repeated, we all got it here and largely from each other. This is a common frame of reference that we'll have with us for a long time — just wait and see how your first boss can recall the day his tort class did *Palsgraff* or "the Baren Cow" in Contracts. I know that you all have helped me to get through, either directly with an encouraging word, or indirectly simply by your dedication either to do well or to your sense of fairness and doing what you feel is right. Conversely, I hope my efforts in some way have helped you.

As the 13th graduating class, we represent no less than 8 percent of the total Hofstra alumnae and as the result, on graduating, our reputations and that of the law school (to an extent) become inextricably fused. Time will tell how our experience compared to others! But I would hope, apologizing for the non-gender neutrality of this quote, that ultimately we may find we feel sentiments similar to those in Henry V's call to battle: We few, we happy few, we band of brothers: For he today that sheds his blood with me shall be my Brother; be he ne'er so vil,

This day shall gentle his condition; And gentlemen now (in) bed, Shall think themselves (cursed) they were not here; And hold their manhood cheap while any speaks

That fought with us... (Act IV, Sc. iii). Although always individuals first, we're also achievers, lawyers, and Hofstra grads — hopefully able to pursue our careers with a sense of purpose. While thanking you for the good time I've had, I wish you a long life, good health, prosperity; and hope that in spirit we'll never be any further apart than we've been for these three years.

Perceptions of Sex Harassment Survey

Title IX of the Education Amendment of 1972 makes some assurances for students. Following a 1980 case a Federal magistrate said: "academic advancement conditioned upon submission to sexual demands constitutes sex discrimination in education."

Sexual harassment has been variously defined in academe to cover a wide variety of behavior from insult to open assault or rape. On one campus, sexual insult is described as, "uninvited sexually suggestive, obscene or offensive remark, stare or gesture." On another campus, sexual harassment is defined as, "any unwanted sexual leers, suggestions, comments or physical contact which the student finds objectionable."

Questions: Please relate the answers to your law school experience at Hofstra.

1. Have you ever been subjected to, pressured or intimidated into social/sex relations by a professor, administrator (or other person in authority)? Yes No
2. Have you ever encountered course material or atmosphere in a classroom that ignores or depreciated one of the sexes? Yes No
3. Have you ever been advised/counseled by anyone at Hofstra that certain educational goals were inappropriate to your sex, or been denied resources or admission to a program because of your sex? Yes No
4. Have you ever avoided enrolling in a class that has the reputation of being discriminatory? Yes No
5. Have you ever felt confused about where to draw the line between innocent flirtation/teasing and harassment? Yes No
6. If harassed, have you tried to confront the harasser in an attempt to end the insulting or threatening behavior? Yes No
7. When harassment occurs, is your tendency to downplay such incidents, and hope that attending problems will take care of themselves? Yes No
8. Have you ever considered filing a formal grievance or complaint regarding a harassment situation? Yes No
9. Through direct knowledge can you specify frequency of incidence of sexual harassment in academe? High Low Non-existent
10. Do you think that the problem of sexual harassment on campuses is often blown out of proportion? Yes No
11. Would you be interested in attending an open panel discussion or forum on the subject of sex harassment? Yes No

Sex: Year at Law School:
Please return to Women's Center mailbox in Registrar's Office.

MBE EXAM***pmlbr***
MULTISTATE SPECIALIST

Q. Which bar review course was sued by the National Conference of Bar Examiners for unfair competition?

A. PMBR

Q. Will BAR/BRI, Josephson, SMH, or Pieper adequately prepare you for the multistate bar exam?

A. No. With Pieper, you'll find the multistate questions provided by him are antedated and don't provide you with explanatory answers. Pieper's six (6) hour multistate practice exam doesn't reflect the length and complexity of the actual multistate exam. It therefore will not truly give you an opportunity to gauge your crucial timing for the MBE.

Q. Does PMBR give you questions from the 1972 and 1978 multistate exams from which conflicting answers appear on many questions like BAR/BRI and Josephson?

A. No. PMBR provides you with the most recent questions and application of the slight distinctions you need to know to pass.

PMBR provides you with 1200 non-released questions with explanatory answers discussing not only why a choice is correct, but more importantly why each choice is incorrect.

PMBR allows you the opportunity to test your timing in a simulated "tension" exam atmosphere during our three-day intensive seminar with questions that have appeared on the bar and **some questions that will appear again on your bar.**

Remember you have only 1.8 minutes per question.

So, when you're presented questions on the exam that you've seen and answered before, you'll then know, PMBR provided the solution to those questions that always seem to have two correct answers.

So get the edge and the confidence you need to pass the highly competitive bar exam.

Remember, **PMBR** is the multistate **specialist** to supplement your general bar review outline. Just ask our Alumni if the small investment was worth the tremendous return when that envelope arrives months later. After all, haven't you already invested \$30,000 and three years of hard work in coming ever so close to becoming a lawyer.

Sign up before May 15th to receive our free multistate review cassette tapes.

A PMBR SEMINAR IS NOW BEING OFFERED AT HOFSTRA UNIVERSITY ON JULY 12, 13, and 14, 1985 FOR THE CONVENIENCE OF NASSAU AND SUFFOLK COUNTY STUDENTS.

Seminars are also offered in Albany, Syracuse, New York City and throughout the U.S.

REPS WANTED FOR NEXT YEAR, 1st & 2nd YRS. — FREE COURSE OFFERED

East Coast Office
211 Bainbridge Street
Philadelphia, PA 19147
(215) 925-4109

Multistate Legal Studies, Inc.
Toll Free
(800) 523-0777

West Coast Office
655 San Lorenzo Street
Santa Monica, CA 90402
(213) 459-8481

Multistate Legal Studies

SPORTS

Hey George, This is the Toughest Division in the History of Professional Sports?

Dear Mr. Steinbrenner:

Hi. How are you? I'm just fine. I'm just writing to tell you that I read about you everyday in the newspapers and I think you are a baseball genius and I don't care what everyone says, you are not an ogre.

Nobody knows how to fire managers, coaches, or general managers like you do. Nor do they know how to spend the bucks to get talent such as Dale Murray, Bob Shirley and John Montefusco like you do. Heck, you engineered all the good trades the Yankees have made. But George, you have to stop taking advice from your crackerjack baseball committee; they don't know as much baseball as you do. That crackerjack baseball committee made you bring up Jose Rijo last season to compete against Dwight Gooden of the Mets even though you were against it (you knew Rijo was not ready yet). They also recommended Ed Whitson, and look what he did in Boston. You said it yourself when discussing Whitson, "Welcome to the American League East, this isn't the National League West."

Speaking about the American League East, I have so much respect for you that I know you had to be absolutely accurate when you were quoted in the newspaper as saying that "We're in the toughest division in the history of professional sports." I'm sure you checked all the record books dating back to the turn of the century, investigating every division in every sport there ever was, and after an exhaustive study made your conclu-

George, I have a slight problem that I was hoping you could help me with. I know you know all the facts that led you to your conclusion and I'm not questioning your analysis, it's just that I am not as wise as you, and I couldn't come to the same conclusion. If you could please take a minute to look over my analysis, I'm sure you will be able to set me straight.

STEP 1. The American League plays a balanced schedule.

STEP 2. The Yankees play the other 6 teams in their division 13 times each for a total of 78 games.

STEP 3. The Yankees play all the other 7 teams in the American League West 12 times for a total of 84 games.

STEP 4. Therefore, the Yankees play less games against the teams in the American League East, the toughest division in the history of professional sports, than against the American League West.

STEP 5. The Yankees, Detroit, Toronto, Boston and Baltimore are the tough teams in the American League East (the toughest division in the history of professional sports) and they play 52 games against each other.

STEP 6. The Yankees, Detroit, Toronto, Boston and Baltimore play *only* 110 games against the American League West, Cleveland, and Milwaukee, teams that had a combined record of 682 wins, 774 losses and a winning percentage of .468 last season.

Therefore, my conclusion which differs from yours and is undoubtedly wrong is that

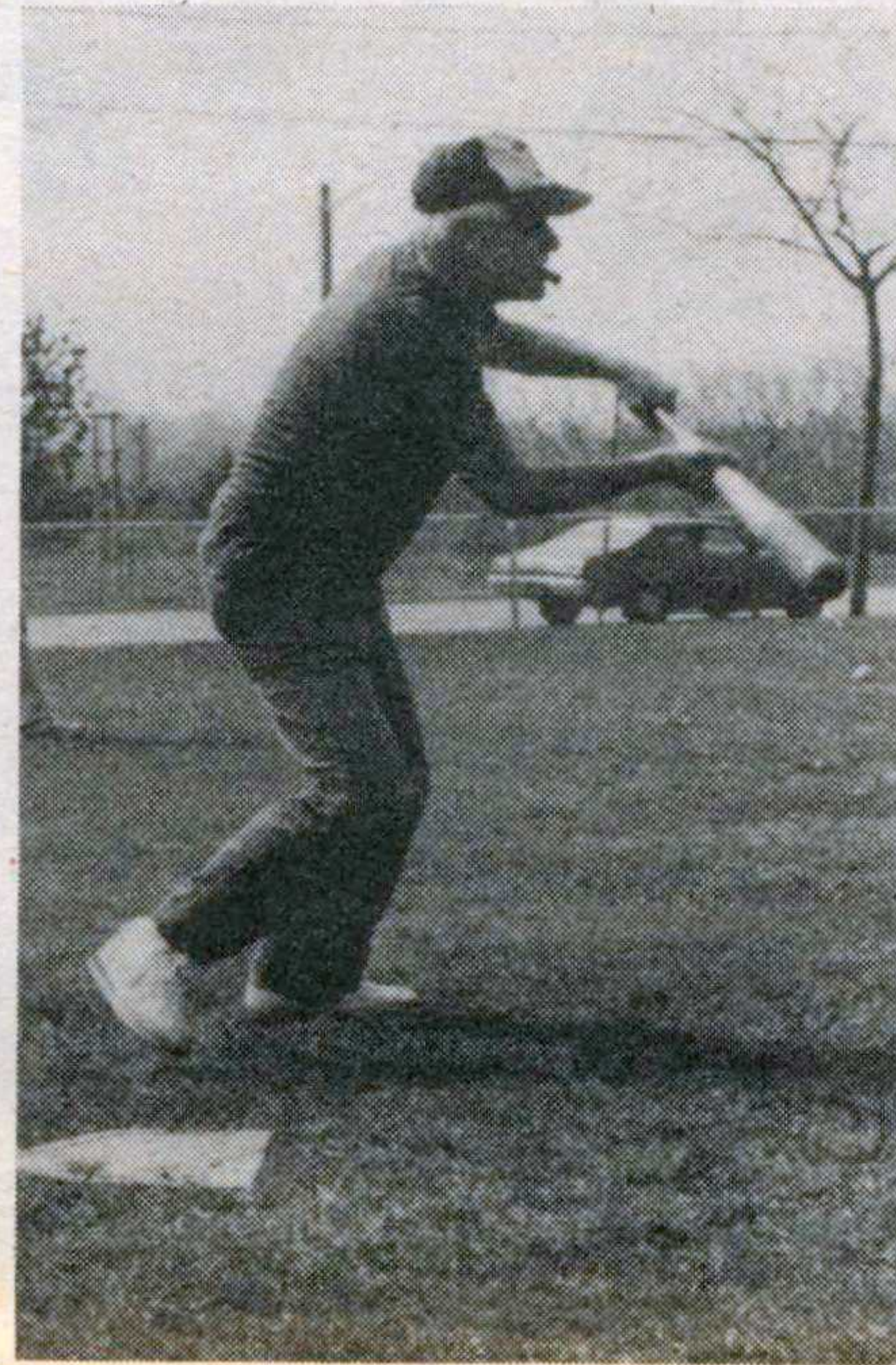
the reason that there are five good teams in the American League East is that they pad their records against the American League West, Cleveland and Milwaukee. I'm sure this conclusion is wrong and I hope that you will correct my analysis so that I will understand why the American League East is the

toughest division in the history of professional sports.

Your pal,
Roy Mirro

P.S. I believed you when you said that you punched out those thugs in the elevator after a World Series game in Los Angeles.

Faculty in the Swing at Picnic



Unitech Copy Center
Xerox copies 5 cents
(minimum charge 50 cents)

FREE COLLATING

up to 50 sets except double-sided copying

FREE REDUCTIONS

SPECIAL RESUME PAPER AVAILABLE

CONTINUOUS COMPUTER FORMS

COPIED AND REDUCED

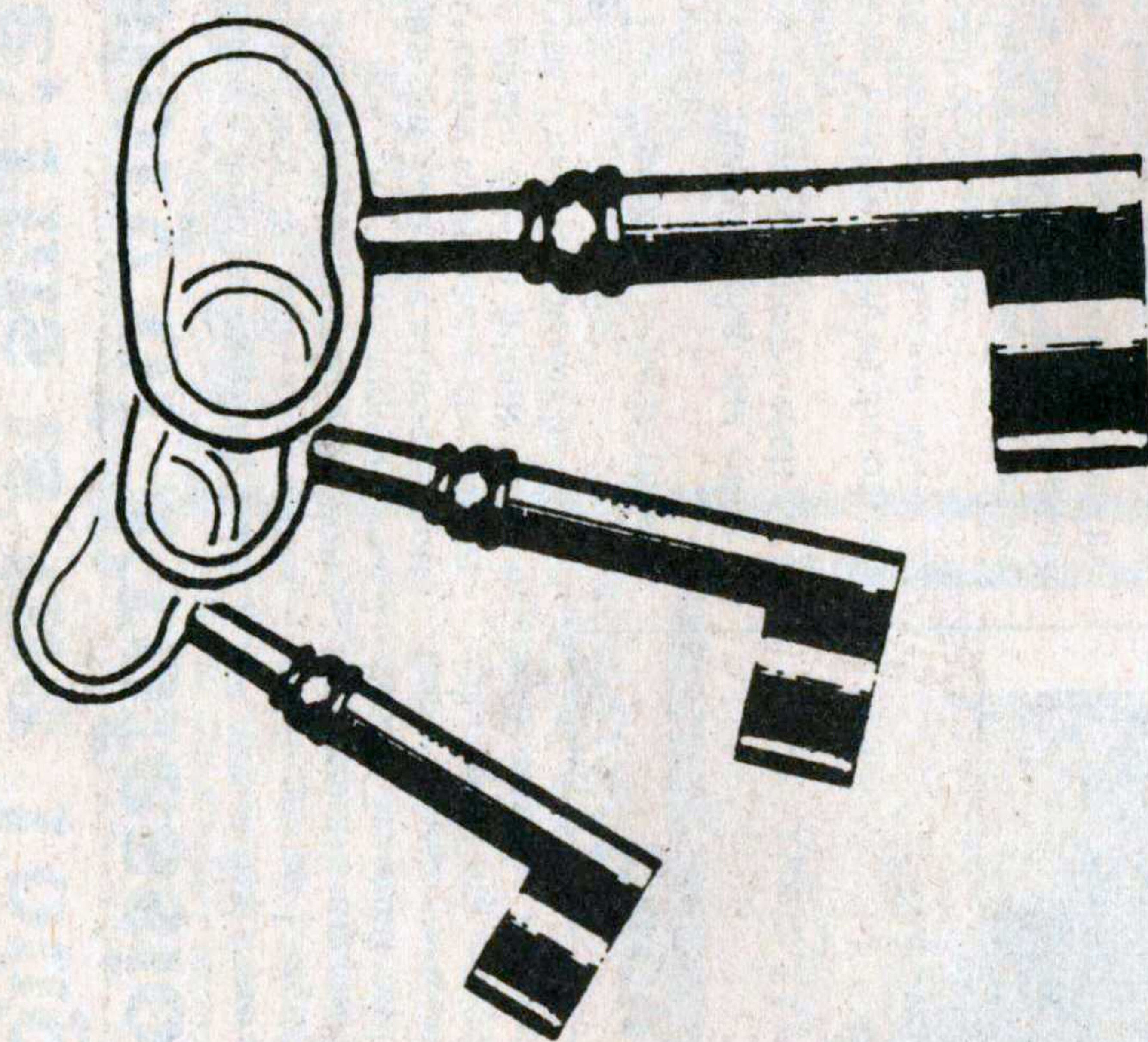
198 East Meadow Ave. (Newbridge Ave.)

East Meadow, NY 11554 794-1211

opposite East Meadow library

Hours: Mon.-Fri. 9am-5pm

The key to our success is your Success



barbri
BAR REVIEW

*Congratulations to 1985 Graduates
Good Luck on Bar
Class of '86 and '87 Good Luck on Finals
Discounts Available
At Bar Bri Table or Talk to a
Bar Bri Rep*

**More Course Information & Registration Forms
Available**