



ASKING YOU TO ASK YOURSELVES

Vol. 13 No. 3
November 1985

Conscience

Hofstra University
School of Law
Hempstead, NY
11550

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ASKING YOU TO ASK YOURSELVES

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School of Law
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Chief Judge Speaks

by Karen Murray

Sol Wachtler, the Chief Judge of the New York State Court of Appeals, the state's highest court, spoke at Hofstra October 23rd. The speech was part of the Max Schmertz Distinguished Lecturer Series, which sponsors numerous speakers at the Law School throughout the year. Previous lecturers of the series have been Hon. Louis J. Lefkowitz, former New York State Attorney General, Hon. John V. Lindsey, former Mayor of New York City, and Hon. Basil Patterson, former Secretary of State of New York.

Chief Judge Wachtler addressed what he believes to be the proper role of the courts in the area of criminal justice. He stressed the importance of not exaggerating the power of the courts, as one does in assuming that the courts have the power to direct legislation and enforce laws to combat crime. The Chief Judge pointed out that the courts neither cause nor prevent crime. He directed himself particularly to people who believe that the court system is to blame for current crime problems. Certain advocates taking this point of view argue that the courts could eliminate crime if they would minimize plea bargaining and send more people to jail. However, Wachtler asserted that the courts cannot have a more direct role in controlling crime without usurping the power of another branch of government.

In addition to the public's general misconception as to the court's role, the Chief Judge pointed out that the courts have thus far failed, insofar as they themselves have distorted their respective role in the criminal justice system. He proposed several solutions to this problem. Although simplistic, they may help combat crime. Specifically, the Chief Judge believes in pointing out to the courts that they are not designated as a branch of law enforcement, and that it would be impossible for them to

conquer crime alone. The elimination of the crime problem has its solution in the combined efforts of several governmental branches.

The Chief Judge specifically addressed the problem of courts placing greater weight on the position of a victim over that of a criminal. He argued this position may often be a mere euphemism, claiming to protect innocent bystanders while actually disregarding the constitutional rights of criminals. The presumption of innocence, for instance, may be overlooked by a court in an effort to honor a victim who presents a particularly convincing case.

Chief Judge Wachtler has made numerous suggestions for revision of the court system. In addition to his proposals to remedy problems in the area of criminal justice, he is currently spearheading efforts to reform the set-up of the court system in New York. His revision revolves primarily around a suggested merger of the principal trial courts. Earlier this month, the Chief Judge announced a proposal for new guidelines in the appointment of conservators and guardians in an effort to curb favoritism and political influence. Under the present rules, the appointments are made at the sole discretion of the judges. Wachtler suggested to open up the process to public scrutiny in an effort to limit abuses and selected the most qualified guardians and conservators.

The Chief Judge was appointed to his current position by Governor Cuomo in January of this year. Prior to that date he served as associate judge on the same court, and from 1968 until 1973 he sat on the bench of the State Supreme Court in Nassau County.

In close to 13 years in the Court of Appeals, the Chief Judge has written numerous landmark decisions, including *People v. Liberta*, last December. That case struck down the marital exemption in the New

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Chief Judge Sol Wachtler Trial Techniques Is Here

by Claudia Grinberg

The time has come for Hofstra law students to consider registering for the Trial Techniques Program, a three credit course offered in between the Fall and Spring semesters. Many consider the Trial Techniques Program to be one of the most valuable courses offered at Hofstra Law School because of its practical experience aspect. The program, which is nationally renowned, lasts nine days. On five of these days, each student prepares between two and four problems per day. On two days there are bench trials, and on the last two days of the course there are jury trials, which are the essence of the program. Approximately 200 jurors are recruited from local high schools.

Each student participates in two bench trials and one jury trial. In the nine days allotted, students prepare and perform opening statements, direct and cross examinations, voir dires, summations, and the introduction of documents. Each student gets to perform two or more times a day. The students are videotaped at least every other day. Their performances are reviewed by the faculty, who subsequently critique each student on his/her performance.

The faculty for the program is made up of both Hofstra law professors and volunteers (practicing trial lawyers). Professor Kessler is the director of the program, as he has been for the past five years. This experience has enabled him to make substantial contacts with attorneys who want to be faculty members for the program. Some attorneys

who will be teaching in the program next January include Wendy Collins of the State Attorney General's Office in Vermont, David Dean and Anthony Falanga of Dean, Falanga and Rose in Carle Place (Falanga was heavily involved in the Agent Orange case), Arthur Diamond (Deputy Chief of the County Court Trial Bureau in the Nassau District Attorney's Office) and Jim Fogel (Chief of Department of Career Crimes in the Manhattan District Attorney's Office). Professor Kessler also tries to get Hofstra graduates to return to teach the course, since it is encouraging for students to see the number of Hofstra graduates who have become successful trial attorneys. Many of the attorneys practice in New York. However, attorneys are recruited from other states. Professor Kessler feels that the diversity in court techniques makes the program more exciting.

Our own faculty make up the eight team leaders in the program. All of the clinical teachers are team leaders with the exception of Professor Rothstein, who cannot participate because of a conflict with the legal writing program. Professors Greene, Diamond and Kessler will also be team leaders, as will be John Wherry of Voorhees, Bennett and Wherry in New Jersey. Wherry was a team leader in the N.I.T.A. (National Institute of Trial Advocacy) program last August, and was then elected most popular team leader in the student evaluations.

The program is very demanding time-wise. In the early morning (9:00-10:30),

students do direct or cross examination. Then they split up into smaller groups for the rest of the day. Students must spend the evening working in preparation for the next day. But don't get cold feet! The program promises to be even better this year than in years past: whereas before students were placed in groups of 24 in the early morning and groups of 12 for the rest of the day, this year there will be groups of 32 in the morning and 8 for the rest of the day. This means that students will be getting much more intensive and personal training.

There are approximately 124-150 spaces available, depending on the number of volunteer faculty members recruited. Third year students and August graduates are guaranteed admission. If spaces are still available, they are given in preference first to January graduates and finally to second year students. Evidence is a prerequisite.

Although the cost of the program is not included in the law school's regular tuition, it is a bargain at \$375.00, which includes the books for the course. Attorneys pay \$1,200.00 to attend N.I.T.A. program,

which is essentially the same as the Trial Techniques program in terms of time, teaching methods and learning experience. The tuition essentially pays for the volunteer faculty members' travelling expense and hotel accommodations.

The course is scheduled for January 2-10, 1986. In addition, there will be a three hour introductory meeting on December 2nd from 4:00-7:00 P.M. Books for the course will be handed out on November 25th.

You can register for the course by signing up at the Registrar's Office on Tuesday and Wednesday, October 29-30. Signs will be posted as well. If you have any questions, you can contact Professor Kessler, Marcia Owen in room 104 (administrative assistant for the program) or Marc Ross (student coordinator).

On a final note, students are needed for such things as running the projectors for the program, etc. If you are a first year student who is willing to help out, as well as gain some knowledge as to what it's really like to be a trial lawyer, please contact Professor Kessler (ext. 5894).

Winds of Change Blow At The N.L.O.

By Eric Zucker

Recently the results of a poll taken by the Neighborhood Law Office were released. Although the findings were less than conclusive because of a low return rate by the third year class, the questionnaire nevertheless provided some insights into why the popularity of clinical studies at Hofstra has waned in the past few years.

Although the Criminal Justice Clinic continues to be a very popular course for those students interested in working with Legal Aid Societies or District Attorney Offices and had to turn away close to half of its applicants, the Civil Practice clinics have begun to realize the need to increase their desirability among students.

One of the points that was driven home by the responses to the questionnaire was the sense that the clinical program was too time consuming and conflicted with students' wishes to take more substantive courses at school. While no decisions have been made, among the possibilities being contemplated are requiring fewer hours per week while still providing a certain minimum of practical experience. As a consequence, fewer credits would be offered for participation in the program, but many students voiced a willingness to accept fewer units in exchange for a reduced workload.

Another barrier to participation has been that students have been opting to work in a paid legal position rather than the non-paid status that work at the professor supervised NLO brings. As always, money is a problem. But as always at Hofstra, additional funds are constantly being sought and the possibility of more student support is always being aggressively pursued.

Another one of the factors needing to be amended according to the student responses was the relevance of the present program to the present conditions existing in the legal field. Professor Norman Stein, Director of the Clinical Programs admitted, "In the '70's Legal Services were expanding in the wake of the activism of the '60's, and the career opportunities in that field were at an all time high. Now with social and legal services being cut so drastically by the present administration, we should consider redirecting our training of future attorneys to fields that offer more potential career, possibilities. We

have to change to accommodate the changes that the '80's have brought."

In accordance with this new outlook, the clinic faculty is investigating the possibilities of reviving the Tax Clinic and, in coordination with the Graduate School of Business, starting a small Business Clinic. Also, the NLO recently was the recipient of a \$25,000 Grant to establish an Alternative Dispute Resolution Clinic. The details of this program are still unclear, but it should provide an excellent training ground for students contemplating futures in mediation or dispute settlement.

It is hoped that all of these programs would attract more students and still meet the challenge of any clinical program: to provide both theoretical and practical experience to law students. Professor Stein commented, "If, we can make the clinic more accommodating to the needs and interests of present day law students, we could provoke students with glimpses into fields of law that would otherwise be denied them. Of course, providing clinical legal assistance to clients is a wonderful by-product, but our primary goal has always been to train good lawyers. We want to teach students in the best possible environment, the most effective professional approaches to take when dealing with a client, a judge, or a complex legal issue."

A final change that is being anxiously awaited is the relocation of the Neighborhood Law Office. Presently, the NLO is located on Main Street in downtown Hempstead above a fish market. Hopefully in the next few months, the clinic will be moving to the yellow house behind the Communications Building that is presently the university's Physical Plant Building. Since the NLO does not accept clients on a walk-in basis, but rather receives client referrals from a variety of sources such as the ACLU, Nassau/Suffolk Law Services, several Senior Citizen's Centers, Pro Se cases from the Eastern District, the Queen's Mediation Center, and criminal court 18B cases, the removal of the clinic from Main Street will not diminish its presence in the community. If anything, by moving it to a mere 100 yards from the law school and inviting greater student participation, the clinic should be even better able to provide a service to the area.

There's A New Kid In Town

by David Goldman

A newcomer to our law school faculty is Donald J. Mathison, who joined the staff this semester as an associate professor and teaches a course in tax law.

Born in Virginia and raised in North Carolina, Professor Mathison has practiced law in Washington, D.C. with the law firm of Silverstein and Mullens, where he specialized in tax matters of all kinds and estate and business planning. He received his undergraduate degree from Princeton, his masters from Oxford, and his Juris Doctor from Georgetown. He currently serves as Deputy Editor of **Tax Management International Forum**, a quarterly journal devoted to comparative international tax law. In addition, he also contributes a number of articles to that journal and to other publications. Before coming to Hofstra he taught at the University of Detroit School of Law, University of Maryland School of Law, and the Columbus School of Law at the Catholic University. He is not married yet.

In a recent interview, when asked if he enjoyed teaching, he said he did, but that teaching is not as effortless as it looks. "It's a common misconception that teaching is easy. When you tell a practicing attorney that you're leaving the firm to teach, the common reaction is, 'Oh! So you're retiring.' But if you're trying to do a conscientious job of it, teaching is hard work. It requires a great deal of creativity." More than practicing law? "Yes, in the beginning, anyway."

Nowadays, once you get past the undergraduate level, you're expected to be altogether a specialist. Just like the biological specialist who handles only the left foot of the garden frog, or the history-scholar who specializes in the first half-hour of the Reformation by all rights, Professor Mathison should devote his whole mind to the study of international tax law and estate planning. So it comes as a surprise that Professor Mathison has other intellectual interests as well. Professor Mathison's master's degree was in Classical Literature ("Classical," of

course, in the true sense of the word, meaning the Greek and Latin classics) and he remains a lover of literature. The authors that mean the most to him, he says, are Samuel Johnson, James Boswell, and Henry Fielding. Indeed, the eighteenth century is his favorite literary period.

He protests against the idea that there is anything peculiar about a law professor also having an enthusiasm for literature. The study of law, he feels, should not be regarded as wholly exclusive of all other studies. He doesn't think that the moment a man becomes a lawyer, he should lose all interest in literature and history, and be content to remain as ignorant of philosophy or economics or psychology as a plumber. There is no reason why a lawyer can't also be cultured and educated.

He said he is favourably impressed with Hofstra and that he honestly thinks that the Hofstra law students are quite intelligent — far brighter than the students at the other schools where he has taught.

that the number of minority students is approximately double what it was in last year's class. The diversity of the student body promises to expand both racially and geographically even more in the future now that Dean Douglas will be assisted in his recruiting efforts by Dean Hunter. Dean Hunter's position was created at the recommendation of the Law School's Minority Recruitment Committee last year. She and Dean Douglas will both be spending the next two months criss-crossing the nation in one long recruitment drive. While both Deans will be talking to both minority and non-minority students, her itinerary will have a heavier concentration on schools and areas that have traditionally been bigger pools for minority recruitment.

Contrary to what might be thought in the face of such a large enrollment percentage, Hofstra has not had to lower its admission standards one iota. Each and every student application to the law school is individually evaluated. Acceptance has never been based purely on raw data (i.e., LSAT x GPA), but rather on the whole individual's file. What happened this year is that based on last year's ratio of acceptances to enrollments, the Administration projected the number of students that they could accept who would eventually not end up attending Hofstra. Much to everyone's delight and surprise, many more students than ever chose Hofstra as their first choice.

One of the many goals that has been set for the future is to attract more students from out of state. Besides for the long march that our two Deans are embarking on, Hofstra will be represented at every Pre-Law Conference throughout the nation, and close to 20,000 potential applicants will be contacted through computerized lists. Hofstra Law School is quickly evolving from an enclave of Long Islanders to a prestigious nationally renowned Law School with a representative population

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Recruiting Efforts Continue

By Eric Zucker

If some of you have noticed that the hallways are a bit more crowded than you remember them being last year, there is a good reason: they are! Because of an unanticipated increase in the number of accepted applicants enrolling at Hofstra Law School, the first year class has almost 50 more students than the original goal of 270. This is truly a phenomenon when one considers that nationwide, law school applications are down.

The first year class is also remarkable in

LITTLE KNOWN TORTS

During our years of researching dusty, dank, dingy law libraries and other known (and even some unknown) niches and crannies in search of potentially bizarre bar exam questions that might be sprung on unsuspecting students, we discovered certain "little known torts" that have yet to appear on any exam. As a special student service, we thought it only fair to bring one of these unknown torts out in the open, just in case.

After a long, arduous journey across the bounding main, wracked with scurvy, beri-beri, hideous storms and sea serpents, the sailing vessel "Mayflour," complete with ship's company, landed safely at Plymouth Rock.

Unfortunately (and not at all in keeping with other historical records) mayhem broke loose in the form of Private Peter Pilgrim.

As Peter Pilgrim was disembarking from the ship, the wet gangway slipped off Plymouth Rock, propelling him over the rock, landing on (and destroying) a festive table, laden with mouth-watering goodies painstakingly prepared by Chief Chuckie Cheez and his tribe.

Chief Chuckie Cheez, after reviving Private Peter Pilgrim (and removing mass quantities of cranberry sauce from his nostrils and a drumstick from his left ear) sued Private Peter Pilgrim for damages for destruction of property.

Private Peter Pilgrim in turn sued Captain C. Way for negligence for allowing him to disembark on the wet gangway.

Captain C. Way in turn sued Far Flung Funships (owners and operators of the "Mayflour") on the grounds that the vessel was equipped with an unsafe gangway.

Far Flung Funships then sued Gangway Gratings Ltd. for product liability since the gangway was "guaranteed" to be "slip proof."

Gangway Gratings Ltd. sued Chief Chuckie Cheez for negligence for improperly using Plymouth Rock as a disembarking place since it was moss encrusted and was therefore a dangerous mooring facility.

After a long and very vocal trial, Judge N. Jury ruled and his verdict is one of the answers listed below.

So, to add a little enjoyment to the story and in "thanksgiving" of the verdict, if you send in an answer by November 29, and it matches the Judge's, we'll send you a coupon worth \$25 off a Josephson/Kluwer Bar Review Course or Josephson/Kluwer Workshop.

Oh, and that's in addition to the current fall discount of

75 NJ
125 PA
125 NY

Answers (check one)

- ☐ Private Peter Pilgrim was held liable because he was clumsy.
- ☐ Chief Chuckie Cheez was held liable because he knowingly placed the dinner table too close to the "slippery" rock.
- ☐ All parties were held to be partially at fault and ordered to sit down at a dinner table and to "give thanks" that no serious damage was done and to celebrate the momentous occasion at least once a year.

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Burger Court Analyzed

On November 7 and 8, Hofstra Law School will host its first scholarly conference, "The Sixteen Years of the United States Supreme Court Under the Leadership of Chief Justice Warren E. Burger." The conference Director is Professor Leon Friedman.

The conference commemorates the concurring tenure of Chief Justice Burger, and the existence of Hofstra Law School. There will be a special reception at the Hofstra Cultural Center, on the 10th floor of the Library, honoring the first three graduating classes of the Law School, 1973, 1974, 1975. The Deans stated that there would be future reception or other events honoring other graduating classes.

The conference will include discussion sessions on such topics as the Burger Court's effects on such legal areas as Labor Law, National Security, the First Amendment and Criminal Procedure. Guest lecturers include Floyd Abrams, Yale Kamisar, William Bradford Reynolds, and Vincent A. Blasi, editor of "The Burger Court: The Counter-Revolution That Wasn't," who will give the Banquet Address.

The conference will run from Thursday morning, November 7th, to Friday afternoon, November 8th. Details as to exact times and places are available at the Dean's Office, as in the ad for the conference in this issue of Conscience.

Schedule of Events

THURSDAY, NOVEMBER 7

9:00 a.m. *Registration*
Student Center Theater
North Campus

Welcoming Remarks:

James M. Stuart
President
Hofstra University

Sanford Hammer
Provost and Dean of Faculties

Eric J. Schmertz
Dean and Edward F. Carrough Distinguished
Professor of Labor Law

Leon Friedman
Conference Director and Professor of Law

9:45 *Session I—LABOR LAW**

Main Speaker: *William B. Gould IV*
Professor of Law
Stanford Law School
Stanford, CA

11:15 Coffee Break

11:25 *Session II—NATIONAL SECURITY**

Main Speaker: *Mark H. Lynch*
Counsel, ACLU Project on National Security
Washington, DC
Visiting Lecturer, Yale Law School
New Haven, CT

12:45 p.m. Lunch
Student Center Dining Rooms

2:30 p.m. Moot Courtroom - Law School
South Campus

Session III -

*ADMINISTRATIVE LAW AND FEDERAL REGULATION**

Main Speaker: *Alan B. Morrison*
Director, Public Citizen Litigation Group
Washington, DC
Visiting Professor, Harvard University Law School
Cambridge, MA

5:30 Hofstra University Cultural Center
Library, 10th floor
South Campus

Reception for Conference Participants, Guests and Alumni.
This Reception is in special honor of the first three Hofstra University Law School graduating classes (Classes of 1973, 1974, 1975). In subsequent years similar events will honor later graduating classes.

7:00 Dining Rooms ABC
Student Center, North Campus

Banquet

Speaker: *To be announced*

**Friday's Schedule
on
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On the Occasion of the 15th Anniversary of the Hofstra University School of Law

A CONFERENCE

The Sixteen Years of the United States Supreme Court
Under the Leadership of Chief Justice Warren E. Burger

NOVEMBER 7-8, 1985
Principal Topics and Speakers

ADMINISTRATIVE LAW & FEDERAL REGULATION
ALAN B. MORRISON
Director, Public Citizen Litigation Group, Washington, DC.
Visiting Professor of Law
Harvard University Law School

CRIMINAL PROCEDURE
YALE KAMISAR
Professor of Law
University of Michigan Law School

ECONOMIC REGULATION
HERMAN SCHWARTZ
Professor of Law
Washington College of Law
American University

EQUAL PROTECTION
SYLVIA A. LAW
Professor of Law
New York University School of Law

WILLIAM BRADFORD REYNOLDS
Assistant Attorney General of the US
Department of Justice,
Washington, DC.

FIRST AMENDMENT
FLOYD ABRAMS
Partner
Cahill, Gordon & Reindel,
New York, NY

LABOR LAW
WILLIAM B. GOULD IV
Professor of Law
Stanford Law School

NATIONAL SECURITY
MARK H. LYNCH
Counsel, ACLU Project on National Security, Washington, DC.
Visiting Professor of Law
Yale Law School

BANQUET ADDRESS
VINCENT A. BLASI
Corliss Lamont Professor of Civil Liberties
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SGA & Parking

On Tuesday, October 8th, the Parking Committee held its first meeting. With the section 'A' representative, Stuart Meissner, as Chairman, the committee discussed several ideas to relieve the parking problem. At the conclusion, they came up with a battle plan to combat the most enduring problem of the school. A problem which is as old as the school itself, and one which has eluded student governments, ever since the creation of the S.G.A..

The plan, calls for the using of a field, located behind the undergraduate dorms, for parking. In addition, it calls for shuttle buses continually going back and forth from the school to the field, to transport students to classes.

Asked as to why the committee decided against restricting the law school parking lot to law students, Meissner said, "we are looking for the solution which is most realistic, not necessarily the best. We can no longer wait for the student body to get larger and larger." He continued, "the solution proposed by the committee, is the only one which would have the combined benefit of probable acceptance by the powers that be, and an immediate solution to the parking problem."

Before concluding the meeting, the committee discussed plans of meeting with officials of the university to propose the plan, and has already decided to take some sort of "action" if the plan is rejected. In accordance with this, the committee has requested the Law School Representative to the University Senate, to make contacts with the undergraduate community in preparation for a combined effort to resolve the problem.

In the end, the irony of the problem is that the students will not be the prime beneficiaries of a parking solution, the school will be. Although the university employs many fine professors and has the most modern facilities on the island in addition to a high academic rating, if students can not be assured of parking spots upon arrival, they will not attend, and that means a loss of profits for the school (which is apparently what the university is concerned about).

The Parking Committee members are:

1. Stuart Meissner
2. Gary S. Weinick
3. Diane Lowenberger
4. Mary Ann Bellezza
5. Gary Shapiro
6. Maria Speth

Congrats!

The Student Government Association would like to congratulate Stewart Isman on his election as the Law School Representative to the University Senate. Stew plans to work closely with the Law School Parking Committee in their efforts to alert the Undergraduate Campus to our parking problems and find a realistic solution.

S.G.A.

Law School Paintings

by Doug Lieberman

The law school walls are bare no more. In what Dean Schmertz has called a "beautification campaign," the law school, in cooperation with the Emily Lowe Gallery and its director, Gail Gelburd, has adorned the walls with artwork.

The art was the Dean's idea in order to improve the school's appearance in the "public areas," not for any art appreciation purposes. The Dean feels that the art "adds color and attractiveness" to the school, breaking up the institutional look that was present before. The color and attractiveness is one of the reasons for moving the bulletin boards—the paintings are easier on the eye when you first enter the building.

In citing an example, the Dean pointed out how the third floor is really a "showpiece" for the school. The location of the Moot Court Room and the Falk seminar room make it where conferences take place and guests gather. The area should be well-

decorated and attractive, and so that is why a number of paintings went up. One is a portrait of the President of Hofstra University at the time the law school was established, Dr. Clifford Lord.

After contacting the gallery about the idea, the Dean had gallery representatives tour the school to see which areas were being considered. The gallery then designated about one-hundred paintings as possible to be hung at the law school. The Dean, Vice Dean Rabinowitz and Assistant Dean Douglas then viewed the possibilities and made their selections. The results of the selection process is what you see. The paintings are on loan from the gallery.

The paintings are not the only part of the beautification program. The sign on the outside of the building was first. There are also planned changes in the secretarial space in the Dean's Office, the Admissions/Registrar's Office, and the classrooms.

The Hofstra University Alumni Singles Club

is looking for new members. The club meets once a month at the Student Center. Membership includes a calendar of exciting events. If you are single and a proud student, alumnus, or honorary alumnus of Hofstra University, this club is for you. For further information regarding meetings and activities, call:

Toby Goldstein, Hofstra Class of '74, at
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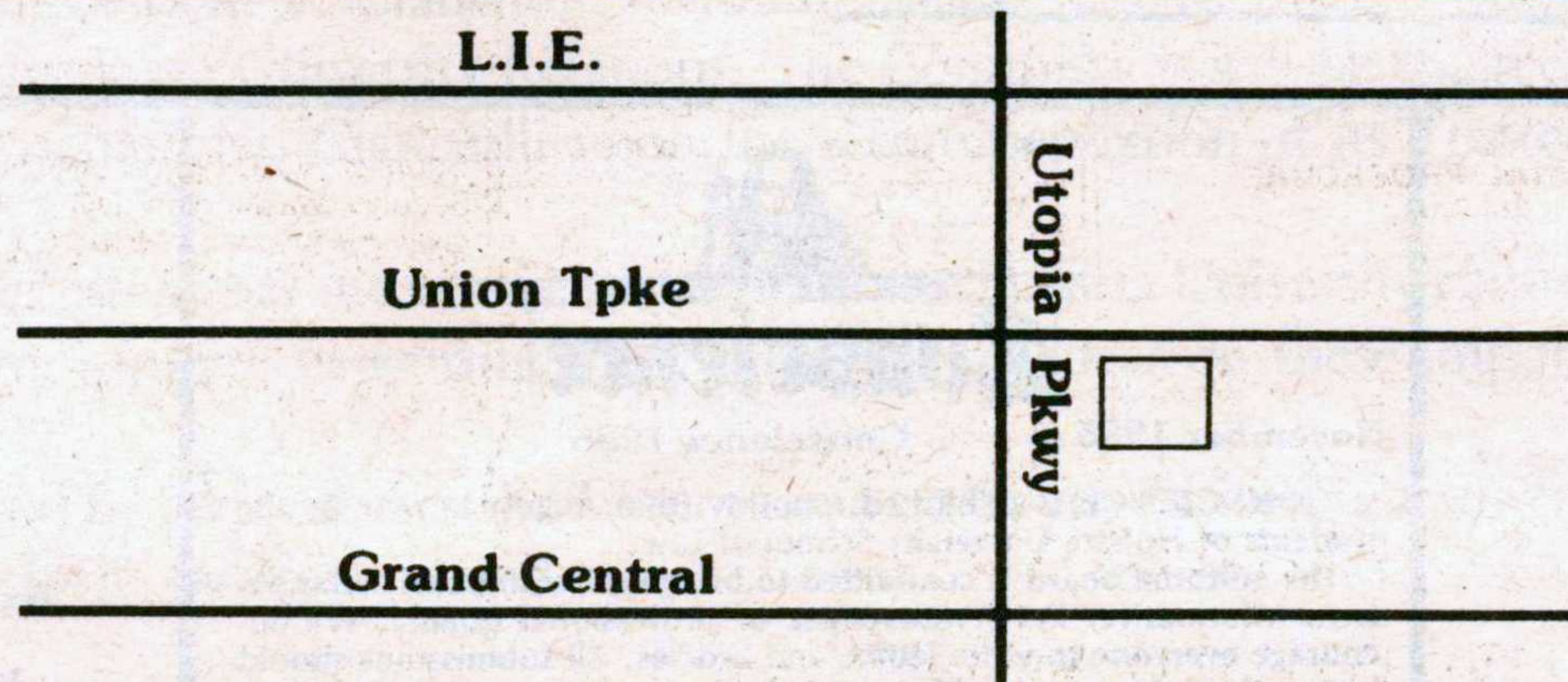
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VIA LONG ISLAND EXPWY: West to Utopia Pkwy. Make left under L.I.E. approx. one mile to Union Tpke.



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COMMUNITY FORUM

EDITORIALS:

New York CPLR: Time For Another Look

Most Hofstra students about to complete their third year of law school, soon begin to grow anxious about the New York State Bar Examinations, that final hurdle between the academic world and the practical working world.

These anxieties, surrounding one of the toughest exams of its kind, are sometimes assuaged only by the preparation students feel they have had, not merely in bar review courses, but in their overall law school academic backgrounds. The versatile offering of courses at Hofstra — business organization, commercial paper, real estate, etc. — have somewhat contributed to the general confidence in facing the gruelling two-day bar exams.

There is however a broad sentiment among many of the students here, as well as those who have already passed through the portals of Hofstra Law School, that a New York CPLR course, a procedural course on which students are invariably tested on the bar, should be added to those already extant as part of our regular curriculum.

Various attempts have been made in the past to have a New York CPLR course taught at Hofstra, either for credit or non-credit, but with limited success. Five years ago, the law school offered a CPLR course on an experimental basis as part of the curriculum, but later voted to discontinue the course.

In a letter to *Conscience* last semester (see, *Conscience*, April-May 1985), Dean Eric J. Schmerz, pointed out that the decision to discontinue the CPLR course was done at faculty meetings, where an ad Hoc Committee on the New York procedure course, comprised largely of faculty members, unanimously recommended that the course not be offered again.

In that 1980 resolution, the faculty seemed to have felt that such a course would only involve extensive duplication of areas already covered in the first-year civil procedure course; that due to the scope of the subjects covered and time allotted, it was virtually impossible to deal with many issues in great depth in such a course offering; and that the intellectual and preparatory demands upon students would not justify the granting of academic credit for a civil procedure course.

Whereas these reasons seemed valid at that time, much water has since passed under the academic bridge, and *Conscience* feels the time has come, once again, for the faculty to evaluate and, perhaps, to review this decision.

The failure of an experimental course to satisfy faculty perceptions of what the standards may have been for a New York CPLR course requirement in 1980, cannot serve as a premise upon which to entirely preclude future consideration of such a course at this school for academic credit.

One thing the study of law has demonstrated is flexibility: It is constantly changing, being molded and, conversely, molding the society in return.

Therefore any decision that appears as inflexible as the one set out in that 1980 resolution, must necessarily contradict the spirit of the law, and the approach to legal study.

Surely, a course could be created, given the scope of the subject area, that would not merely be a "Bar Review" or survey course, but which could effectively deal with some of the issues inherent in this area deeply enough to create a meaningful CPLR course.

Conscience understands that members of faculty may be reluctant to teach a course in New York Procedure, but qualified adjuncts could certainly be found, similar to those currently teaching other courses such as Immigration Law and Entertainment Law.

We are, of course, unaware of the subjective conditions that prompted the 1980 faculty committee to vote down the CPLR resolution, but among them seemed to be the feeling that Hofstra, as a national law school, may be viewed as less, should such a course be offered here.

This argument is hardly valid, in light of the fact that many other courses offered here, although nationally oriented in scope, nonetheless focus to a much greater extent on New York Law, for practical purposes. After all, this law school is located in New York, and most of the students live in this state and anticipate practicing here upon graduation.

Reiterating the sentiment of our editorial last semester, *Conscience* strongly urges the administration to rethink its position on the CPLR. In this regard, we are encouraged by the recent response of Dean Schmerz to the effect that the 1980 decision may not be as inflexible as it appears in the resolution, and that perhaps the time has now come to take another look.

We feel that enough student support exists for a CPLR course in the school, and therefore warrants a reassessment of the probable merits of such a course. And although cognizant of the fact that students are not part of the academic decision-making process, student sentiments should not be entirely ignored on this issue.

Conscience urges the SGA to take the initiative and to revive the earlier suggestion of establishing an investigatory committee to look into what other national and non-national law schools have done in implementing CPLR courses.

For if we are to offer the course it should be in keeping with the caliber of our current courses, anything less would be an injustice to both the school, and the students.

We raise this issue at this point in the school year because we feel that, with direct and concrete action, it may not be too late for the Class of 1986 to reap the benefits of a New York CPLR course at Hofstra Law School.

CARTOON VIEW



Next Conscience Deadline November 8

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TRUSTEES COMMISSION SEEKS INPUT FROM HOFSTRA COMMUNITY RE SOUTH AFRICAN INVESTMENT POLICY

In 1979, Hofstra took a position concerning Apartheid and the University investment policy. That year, the Hofstra Board of Trustees adopted the following policy to govern investments in companies that do business in South Africa:

RESOLVED, That the Board of Trustees of Hofstra University is unalterably opposed to racial discrimination, however manifested, including the policy of Apartheid of the Government of South Africa.

The Board reaffirms its conviction that its primary responsibility with respect to the investment of University funds is to invest in a prudent manner consistent with the mission of the University and its obligation to the education of present and future generations of students, including minority students who are important beneficiaries of these investments.

The Board is mindful of and condemns the socially repugnant policies of a number of governments throughout the world, particularly the official policy of Apartheid of the Government of South Africa. It has reviewed the University's investment portfolio in light of this concern and hereby adopts the following policy with reference to the foregoing matters.

- 1) The University does not now, nor will it invest in any banks making loans to the South African Government.
- 2) Recognizing that investment opportunities exist in the securities market in either primary or secondary markets, the University will prohibit investments in the primary market in which funds flow directly to the corporation. It will, however, invest in the secondary market where invested funds are transfers among shareholders and by doing so achieve its rights as a shareholder to actively advocate corporate policy which condemns the policies and practices of Apartheid.

- 3) The University will only invest in those companies which subscribe to The Sullivan Principles.

In August, 1985, the Board of Trustees approved the following revised policy on South Africa:

RESOLVED, that in view of the present civil difficulties in the Union of South Africa, Hofstra University declares a moratorium on any further investments in companies doing business in that country, even if they qualify under Hofstra's present investment policy requiring adherence to the Sullivan Principles, until either the situation becomes stable to the University's satisfaction or reasons develop to alter the University's present policy; further that a Hofstra University Commission be established to review the South African investment situation, as well as all points of view, and encourage testimony from interested campus constituencies. It will be the duty of the Commission to make appropriate policy recommendations to the Trustees following its review.

IT IS FURTHER RESOLVED, that membership of the University Commission will consist of four Trustee representatives appointed by Chairman Emil V. Cianciulli, including at least one member of the Finance Committee and one member of the Committee on University Relations. The Commission will be chaired by an outside person, a fifth person, appointed by Chairman Cianciulli upon the recommendation of its Trustee members.

The Commission has requested that interested members of the Hofstra University community—students, faculty, alumni and staff—communicate in writing their opinions and ideas on these important issues.

Written statements should be addressed to the Commission on South African Investments and submitted to the President's Office, Weller Hall, by November 15.

Now is the time to make your own statement on these issues.

COMMUNITY FORUM

DEAN'S CORNER:

Dean Eric J. Schmertz

The following article, which appeared in the October 8, 1985 *New York Times*, appealed to me and may be of interest to the Hofstra Law School community if you have not seen it.

Ohioan's 'Mea Culpa' Is First on the Docket

By FRANCIS X. CLINES

Special to The New York Times

WASHINGTON, Oct. 7 — Christopher D. Stanley arrived from Cleveland, checked into the Quality Inn and got through Sunday night anxiety on the strength of "massive denial" that he faced the burden of arising on this first Monday in October and arguing before the United States Supreme Court.

First Monday is a time for lawyerly gray, but the 35-year-old Mr. Stanley had only his one black suit with its undersized vest, last used for his father's funeral, and he complemented this with his clean black motorcycle boots. By 10:07 A.M. he was up before the Court, tugging nervously at his bushy beard, reeling in argumentation. He was so tautly interrupted and grilled by Court members that other lawyers cringed as he pleaded "mea culpa," a tough omen, perhaps, for the new Court season.

'You Have to Understand'

It seems that Mr. Stanley failed to file a lower court appeal for his client, a woman who is now serving a prison term for homicide. But he persuaded the High Court to consider whether his error should deprive the woman of any chance to have her conviction overturned.

The lawyer paid the price for his mistake in the implied scorn of the crowded courtroom as he pleaded that the Justices consider his more substantive arguments.

"That's what we are using our time up for," Associate Justice Thurgood Marshall declared in a low tone, peering down at Mr. Stanley as he apologized again and again and gestured out toward the grand velvet drapes and stone columns of the towering chamber.

"You have to understand, I'm a sole practitioner," Mr. Stanley told the Justices as they stared intently at the lawyer from Cleveland.

The scene opening the Court's term provided a tableau of the flesh and blood and writhing in public that can underlie the law. "I watched and thought, 'Why didn't he file the stupid thing!'" Mr. Stanley's wife, Elaine, said later, describing her nervousness in watching the Justices lean back and take a bead on her husband's arguments.

"I thought this was 'Beat on Chris Stanley Day,'" Mr. Stanley said of First Monday, exultantly shucking the black jacket after the Justices were done with him, staring at the Court's edifice through sunglasses as brilliant sunshine angled off the white stone steps and pillars.

The better-tailored lawyers were arriving for the main attraction on the opening docket, a big-stakes case over political gerrymandering. Mr. Stanley stood in the sunlight, looking wrung out but happy that contention was alive and well in the Republic, both inside the Court building and out.

He waved at a honking motorcade that slowed down in the street, a caravan of protesters from the National Organization of Women urging the Court to protect the right to abortion from challenge by the Reagan Administration.

He handed two quills to his wife, Court souvenirs for any lawyer who argues there, and assured her his courtroom plight was not as bad as it might have seemed.

"Actually it seemed more enjoyable after the Chief Justice smiled at me," he said. "I decided to step up and look him square in the eye when my turn came, and I did. And he looked back and smiled and said, 'Good morning,' and that helped. Here was this person staring in front of me instead of this, this..."

"This Lord," said his wife, a nurse.

"Yeah, instead of this Lord."

As the Court stepped up to the bench precisely at 10 o'clock to the traditional cries of "oyez," Associate Justice John Paul Stevens's red bow tie peeked above his robe like a small tempering of mercy. Soft clear

with Chief Justice Warren F. Burger's white hair gleaming like small snowpeaks and Justice Sandra Day O'Connor's coiffure reflecting a honey tone.

For anyone who has watched the two other branches of Government with their daily dockets of issue papers, ephemeral news conferences and head-and-shoulders photo opportunities, the Court is a revelation. It suffers none of this, and visitors are able to watch the faces of the nine Justices in their robes of neutrality as they listen to the voices of public debate. Even the Court's lunch hour is refreshing by Washington's standards, a precise 60 minutes with today's judicial decision between the cafeteria's \$2.35 meat loaf and the \$2.80 liver and onions.

'Winning is Everything'

"This is great to see," Mr. Stanley said outside the Court. "I started 10 years ago in criminal law, doing prisoners' rights cases and things like that. It was my estimate that the law was one way to change the world."

"It's not," he said. "But I'm caught in the trap now: Satisfaction is when you win. Winning is everything, and losing stinks."

He has not won yet, he said, but he estimates that some of the Justices "leaned just as hard" on his adversary in the hour-long argument and that he emerged with a fair hearing.

"Just to get here is winning," he said.

"The Court saw enough in my case to pay attention."

Mr. Stanley headed back to Cleveland a few hours after the argument. "If I lose the case, I'm burning this suit," he promised, tossing the black jacket across his shoulder.

Letter From The Editor

This month I think I won't complain, mainly because it's been a slow month around here. Though, when you think about it, that might be reason to complain in itself. Why hasn't anything happened? Are people just so caught up in their schoolwork that they can't be bothered with any activities? Maybe it's just that there are actually many things going on, but I don't know about them either for lack of being informed of them or just being blind toward them. But no gripes, this month will be observations.

Did you ever notice how messy the school gets sometimes? Starting with the library, why is it that there seems to be more books covering the tables than there are on the stacks? I'm not sure, but I'm willing to bet that the books don't hurl themselves at the desks in a display of nerves of steel, making believe they're Evel Knievel. People put them there, and that is the problem. They put and they don't return.

The library staff can't be expected to roam the aisles on roller skates, waiting until someone leaves a book, and then immediately skating the book over to its proper home. When a book is used, the student should be the one who puts it away. It's really not that big a hassle. Think of the trip as exercise — put back the 12 books and you deserve to buy the ice cream bar from the machine.

When books don't get put back, not only does it contribute to the messy state of the library, but it causes people to go crazy. The craziness is caused by not being able to find the reporter with that key case in it. It's even worse when the book is one of those "hot items," like *Who's Who in Reference Librarians*. You don't know the true meaning of frustration until you can't find that book for a month running. It's like opening responses to the mass mailing. You know what the answer will be before you look, but

you look just the same. And to think, moot court hasn't even started yet.

(Totally off the subject, but this is all stream-of-consciousness anyway, but did you ever notice how bad New York radio has gotten? This is supposed to be the number one market, yet every radio station stinks. I listen to one station until they do something ridiculous that makes me lose respect for them. Right now I'm listening to "K-Rock" f/k/a KTU (I just don't trust a guy named Ravioli) and they did something that shows how I can't be in their target audience. They had three commercials for concerts, every one for a heavy metal band. You know, the bands whose names are plastered across the fronts of Taiwanese black shirts and the backs of denim jackets that are worn by 13-year-olds in malls across the land? I'm going to have to start listening to my albums. But did you ever notice how no matter how many albums and tapes you have, you can never find anything to listen to? Anyway, they can still be classified as observations.)

Moving out to the library lounge, the place is teeming with paper bags, sandwich wrappings, etc. At first I thought it was a sculpture to go along with the paintings, some kind of avant-garde-experience-it-yourself kind of thing. ("Refuse No. 13") But no, it was just people being lazy. The same happens in the upstairs lounge and the classrooms. The other night room 238 had so many cans and styrofoam cups on the desks it looked like the room had been converted into a target range. There's no reason for the mess. It doesn't take much effort to throw the garbage out instead of leaving it for someone else to do. Mom doesn't come to school to clean up after you, and if she did, your tuition wouldn't be lowered because of it.

Another thing that I noticed has to do with classroom seating. In first year, when a professor assigned seats, everybody moaned and groaned. They felt as if their freedom was being attacked. It wasn't right that they had to sit somewhere.

If that's the case, why is it then that in classes where there is no assigned seats, everyone sits in the same spot anyway? After staking a claim on the first day, everyone is drawn to that spot for the rest of the semester like a pack of lemmings (a gaggle of lemmings? A horde of lemmings? A bunch of lemmings?). I guess it's better that they made the choice as to which seat would be theirs rather than have someone tell them which seat would be theirs.

And did you notice how offended people get if you sit in "their seat"? The other people sitting in that quadrant give you strange looks, but those are nothing compared to the

looks the person gives you. They range from anger to sadness.

Then the professor will call the other person's name and look at you, expecting them to be sitting in "their seat." After seeing the person is not there, the retort will be something like, "Oh, trying to confuse me, huh? Heh-heh-heh." To me that means that the professor doesn't know your name, he only knows the name matches the spot. I wouldn't be surprised that if I put a bag of dirty laundry in the chair where I usually sit, the laundry would be transformed into Mr. Lieberman by the professor ("Awfully quiet today, aren't you Mr. Lieberman?").

What causes this behavior by students? Is it something triggered in the same portion of the brain that makes you lower the car radio when you smell something funny? Is it security in familiarity? Is it absolutely nothing and I'm just drawing straws to fill space?

**September 27th
Classes
Cancelled by
Hurricane Gloria
Will Be Made Up On
DECEMBER 6**

COMMUNITY FORUM

THIRD WORLD PERSPECTIVE

One State's Terrorist...!

by Dennis Warren

The recent hijacking of the Italian Cruise Ship Achille Lauro by four Palestinian extremists, and the subsequent killing of American tourist Leon Klinghoffer, makes one thing unequivocally clear: International "Terrorism" has become a contemporary fact of life.

Regardless of our feelings of anger, frustration, or moral outrage, at being repeatedly subjected to these apparently senseless and increasingly violent acts by so called terrorists, the specter of "Terrorism" is not going to vanish at our whims and fancy — and may well remain to haunt us in the foreseeable future.

To understand the above assertion, it becomes necessary to look beyond the mental cloak of conditioning imposed upon us by mass media in its interpretation and definition of "Terrorism." The word has been used by the media in such a sensational way, so as to elicit a Pavlovian response of anger and hostility upon its mention.

"Terrorism" has become an emotionally-loaded word, which, when mentioned, leads the discerning party to discard rational reasoning. The perceiver seldom seeks to analyze the objective merits or demerits of the particular political situation, but often rush to a conditioned judgment — that may not, in all cases be justified.

The fact is that there are many kinds of "Terrorists," and many forms "Terrorism" can assume. There is Domestic Criminal "Terrorism," and International "Terrorism." It is by no means a homogenous entity, and the methods and motivations of "Terrorists" differ as does night from day.

Thus, when we hear of an act of "Terrorism" it becomes necessary to look beyond the general use of the word, for not all "Terrorists" are merely out for a joy ride. Many such groups have definite political objectives which they feel compels them to commit desperate acts. This will not necessarily lead us to condone or accept these acts, but neither should we discard without contemplation. We need to try to understand

the "Terroristic" motivation; and therefore, why it has become a stern fact of life.

Like freedom, or happiness, "Terrorism" is relative, depending on who is its object; or upon which end of the experience a person resides. Radical elements who strike at Americans in various parts of the world, invariably do so, not merely because they despise Americans, but perhaps from a greater political motivation.

Most international "Terrorists" are Nationalists, motivated by strong nationalist feelings. Such groups are usually engaged in a struggle for political power; to win state control from who they perceive to be a neo-colonizer, or imperialist power — whether to the left or right of the ideological spectrum. They therefore earn the "Terrorist" label, based on who they defend and who they fight against.

For instance the militant Sikhs, in their quest for a separate nation-state from India, are regarded as "Terrorists" by the Ghandi Administration, based on their methods of furthering their nationalistic objective. So too are the Palestinians, by Israel; and the members of the growing NPA in the Philippines, by Marcos. But to the Sikh Nationals, the Palestinian people, the majority of Filipinos, the "Terrorists" are heroes.

In Latin America, there is a different perception of what constitutes "Terrorism" by many of the same nations who, as targets, deplore and vociferously condemn the scourge of "Terrorism." So, the contras in Nicaragua, are regarded by the U.S. Government as "Liberators" — and consequently their "Terrorist" tactics are often-times conveniently overlooked.

Another dimension to the same problem is that when ruling governments conduct acts of terror, such as dictatorships in El Salvador, Guatemala, or Haiti; though harsh and sadistic, these acts are not deemed to be "Terrorism" by the U.S. and the Eastern Allies, but rather as the necessary means to maintain state control.

The definition, therefore, depends not on some objective standard surrounding the

nature and violent character of methods used, but rather on political alliances within the real world. "Terrorism" is constantly being defined and redefined based on who is the target state, and more importantly, the "Terrorist's" stance within the broader struggle for political hegemony among the superpowers of the world.

Until recently, it was largely felt that Americans were the sole objects of "Terrorist" attacks, but recent events in which four Soviets Diplomats were kidnapped, and one summarily executed, by the Islamic Liberation Organization, in Lebanon; indicates the complex and unpredictable nature of terrorism. It demonstrates also that nationalism runs deeper than ideology.

The problem is how to deal with international "Terrorism?"

If we fall for the adrenaline-loaded mass media usage of the word, we may be satisfied that the recent interception of the Egyptian airliner by the U.S., is a meaningful approach to solving the problem. Undoubtedly, this occurrence give most Americans a sense of fulfillment, a feeling of "Getting even" at last. But this euphoria will serve the administration's immediate political image much more than it will effectively stem violent attacks upon Americans and other civilians who travel in today's volatile world.

If, on the other hand, we take the reasoned approach to the phenomenon of "Terrorism," it will immediately be appreciated that the problem is inherently more difficult than apprehending a few "Terrorists."

Should the four Palestinians be tried and, for arguments sake, executed, there will be hundreds to take their place, motivated by the same nationalistic or religious fervor, and perhaps determined to adopt more desperate tactics to achieve their avowed strategy.

The only solution, it appears to this writer, can be one of negotiations — an approach the Reagan Administration does not favor. Negotiation doesn't necessarily mean, however, that one has to negotiate with every "Terrorist" group, but rather seek

selected groups with credible leaders, and organizations which may genuinely have the majority support of the people within a particular country. The blanket refusal to negotiate with any "Terrorist" group, is absurd, and only sets the conditions for a perpetual cycle of violence.

Outside of negotiation, the only other solution would be an advisory to Americans, against travel. This is not a practical alternative however, for it would undoubtedly chill one of America's cherished freedoms. Decreased travel, on a scale effective enough to reduce incidents of "Terrorist" attacks upon Americans, would also have quite a deleterious effect on the travel business — a multi-billion industry worldwide.

Unbalatable though it may seem, negotiation seems the only way, Jesse Jackson, while campaigning for political office last year, showed that there are probable gains to be made with this approach; and in a civilized world, it just may be the sole option.

Of course, negotiation may hurt Americans' sense of nationalism, and the national ego, but this hurt may be mitigated if he remember that many of today's Terrorists, like the ugly duckling of fairy tale fame, may evolve to become the respectable statesmen of tomorrow.

Menachim Begin, in his nationalist struggle to create the modern State of Israel felt compelled to adopt methods that characterized him as a terrorist. He later rose to become head of Israel and a well respected statesman. Fidel Castro, branded a terrorist when he overthrew the Batista Regime, has since become a well-respected and admired Third World leader.

Years ago the United Nations, asked to rule on the meaning of "Terrorism," reached a stalemate after protracted and intense debate among nations. One thing has agreed, after the frenetic rhetoric cleared the air, and it behooves us to remember it when "Terrorism" is hurled at us in the next newscast: That one state's terrorist, is the other's freedom fighter.

The Bear And The Eagle

by Jack Mevorach

Not long ago an eagle and a bear sat across from each other at a table. They alone were at the table. The eagle and the bear were enemies.

The eagle held a loaded gun, aimed at the bear. The bear had no weapon and was defenseless. The eagle was very comfortable with this situation. Under these circumstances, the bear was no threat. For years, this imbalance of power persisted.

But then the bear got smart. He decided to construct a gun of his own. And he did. Right at the table, the bear went about his task. All the while the eagle sat and watched and made some noise, but did nothing. The bear was quite diligent in his task and, before long, was in possession of a gun—though not yet loaded.

The eagle looked on and did nothing.

Next, the bear loaded his weapon and aimed it at the eagle. Now the eagle and the bear each possessed a loaded weapon, aimed at each other. The eagle had lost his decisive advantage over the bear. The two were now on equal footing and neither could dictate to the other. Originally, the eagle, as sole possessor of a weapon, could have dictated to his enemy. But he chose not to.

Initially, the eagle and the bear were the only ones at the table. In time, other animals came to the table and the eagle and the bear sat and looked on as these other animals constructed guns of their own. The other animals then loaded their guns.

Today we see a bunch of animals sitting around a table, each with a loaded weapon pointing at the others. All are on a fairly equal footing. None can dictate nor dominate. Though some are enemies, they are forced to "reason" with each other. They now spend much time and effort negotiating, bargaining and trying to agree with one another. But they never do and they probably never will. After all, do enemies ever?

We were at one time the only superpower. There was only one and it was us. We simply allowed ourselves to lose our decisive advantage over our enemy. We let the Soviets build nuclear weapons. Early on, the Soviet threat to us was minimal and we countered it with a threat of massive retaliation. Who really thought at the time that the Soviets would not attempt to catch up to us and one day equal us? Only a fool would have.

The history of this planet would have been so different, so improved. We could have

prevented everyone from building nuclear weapons. We could have declared that no one was permitted to build nuclear weapons. We could have verified that no one was by sending inspectors all over the world. We could have remained the world's only superpower.

We could have prevented exorbitant defense expenditures and, with that money, worked to combat hunger, homelessness, disease, illness, high infant mortality rates, persecution, psychological problems and many other ills which beset the human race. The United Nations would have had a credible and effective policeman that wouldn't be spat upon. We could have formed a world government, a world democracy. America would have been to the world what Washington is to the states.

Consider the circumstances today. We actually have to sit down and talk to Communists. We are forced to seek peace agreements with people who openly profess their goal of conquest through violent revolution. I am sometimes ashamed for this country. There is no reason for us to be in the position we are in today. We had an opportunity and we blew it. And now we pay for it, every day.

In the international forum, the ends justify the means. There is no such thing as international law.

President Reagan is well aware that we have lost our decisive advantage. His Strategic Defense Initiative is an attempt to regain it. If successful, we would once again be invulnerable to nuclear attack. Will it work? Probably not. Even if we were able to put something in space which could destroy Soviet missiles on launch, the Soviets would shoot it down before we ever got a chance to use it. I fear we have lost our decisive advantage forever.

We are left to reason with our Communist enemies, all the while hoping some fanatic doesn't get the bomb and let it fly.

Some deal.

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NOV. 15 - FRIDAY **3 P.M. — RM. 20**

Wear relatively comfortable clothes.

note: No throwing will be taught

COMMUNITY FORUM

An Open Letter To The Class of 1986 II

During the week of October 4, a poll of the Third Year class was taken to get people's opinions regarding a commencement speaker for the June graduation. I am sorry to report only 76 of the more than 200 June graduates bothered to fill one out.

Based on that poll, seven persons were recommended to the Dean. Based on the suggestions written in, 10 additional names were presented. On Wednesday, October 23, the committee met with the Dean. At that time, the Dean stated that several of the people were either unavailable, had previously turned us down, or had already received an honorary degree from the University, and as such were ineligible to be a commencement speaker again.

The first person the Dean will invite to be the June commencement speaker will be Associate Justice of the United States Supreme Court Sandra Day O'Connor. In order of priority alternates are Associate Justice William Brennan, retired Justice Potter Stewart, Seventh Circuit Judge Richard Posner, retiring Speaker of the House Thomas "Tip" O'Neill, Secretary of Transportation Elizabeth Dole, Madam Jihan Sadat, former first lady of Egypt, ABC News broadcaster Ted Koppel, and Constance Baker Motley, U.S. District Court Judge for the Southern District of New York. The committee also has a list of unprioritized possible alternate choices. They are: Maxwell Rabb, American Ambassador to Italy, Rudolph Giuliani, U.S. Attorney for the Southern District of New York, Coretta Scott King, Professor Alan Dershowitz and Judge Moses Weinstein.

I often hear and read about the committee as a "speaker" committee. Our title is the

Advisory Committee to the Dean on the June 1986 Graduation. To say we are a speaker committee is really a misstatement. As stated in last *Conscience*, the committee will have *nothing* to do with the election of the student speaker. The Student Government voted at its last meeting to appoint a special election committee, made up of non-Third Year students to run the election. The SGA also adopted the rules for the election, suggested by the committee. On behalf of the whole committee, I want to thank the S.G.A. for its support and assistance.

If anyone has any comments or suggestions regarding any aspect of the graduation commencement, please pass it on to one of the committee members. It's *your* graduation, — be a part of it, make a *positive* contribution to it.

Sincerely,
Jim Black

Stars And Stripes

James Shuart
President
Hofstra University
Hempstead, New York 11550

Dear Mr. Shuart,

What do you think of when you hear the word "America?" Freedom, justice, and the "Stars and Stripes?" Yet, for those of us who study law here at Hofstra Law School, the relationship between these are only visions in our imaginations. Why? you might ask. Because our law school building adornsments do not include any flags.

Although Hofstra University does fly flags at the corner of Hempstead Tpke. and California Ave., I think that the nature of what a law school represents justifies that we display flags in the areas which are most utilized by both the students and the public. Those areas are the library (freely accessible to members of the bench and bar) and the moot court room (often used for speakers and special presentations).

The investment would be minimal, yet displaying flags would be an invaluable reinforcement of the principles we learn here. For those of us who are proud to be American, our nation's symbol would be a most welcome sight in the environment which we toil for three years, with the hope of being able to contribute in our own way to this country's greatness.

Sincerely,
Frank N. Mavroudis

GLORIA

To The Editor:

As Hurricane Gloria brought down power lines, a dim light over Long Island began to grow brighter and brighter as each powerless day passed. If there were any doubts that LILCO is a poorly run company, Gloria dispelled them. Over the two week period following Gloria Long Islanders received an education about LILCO. We learned that: money spent on tree-trimming has decreased since 1973 (using inflation-adjusted

dollars); stronger cable used by many other utilities has not been used by LILCO; LILCO did not comply with their own state-approved storm response plan after Gloria; they did not provide information to customers, town or county officials; but they did spend \$225,000 to advertise a computer system ("so service can be restored faster than ever") which turned out to be useless after the hurricane; LILCO did not have storm insurance even though their storm restoration fund was depleted; most of the damage from Gloria was not property damage, it was damage from the prolonged power outage; LILCO chairman William

Catacoccinos had a nice vacation in Italy; and, for all this, Long Islanders pay the fourth highest utility rates in the nation (this might go up even higher as LILCO has indicated their intention to pass on the cost of the damage to its customers).

What we have learned from experience, we must apply to the future. Whether or not nuclear power is a viable energy alternative for America, LILCO's ineptness combined with the precarious geographic location of Shoreham, must be seriously considered before deciding if nuclear power is a viable energy alternative on Long Island.

Jim Markotsis



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HONG KONG: June 9-July 30

Trade and commercial relations between Hong Kong, China, and the rest of East Asia is the focus of the program held at the University of Hong Kong. Practice component affords option of either a writing tutorial or an internship with a Hong Kong law firm, corporate law office or government agency.

TOKYO, JAPAN: June 18-August 8

Emphasis on U.S.-Japanese trade. Courses in Japanese Legal System, International Business Transactions, Comparative Law (Intellectual Property). Internships with Japanese law firms and corporate legal departments. Instruction primarily with Japanese professors and practitioners. Visits to governmental offices and company legal departments.

SINGAPORE-ASEAN: June 9-July 30

Focus of the program to be held at the National University of Singapore will be the legal systems and cultures as well as the legal aspects of international investment

and development in the countries of the Association of Southeast Asian Nations (ASEAN) (Singapore, Indonesia, Thailand, Malaysia, The Philippines, Brunei). At our disposal are the resources of the National University of Singapore, The Asian-Pacific Tax and Investment Research Center, local and international faculty consisting of recognized experts in the subject areas, and law offices which deal in such matters on a daily basis. Internships required after the academic courses with Singapore and Bangkok (Thailand) law offices.

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Schedule of Events

continued from pg. 4

FRIDAY, NOVEMBER 8

8:30 a.m.	Student Center Theater Lobby North Campus	3:45	Session VII—EQUAL PROTECTION
	Continental Breakfast		Main Speakers: <i>Sylvia A. Law</i> Professor of Law New York University School of Law New York, NY
9:00	Student Center Theater Session IV—ECONOMIC REGULATIONS*		<i>William Bradford Reynolds</i> Assistant Attorney General of the United States Department of Justice Washington, DC
	Main Speaker: <i>Herman Schwartz</i> Professor of Law Washington College of Law American University Washington, DC		
10:30	Coffee Break		
10:40	Session V— FIRST AMENDMENT*		
	Main Speaker: <i>Floyd Abrams</i> Partner Cahill, Gordon & Reindel New York, NY		
12:00 noon	Lunch Student Center Dining Rooms		
2:00 p.m.	Student Center Theater Session VI—CRIMINAL PROCEDURE*		
	Main Speaker: <i>Yale Kamisar</i> Professor of Law University of Michigan Law School Ann Arbor, MI		
3:30	Coffee Break		

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BALSA REPORT

Hofstra Chapter of BLSA, and Hofstra Law Women jointly held an informal reception recently, in honor of the New Law School Assistant Dean, Deanna Hunter, and The Class of '88.

The reception, held in the second floor lounge of the law school, was well attended by faculty members, headed by Dean Eric J. Schmertz, and members of other clubs and students within the school.

The appointment of Dean Hunter to the post of Assistant Dean, marks the first time a woman has held such a position in the law school. She is also the first Black to be appointed as a dean in the law school.

Dean Hunter has pointed out, however, that her uniqueness will not be a barrier to effective service to the entire law school student population — regardless of race or gender.

NORTHEAST REGIONAL BLSA TO HOLD JOB FAIR

The Northeastern Regional Committee of BLSA, is sponsoring an October Job Fair which it hopes will enable minority students currently attending law schools in the region, to land legal employment upon graduation.

The Job Fair, scheduled for Wednesday, Oct. 23, at New York University, from 9:00 A.M. until 6:00 P.M., is expected to involve more than 60 employers from various states throughout the Northeastern United States.

So far, 37 employers have agreed to participate in the job fair, which will be open only to current second and third year BLSA members throughout the region. These employers are drawn from variety of public interest and private law firms including federal agencies such as the ACLU, the Federal Election Commission, The Federal Reserve Board, and the Securities and Exchange Commission.

Employers are expected to come from as far as Washington, D.C., while others will come from New Jersey, Philadelphia and Connecticut as well as Upstate New York.

The procedure for ascertaining interviews for Hofstra Law School BLSA members, is being handled by the school placement office, and the local BLSA chapter; and this process will guarantee at least three interviews to each BLSA member signing up for the 1985 Job Fair, before the designated deadline.

The regional BLSA Committee has organized this fair in response to the increasing concern among many minority students regarding the dim prospects of post-graduation employment.

The fact is that many minority students have found it difficult to land jobs after graduation, particularly in more attractive private, federal and city agencies, despite, in some cases, similar academic credentials.

The BLSA effort, geared exclusively towards minority students, will hopefully provide more opportunities to students who participate, and, in the least, should expose participants more fully to the interviewing process — thus making them more marketable for future employment.

Although the deadline for procuring the guaranteed interviews at the job fair has already passed, it is possible that some students may still be able to obtain interviews on a show up basis at NYU the day of the fair.

This will depend on how many other firms sign up for the fair, and also the number of students who also participate in this endeavor. A reception will follow the day's activities.

No More Fun

by Doug Lieberman

Here it is, 2:00 A.M. I know that because I'm sitting here staring at the clock. I have an oral to prepare for, a cite-check to do and 400 pages to read just to be caught up. I haven't slept in so long that my eyes are sinking deeper and deeper into my head (any deeper and they will fall to my feet). I'm getting so nervous that pimples are appearing on my face faster than rejection letters are appearing in my mailbox. And to think, it's only the end of October. Law school isn't fun anymore.

Right now half of you are slowly bringing the paper back up to eye level, recuperating from the connotations of that last statement. "Now wait a second," you say, your mind kicking into its "thinking like a lawyer" gear. "By using the word 'anymore,' this fellow is insinuating that law school was fun at one time. Obviously, the proponent of that conclusion must be a student at Joe's Law School and Grill, ranked 29th, if I remember correctly, and couldn't possibly be a student here at Hofstra." Well, I am a student right here at the Hofstra Art Gallery, and I do think law school was fun.

In the old days, everything was so new. In the beginning, everyone was on equal footing, and it was fun seeing how grown people could be reduced to mere bowls of jelly by the simple bellowing of their name (though if it was your name that was called, you didn't think that it was much fun).

It was also fun to read through the case book for the first time, and see if I was able to come up with new and novel ideas as to what the cases actually meant. This was after going through them and not having a clue as to how the professor's fact patterns were so much more detailed than mine were.

I actually had fun going through the hazing. After all, who else would answer Professor Kessler's "where did you get that from?" with "in the Torts book?" I was also able to get Professor Silverman to laugh. Out loud. Twice! The rigors of first year had their

elements of being fun.

Last year I also had fun. For the first time I was able to pick and choose my own classes. I got to take courses that emphasized things that I was interested in and wanted to learn about. Whenever interested in a subject, the "sting" is taken out of doing the work.

The journal work was also fun, in its own way. I liked having the opportunity to tell a practicing attorney that he didn't know how to write, let alone Blue-Book form. It gave me a sense of hope, knowing that if I was able to point out flaws in an attorney's reasoning in a paper, then I will be a good lawyer.

Now, the fun has vanished. I no longer look forward to reading for my classes, I dread it. I no longer enjoy classes. I'd rather be running. Or better yet, working. I'm not having fun, and I think it's because reality has set in.

Before, the thought of getting a job and taking the bar exam was just a faint buzzing in the back of my head. Now it's a loud pounding. This means that everything I do should revolve around that end — because to do otherwise would be futile. Why am I doing all of these things now if my mail next year will be forwarded to Bench 3, Central Park? I have to put my energy into achieving this goal, and it seems time is running out.

Everything that I used to think was fun has now become a chore. Things are becoming due quicker, and the point of doing them seems to be lost. I no longer enjoy myself because I feel there won't be a reward when it's all over.

What can I do? Is it too late to change things? I think so. The realities of the situation have taken over, and I realize that no matter what I do, it won't make a bit of difference if the numbers aren't there. Why keep doing things that you enjoy if there's no return value — why not go the route of selling out? I don't know what the right thing to do is. I just want to have fun again.

ABA/LSD Report

by Dan Feldman

The Law Student Division, with membership in excess of 43,000, is one of 30 Sections and Divisions of the American Bar Association. The ABA is an unincorporated voluntary membership association of attorneys which boasts more than 300,000 members.

Law Student Division members may join any of the twenty-nine Sections and Forum Committees at considerably reduced membership rates. The Sections are devoted to a particular area of substantive law or of legal concern. Examples of Sections are: Administrative Law, Criminal Justice, Family Law, Economics of Law Practice, General Practice, Labor Law, Litigation, Natural Resources Law and others. There are also Forum Committees, for example, Sports and Entertainment Law and Standing Committees such as Environmental Law.

The ABA/LSD sponsors many contests throughout the year. The Law Student Division, the section of Litigation, and the Appellate Judges' Conference of the ABA have announced the 10th annual National Appellate Advocacy Competition (a moot court competition). The regional competitions will be held between February 15 and April 15, 1986. Information for those who might be interested will be posted on the ABA/LSD bulletin board, or a message can be left in the ABA/LSD mailbox.

The Law Student Division has also announced the 18th annual Client Counseling Competitions. Regional competitions will take place on February 28 to March 2, 1986 in twelve law schools around the country. The finals will be held March 21-22, 1986 in San Antonio, Texas. "Criminal Law" will be the subject of this year's competition. Information can be found on the ABA/LSD bulletin board.

Labor Law Journal Lecture

by Mitchell H. Rubinstein

On October 2, 1985 the Hofstra Labor Journal Lecture Series sponsored a lecture by Paul Yager, Regional Director, Federal Mediation and Conciliation Service.

Mr. Yager spoke about the role of mediation in the collective bargaining process. Unlike an arbitrator, a mediator does not have any power to impose a decision upon the parties. Mr. Yager explained that this is the genius of mediation because the parties will view the mediator as a non-threatening neutral interested in a fair solution.

During the course of the mediation process Mr. Yager explained that the mediator performs many roles. A mediator reminds

the parties of their responsibilities to each other and to the public. He often counsels the parties and asks the tough questions which need to be answered. A mediator also facilitates the communication process. If the parties cannot talk to each other they can talk through the mediator. A mediator is also in the position to view the dispute objectively and to offer possible compromises.

Mr. Yager was the second speaker which the Hofstra Labor Law Journal sponsored this semester. Eugene Orza, Associate General Counsel, Major League Baseball Players Association is tentatively scheduled to speak about the recent baseball strike on November 25th at 4 P.M. All students, faculty and staff are encouraged to attend.

Upper Class Moot Court

The second annual Tom C. Clark Center for Advocacy Upper Class Moot Court competition October 21, 1985.

This program is open to all second and third year students who are interested in sharpening and practicing their appellate skills, both by oral argument and brief writing. Students must register for two competitions given during the school year, one in the Fall and one in the Spring. Credit is given on a pass/fail basis for those participating.

After oral arguments, which are heard by a three judge panel, two alumni and one faculty judge, the students are graded and critiqued on their presentation. Each brief is graded by two faculty members and the combined scores are used to determine the

Letters

continued from pg. 8

Dear editor:

Last month you chastised the S.G.A. for not doing anything about the parking situation. I think your conclusion is mistaken. If you took out the time to ask any member of the S.G.A. about what the S.G.A. is doing to relieve the problem, you would have discovered that the S.G.A. has formed a Parking Committee. In addition, this committee has already laid out serious plans to finally resolve this issue. If you would have attended this meeting, we would have welcomed your suggestions. Unfortunately, you do not feel the need to attend such meetings and therefore are guilty of the same offenses which you accuse the S.G.A. of — complacency and apathy.

What the S.G.A. needs is not a student body discrediting its own student government, but support and encouragement in what it does. The Conscience should assist the S.G.A. and the parking committee by covering its meetings and informing the student body as to its decisions. In order for the parking committee to succeed in its cause, we need a unified and involved student body.

Stuart Meissner
Section A Rep.
Parking Comm. Chairman

people who will advance into the next round. Oral arguments account for 60% of the grade, while the brief score is counted as 40%.

This year the arguments will be heard in Room 308 on: October 28th, 6 — 7 — 8 P.M.; October 29th, 6 — 7 P.M.; November 4th, 6 — 7 — 8 P.M.

The finals are scheduled for Thursday, November 7, 1985, at 8:00 P.M. The judging will be done by three visiting justices from the State and Federal judicial systems. The winners of the Fall and Spring competitions will represent Hofstra in the National Moot Court Competition and the Nassau County Bar Association Competition, and various other local competitions. Last Year, Hofstra won the Nassau County Bar competition, having bested Touro, Brooklyn and St. John's Law Schools.

The arguments in Room 308 are open to the students and guests. It is a wonderful opportunity for first year students to be able to see the Moot Court process first hand.

This year's problem is one in which the standing, validity and scope of a police search are explored in connection with a conviction for murder and robbery. Everyone is welcome, and first year students should view the competitions with the possibility of participating themselves next year.

Wachtler Cont'd

continued from pg. 1

York State Penal Law provisions for forcible rape and sodomy as violative of Equal Protection. Currently in New York a man may be convicted of raping his wife.

The Chief Judge is known not only for his innovations and his proposals to reform the court system in order to better promote justice, but in addition he is held out to be a very enjoyable speaker, which was evident. Despite his reverent position as Chief Judge of the State of New York, he has maintained an excellent sense of humor and a friendly manner, adding a personal touch to his informative and thought-provoking speech.

SPORTS

The Ax Man

by Jim Markotsis

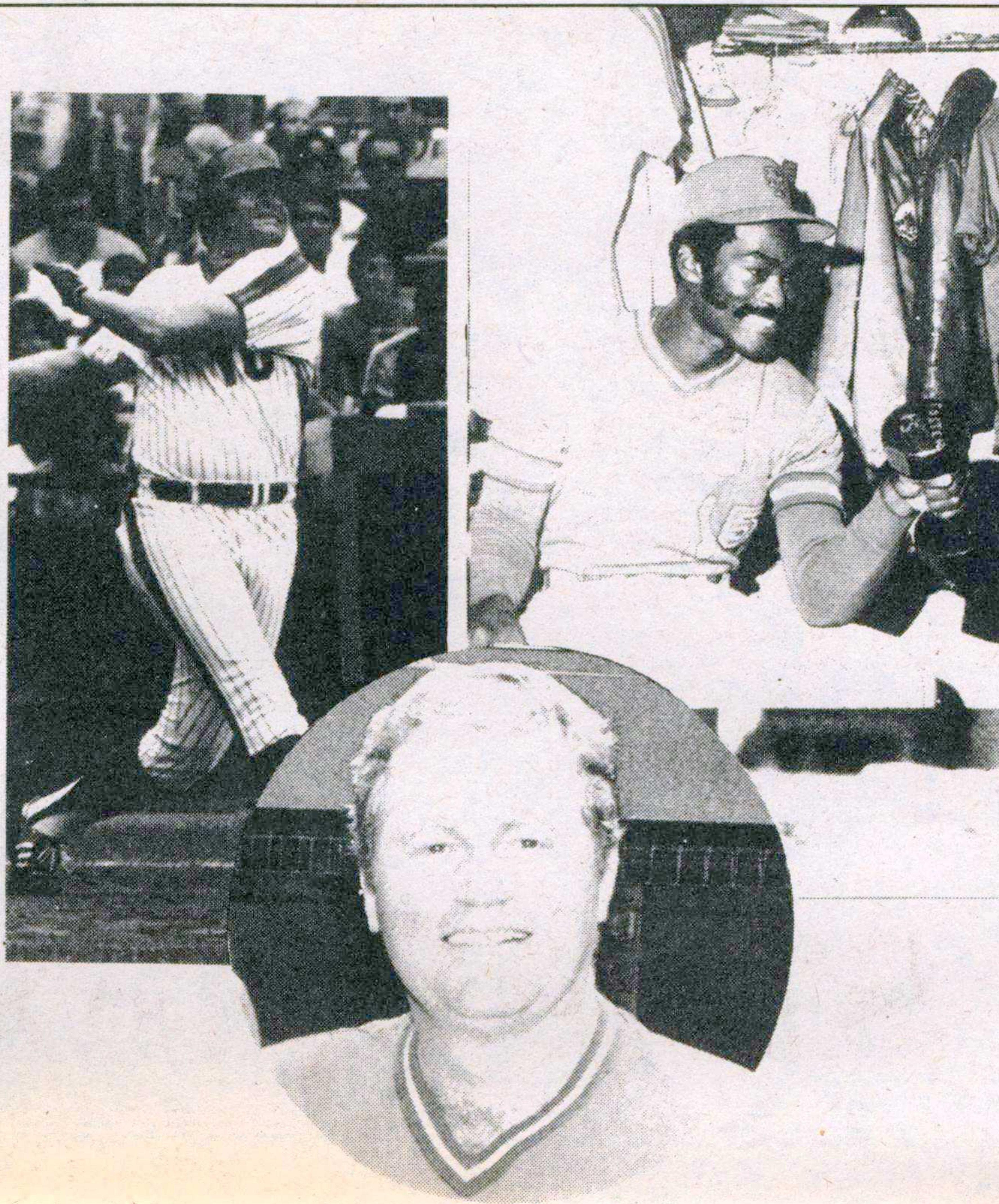
In honor of the second best record of their short but not so illustrious existence, this column is dedicated to the New York Mets. Lately, everything I've read and heard about the Mets has praised them on their fine 1985 season. That's all well and good, but I think it's time to plan for 1986. With the baseball season still fresh in our minds, it is time to let Frank Cashen and his friends know just how we, the students, think they can improve the Mets.

When Willie Mays came back to New York over a decade ago to finish out his career, it was apparent that his skills had deteriorated more than just somewhat. But Willie was a folk hero in New York and his stay was not long. Although Rusty Staub has a large following, it is not as large as that of Mays, or even Rusty's ever increasing belt size. As for George Foster, I can not name two people who do not dislike him. In my opinion, if there is any future in baseball for Foster or Staub, it is in the American League as designated hitters.

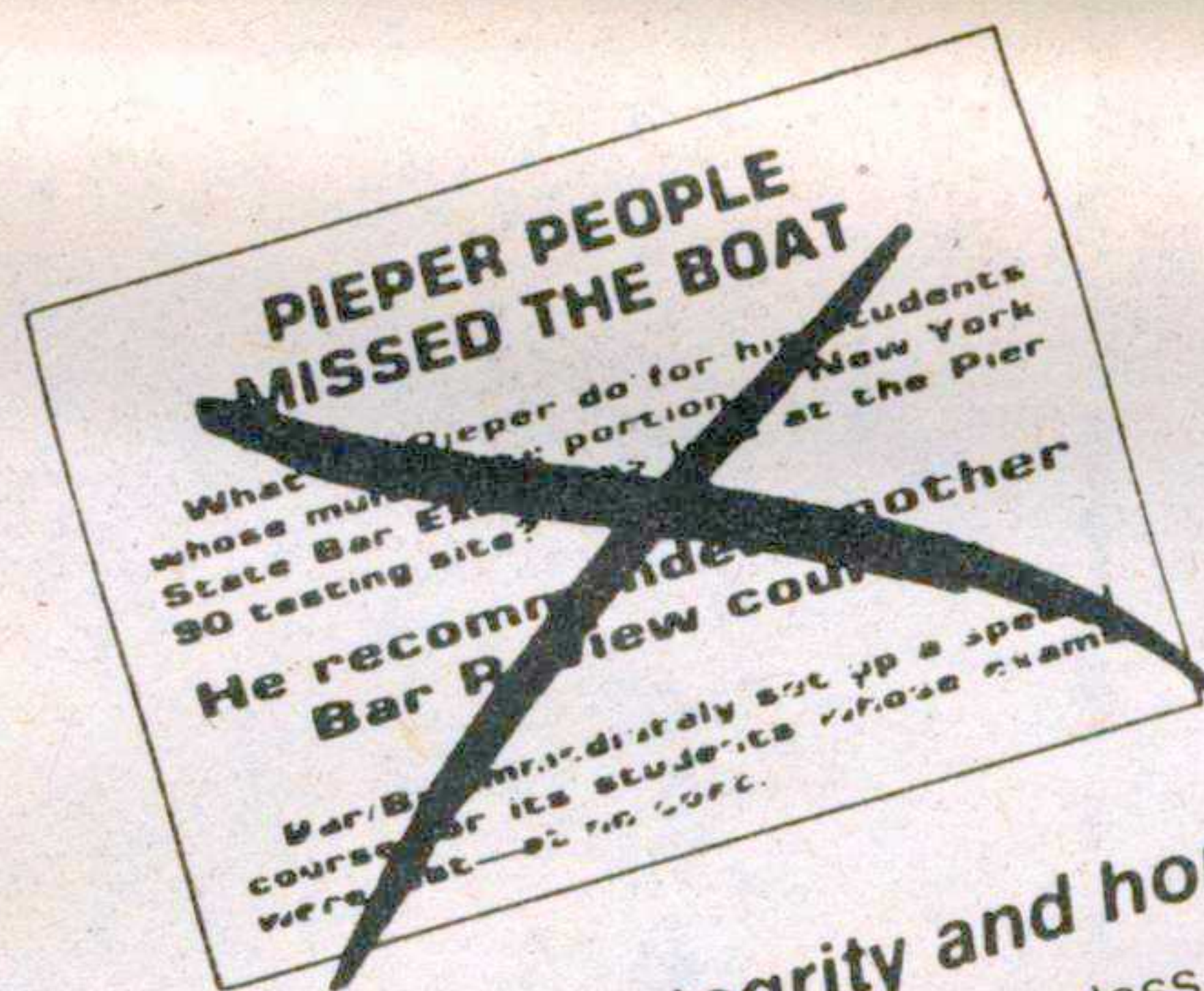
Although I am a big fan of Rusty Staub, I believe that his position on the roster should be opened up for a younger player who can do more than just pinch hit. Rusty will be 42 years old before next season begins, and unless he can throw an effective knuckleball, it's time for him to move on. Incidentally I think he would make a good batting coach.

George Foster should be axed from the roster immediately. His attitude stinks, he only plays hard in September and he strikes out on awful pitches constantly. But, his greatest liability is in left field. Of course, as Met fans we tend not to think of left field as a skill position since we have endured the likes of George Theodore and Dave Kingman at that position over the past decade. Foster could best help the team by retiring and thus opening up his spot on the roster for a youngster like Billy Beane who could then platoon with Danny Heep in left field.

I believe axing Foster and Staub would be the best move for the Mets at this point (assuming no other club is interested in trading for either of them). What's your opinion, I'd like to know. Should the ax fall on Foster and Staub or not? I will list the results next issue as well as discuss the baseball future of Dale Berra.



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"I am writing to thank you for your concern and generous gesture in registering your students for the PMBR workshop. It was, as the saying goes, 'above and beyond the call of duty.'"

Bar/Bri's ad stated that the Pieper People whose multistate exams were lost this summer "missed the boat", insinuating that Pieper did not do anything for his students.

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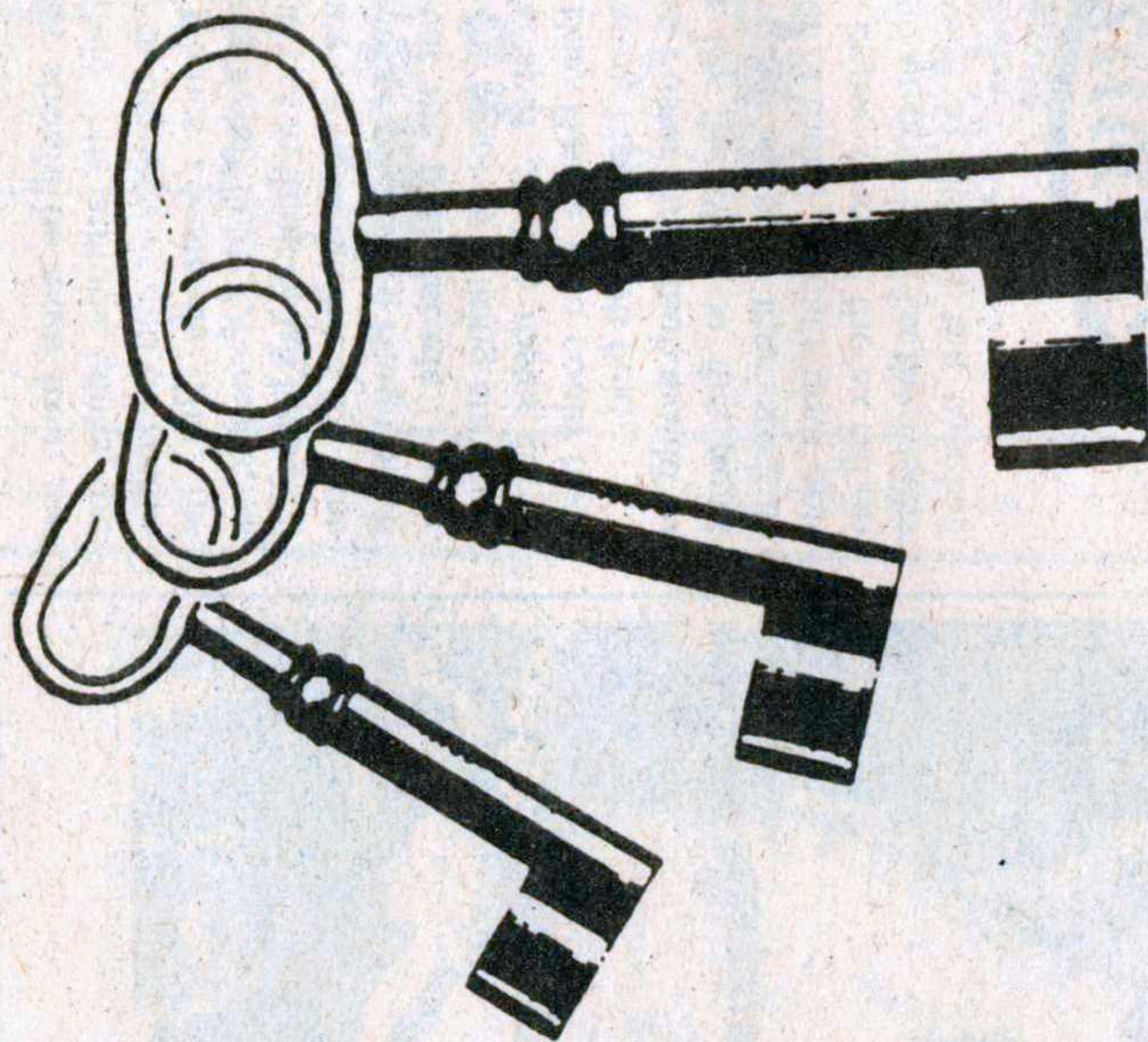
FACT: Bar/Bri simply replayed tapes of their multistate lectures given two months before.

FACT: The Bar/Bri ad was misleading, distorted and misrepresented the facts.

FACT: Pieper People were grateful for Pieper's efforts on their behalf. Reprinted are verbatim excerpts from just a few of the many unsolicited letters Mr. Pieper received in September 1985.

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