



ASKING YOU TO ASK YOURSELVES

Vol. 13, No. 5

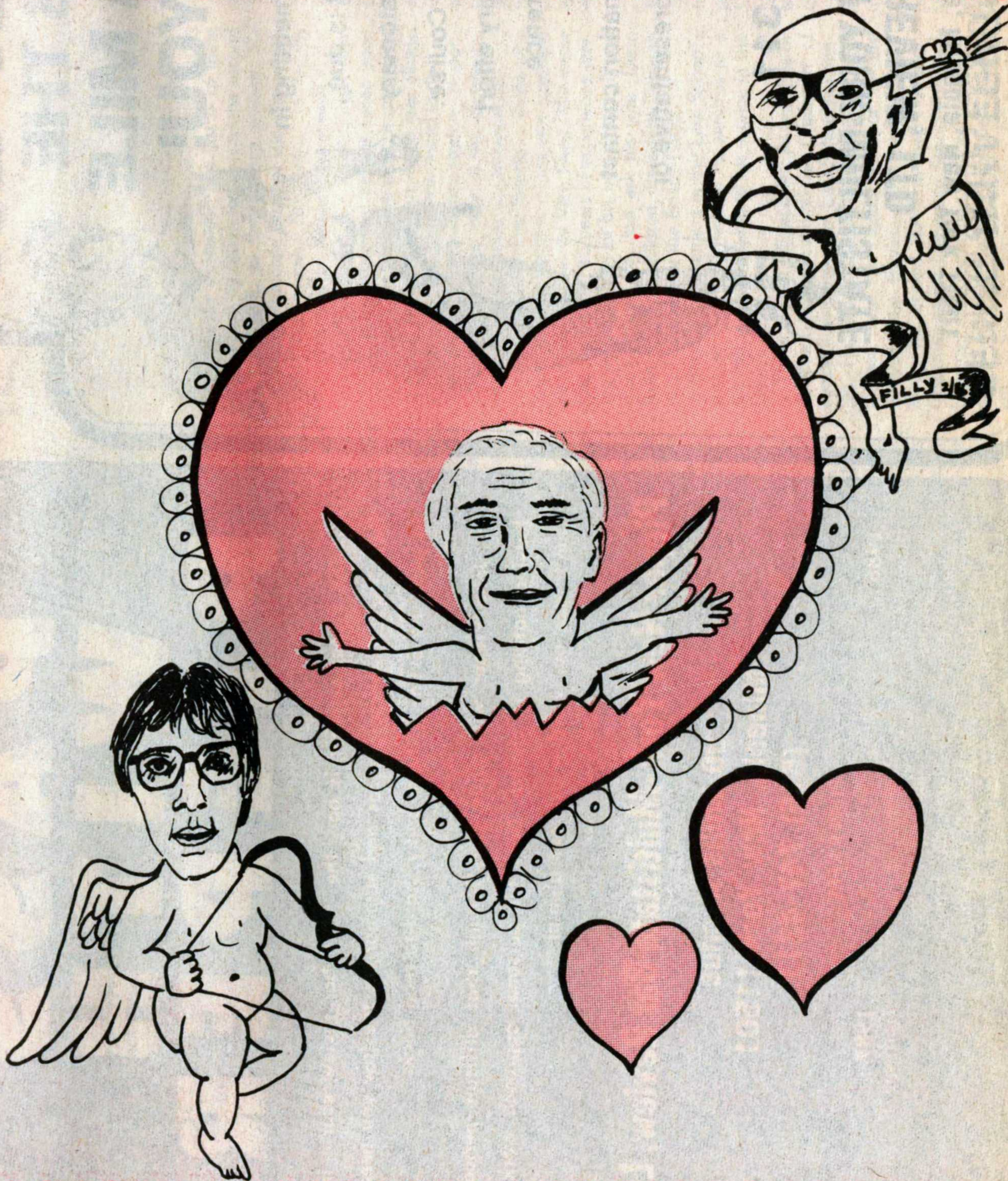
February 1986

Conscience

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Judge Feinberg Delivers First Howard Kaplan Memorial Lecture

by Eric Zucker

On Wednesday, January 29, Chief Justice Feinberg of the Court of Appeals, Second Circuit delivered the inaugural lecture of the Howard Kaplan Memorial Lecture series to a capacity audience in the Moot Court Room. These lectures were conceived and are supported by the son of Howard Kaplan, Anthony E. Kaplan, who graduated from Hofstra Law School in 1982. In a brief appearance, Mr. Kaplan welcomed the audience and paid a warm tribute to his father and the judge, who had been friends in years past.

Chief Justice Feinberg's speech addressed the subject of court administration. While acknowledging that there was not much literature on the practices and customs of the various Courts of Appeals, he stated that it was his belief that the efficiency of the Second Circuit's decision making process was crucially linked to its dominance. He stated further that he felt that the subject matter might prove to be fertile ground for further investigation in the legal community.

He listed nine distinct practices or customs that, while not all unique to the Second Circuit, were very characteristic. First, he listed the exchange of voting memos. Although the length of these voting memos have shrunk, because of court backlog, the judge explained that they were nevertheless a very important tool for the judge who will write the opinion. By being aware of the various points of concern that the various judges have, it enables the judge writing the opinion to accommodate those concerns in his opinion. This diminishes the potential for dissents and adds to the judge's own evaluation of the issues.

Second, the reduction of oral argument has greatly decreased the time pressures placed upon the court with the growth of their caseload. This court, the judge explained, is a "hot court," meaning that they have read the briefs before coming to court. Since the judges are prepared and do not need to hear the facts of the case recited to them, oral arguments have been reduced from 45 minutes to as little as 10 to 15 minutes.

Third, trial counsel in criminal cases must remain counsel throughout the appeals. Although this puts a burden on defense attorneys, especially legal aid attorneys who have enormous caseloads, the judge argued that since no time was lost in having to acquaint a new attorney with the facts of a case for appeal, and the defendant had the benefit of maintaining a single attorney-client relationship, the system was the best.

Fourth, panels are convened year-round. In the old days, the court used to handle about 900 appeals a year. It wasn't a year-round job. However, there are now about 3,000 appeals considered a year and the court has found it necessary to operate on a rotating schedule. The Judge added that he felt that the panels added to the collegiality of the justices toward one another.

Fifth, en banc proceedings are very rare. While other Courts of Appeals have up to 30 such proceedings a year, the Second Circuit rarely has more than two. This greatly speeds up the process.

Continued on Page 20



Hofstra Board Of Trustees Stand Against Apartheid

Hofstra University has reaffirmed and strengthened its policy aimed at encouraging American companies that do business in South Africa to actively work toward the elimination of apartheid. The action was taken by the University's Board of Trustees following an intensive four-month study in which opinions were solicited from campus constituencies by a special Commission.

Under the new policy, Hofstra will only invest or keep holdings in those companies that have joined and are active in the United States Corporate Council on South Africa. Members of the Council "have pledged to strongly support and play an active role in peacefully achieving the goals of abolishing statutory race discrimination in South Africa; granting full South African citizenship to all peoples of South Africa; negotiating with acknowledged Black leaders about power sharing; and restoring and entrenching the rule of law."

In previous decisions, Hofstra's Board said it would not invest in any American banks that made loans to the government of South Africa, and would not invest in companies doing business in South Africa unless the companies adhered to the Sullivan Principles. The Principles were developed by the Reverend Leon Sullivan and call for the desegregation of the workplace, fair employment practices, and equal pay for equal work, job training and advancement, and improvement in the quality of workers' lives.

The Hofstra Board has also voted to appoint a permanent committee to encourage

members of the U.S. Corporate Council on South Africa to sponsor scholarships in American colleges and universities for Black South Africans. In addition, the committee will monitor how zealously these companies adhere to their stated goals. If the companies fall short or fail to live up to these Principles, Hofstra would promptly divest its holdings.

"The Trustees believe," Emil V. Cianciulli, Chairman of the Board, states, "that in view of the present civil difficulties in South Africa, that the University should not invest in any American companies doing business in South Africa who have not joined the U.S. Corporate Council on South Africa."

"By retaining investment in companies that are members of the Corporate Council, Hofstra maintains a vote on social responsibility issues such as the South African question, when it comes before shareholders' annual meetings."

Hofstra President James M. Shuart said that the University's current investments in companies that do business in South Africa amounts to about \$1 million out of overall endowment holdings totaling almost \$20 million.

Hofstra's Board of Trustees first tackled the South African investments question in 1977, at which time it permitted investments in the secondary market in companies that adhere to the Sullivan Principles.

Late last summer, the Board voted a moratorium on new investments in companies that do business in South Africa pending a thorough review of the situation in South Africa and the University's previous

policies. At the time, Chairman Cianciulli said that the Board took that action because of the extensive civil unrest and the manner in which due process has been suspended in South Africa.

Hofstra's Board of Trustees has a membership of twenty-six distinguished men and women from law, government, business, community affairs, medicine and other fields. Its meetings are attended by a faculty

INSIDE:

Solo Practice	p.2
Trial Techniques	p.4
Editorials	p.6
Personals	p.11-14

delegate, two representatives of the University Senate, the President of the Alumni Senate, two student delegates, and a delegate from the Hofstra Advisory Board.

Alice Lubin Everitt Named As New Dean

The Hofstra Law School community welcomes Alice Lubin Everitt, the new Dean of Admissions. Dean Everitt fills the position previously held by Etta Fafarman, who retired last December.

Dean Everitt received her J.D. from Columbia Law School and was associated with a firm in Manhattan before she moved to Washington, D.C. in 1978. From 1978-1981, she served in the Carter Administration as Special Assistant to the Director of the Federal Mediation and Conciliation Service. Ms. Everitt later started her own labor arbitration practice, specializing in ERISA cases, and moved her practice back to New York early last summer.

At the moment, Dean Everitt is very busy screening applicants for admittance to the class of 1989. Her office has been "swamped" due to the high increase in the number of applicants to the law school this year. We wish her the best of luck in her new position and, once again, welcome her to Hofstra Law School.



Is Flying Solo For You?

A law student is faced with a plethora of decisions and dilemmas as graduation day approaches. After three years of dealing with hypotheticals, he or she suddenly is confronted by practical considerations. Should he or she practice alone? What sort of office equipment does he or she need? Where are the local courts located? The answers to these and other questions are of paramount importance to the young lawyer.

Beginning on Wednesday, February 19, 1986, Hofstra University School of Law and the Bar Association of Nassau County will offer a four-part seminar on "Starting Your Own Law Practice, or, is there life after law school?". This program will take place at Hofstra Law School's moot court room from 12:10 to 1:00 p.m. on four successive Wednesdays. Each session through March 12th will address different topics. There is no charge for attending this program.

The topics to be covered include factors to consider in deciding to practice alone (speaker: Joel K. Asarch); selling yourself and your law practice (speaker: Neil T. Shayne); office equipment requirements (speakers: Roger M. Friedman and Isaac Blachor); books a lawyer should keep in his or her library (speaker: James J. Lodato); basic record keeping for an attorney (speaker: Donald J. White); advertising legal services (speaker: Rita Stein); and locating your office (speaker: Stephen Gassman).

Each speaker is a noted attorney who practices or lives in Nassau County. All have lectured previously to lawyers on a variety of topics. The format of this program will consist of two brief talks per session, with the

balance of the time devoted to answering questions. All law students are invited to attend and to learn what is needed by the attorney ready to enter "the real world."

SCHEDULE

February 19, 1986

Deciding to go it alone—factors to consider
Speaker: Joel K. Asarch, Esq., moderator of "A Walk Through the Courts"

Selling yourself and your practice

Speaker: Neil T. Shayne, Esq., noted author, lecturer and "ethnician"

February 26, 1986

Computers and word processors

Speaker: Roger M. Friedman, Esq., past chairperson, NCBA prof. economics com.

Copiers and telephones

Speaker: Isaac Blachor, Esq., member, NYSBA law office economics com.

March 5, 1986

The lawyer's basic library

Speaker: James J. Lodato, Esq., principal law librarian, Supreme Court

Record keeping for lawyers

Speaker: Donald J. White, Esq., secretary, Nassau County Bar Association

March 12, 1986

Advertising and the lawyer

Speaker: Rita Stein, Esq., chairperson, lawyer referral committee

Where to locate your practice

Speaker: Stephen Gassman, Esq., second vice president, NCBA

Questions are encouraged. Come and learn about the "practice of law" which is only hinted about during law school.

For further information, please contact Joel Asarch (516) 867-6900.

Regan Book On Counseling Elderly

by Claudia V. Grinberg

Professor John J. Regan has written a new volume titled, **Tax, Estate, and Financial Planning for the Elderly**. The book, recently published by Matthew Bender and Company, meets an increasing need for practical instruction on how to counsel the elderly client and his/her family. The target audience for the book includes attorneys in general practice who are newly encountering problems of the elderly such as complex government entitlement rights (Social Security and Medicare benefits), pension rights, or the moral and legal issues of terminating life-support systems. The book is a planning perspective on growing old. It is aimed at advanced planning — not for picking up the pieces after problems set in (although this is also dealt with).

Why such a growing concern with the elderly and their financial planning? First of all, the demographics of the situation reveal that there are more elderly now than ever before. Eleven percent of the population is over 65. It is estimated that by the year 2025, 20 percent of the population will be 65 years or older. Secondly, the elderly are living longer. Many are well into their 80's or 90's. Old age is accompanied by issues unique within themselves.

We tend to think of old age as "the golden years." We envision golf courses full of elderly people. But, as Professor Regan writes, "The glow of these years is dimmed by the dark shadows of the elderly's numerous legal and financial problems and encounters with government bureaucracies." The elderly fear losing control at the hands of these government agencies, as well as at the hands of health care institutions and their families. For this reason, Professor Regan's book advocates self-control, which may be obtained through advance planning.

Professor Regan numbers the myths (such as "the old are unproductive, inflexible, senile; they have reduced attention spans") that surround the elderly. He writes that these preconceptions "lead the practitioner

to ignore the fact that the client is an autonomous adult, and instead to treat the client as a less-than-competent person who is not to be trusted." This leads to the client actually losing his right to control and plan his own affairs. But many of the "easy assumptions about old age...are no longer tenable." For example, senility may now be treated or reversed. Professor Regan urges that the practitioner should be sensitive to the needs of his elderly client: he should get to know the client as an individual, maintain regular contact, and encourage the client to be independent and assertive of his rights. The book also advocates the development of such instruments as the durable power of attorney, so that the infirm elderly can maintain control over decision-making regarding his/her life. This is relevant in light of the fact that the longer one lives, the greater the incidents of chronic illness.

The topics covered in the book include "Counseling the Elderly Client," "Financial Planning," "Social Security Benefits," "Public Pensions: Railroad Retirement, Federal Civil Service and Veteran's benefits," "Private Pensions," "Income Tax Savings," "Access to Credit," "Supplemental Security Income Program," "Medicare and Private Health Insurance," "Medicaid," "Nursing Homes," "Planning for Incapacity: Property Management," "Food and Nutrition Programs," "Estate Planning and Wills," and "Health Care Decisions."

Professor Regan is Vice Chairman of the American Bar Association's Commission on Legal Problems of the Elderly and a member of the Committee on Legal Problems of the Aging of the Bar Association of the City of New York. He is also working on the New York State Task Force on Life and the Law, which deals with a range of issues from conception to medical care of the dying person and issues relating to termination of treatment. He was recently appointed the Jack and Freda Dicker Distinguished Professor in Health Care Law. Convocation for this appointment will be in the near future.

Rabinowitz Gets The Chair

The following are the remarks made by Professor Resnick introducing Professor Rabinowitz at the convocation inaugurating the Sigi B. Wilzig Distinguished Professorship and Center in Banking Law that took place on December 17, 1985.

When preparing my remarks for this event, I began to realize how fortunate I am to have this opportunity to speak to you tonight. In my 12 years at Hofstra, I have participated in other ceremonial events and have spoken publicly on numerous occasions — But my task tonight is something very special. For tonight I have the rare opportunity to publicly pay tribute to a most deserving colleague and very dear friend — and there is no greater privilege, no greater professional pleasure, than that.

Early in his career — even before he taught his first law school class — it was obvious to those who knew him that Stuart Rabinowitz would some day become an exceptional law professor. His outstanding academic record at City College — where he became a member of Phi Beta Kappa and graduated cum laude — led to his admission to the Columbia University School of Law. His achievements at Columbia were most impressive: he was selected as a Harlan Fiske Stone Scholar during each of his 3 years there. He served on the Board of Editors of Columbia Law Review, authored 2 published law review articles, and graduated magna cum laude. It was not surprising when his intelligence, good judgment, determination, and scholarly potential led the Columbia Faculty to induce Stuart to remain at Columbia following his graduation to serve as an "Associate in Law." For a two year period, he conducted Writing and Research seminars, conducted classes in

Civil Procedure, and assisted such renowned scholars as Professors Walter Gelhorn and Willis Reese in teaching advanced seminars in Civil Liberties and Conflicts of Law. There is no better training ground for this profession.

Stuart then left academia for the practice of law. He was an associate in the litigation department of the prestigious firm of Rosenman, Colin, Freund, Lewis, & Cohen, where he gained valuable experience handling complex disputes with his usual high degree of skill and sophistication.

But, fortunately for this Law School — and especially for the thousands of students who have had the benefit of learning from Stuart — he returned to academia to pursue a career as a Professor of Law.

Stuart joined this faculty more than 13 years ago. He was one of the pioneers, having come only two years after this school first opened its doors. He taught the first graduating class — and every class since. Early in his teaching career, he earned a reputation as a truly outstanding classroom teacher who does not just teach his students legal principles, but goes well beyond that to teach them how to "think like lawyers." Nobody has received more praise for his teaching skills than Stuart — from students as well as from faculty members who have observed him in the classroom. Year after year, the course evaluations written by his students contain such quotes as "best professor I had in law school," "an exceptionally gifted teacher," "thoroughly emerged in his subject matter." His faculty tenure committee concluded, and I quote, "Professor Rabinowitz is a superb teacher in every sense of the word."

But to praise Stuart's teaching talents is to focus on only one aspect of his contribution

to Hofstra. I am not exaggerating when I say that nobody has played a more influential role or had a greater impact on the development and success of this law school, during the past 13 years, than Stuart Rabinowitz.

We have had 5 deans at Hofstra during the school's existence. The last 4 of them have called on Stuart to serve as the second in command, as their closest advisor. He served as Associate Dean or Vice Dean for a total of 7 years. No dean, no faculty member, and no lawyer, has served in the dean's office of this law school longer than Stuart. And, whenever he was called upon to serve in the administration, it was never because he sought it out — he was always drafted — he had to be convinced to do it — because accepting administrative responsibilities meant less time in the classroom, which is where Stuart would rather be.

Of course, his close friends — those who know him the longest — are not surprised about his success as Vice Dean. We know that he has had 16 years of experience serving as Vice Dean of his own family. If you don't believe me, just ask his wife, Dean Ruth — or his children, President Deborah and Chairman of the Board David.

Stuart's involvement in the Law School's success goes well beyond his services as a teacher and even beyond his service in the Dean's office.

There are the official roles: At one time or another, he has served as Chairman of almost every important Law School committee. He served on two Dean Search Committees, and as Faculty Advisor to the Hofstra Law Review. On the University level, he served as University Senator, Chairman of the University Scholarship and Financial Aid Committee, and as a member of the University Senate Executive Committee. It was no surprise when Stuart was awarded the Distinguished Faculty Service Award in 1981-82.

But, even more important, there are the unofficial, informal roles; the ones which are never reflected on any resume or biographical sketch in a catalogue. Stuart's genuine and deep concern for the people around him — students, colleagues, friends — together with his consistently good judgment and high ethical standards, has made him the most sought after counselor in this building. New faculty members look to Stuart, more than anybody else, for advice and guidance. Faculty members writing books or articles, or preparing briefs on complex issues, turn to Stuart for suggestions and constructive criticism. His intellectual agility makes him the ideal person with whom to discuss legal concepts in every area of the law. Whenever I need somebody to bounce an idea off of — whether it be for professional or personal reasons — his office is the first place I visit. And I always notice that I'm not the only one. In fact, it is rare when his office is not already occupied by others who are there for the same reason.

Although Stuart's responsibilities at Hofstra — as a faculty member and as an administrator — are extremely demanding, he nonetheless finds time to engage in other professional activities. I am proud to say that I have worked together with Stuart in advising clients, in negotiating and drafting contracts, and in litigating disputes. I have fond memories of the time we stayed up half the night writing a brief in a *pro bona* lawsuit against a school board which closed certain meetings to the public. I saw Stuart argue the case in court — resulting in an unprecedented expansion of the state's Open Meetings Law. And in everything I have ever seen him do, he never strays from the highest professional standards and dedication. He is not just an outstanding educator; he is a first-rate lawyer.

Continued on Page 17

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Four Students Discuss Trial Techniques Program

Fond Memories of Moments of Panic

by Janet Dreifuss

It was January 2, 1986 and most people were still recuperating from New Year's — brain dead, but physically present at the NITA Program. Many questions were asked. What am I doing here? My friends are in Florida getting tanned. But everyone was there because they wanted to learn how to litigate, not to mention that they wanted three credits in nine short days. Well, nine short days turned out to be nine very long days.

There were four sections, each participant was assigned to one. I was placed in Section I and Larry (the K) Kessler was our group leader. Not only did he run our group well, but the entire program was well organized and a great learning experience. I would advise everyone in the school to take part in this program but you should be aware of what you will be exposed to.

The course is a total immersion in the experiences of litigation — experiences which may in reality be spread over a period of months or even years. Therefore, the nine days that you spend learning how to litigate may be the longest nine days of your life. Classes run from 9 a.m.-5 p.m. but don't expect to get to sleep before 1 a.m. and still be prepared for class. In class, you will hear prestigious attorneys tell you that preparation is the key to successful litigation. However, there were some unrealistic expectations. For example, learning all the facts of a 90 page case and preparing direct and cross examinations overnight. It was not uncommon to forget who you were representing, what you were supposed to ask, and why you were asking it. It did not matter what case you were on as long as you knew the key phrases: "What if anything happened?" "What happened next?" "Isn't it true that..." By the end of the week you heard sentences like, "Isn't it not true that it's a fact, that you were not there on that night, correct?" Then you would receive the famous answers: "Can you repeat that?" or

worse, a simple "Yes." But then again you wouldn't know what you had asked.

Then came those moments of panic. You had to question a witness, your witness. You spent 15 minutes preparing the witness and then they got on the stand to testify and who knows where they came up with those answers. It was not unheard of to impeach your own witness. The attorneys tried with phrases like: "Are you sure?" or "I think you need your memory refreshed." This never worked as the witness was sure to say, "No, I remember it clearly." Counsel could only reply, "No further questions (but remember I'm your witness this afternoon)."

One of the major assets of the program is that students get to work with highly qualified and renowned attorneys from all over the country. The teaching techniques included video taping, criticisms, helpful hints, demonstrations, war stories (although they weren't supposed to tell them) and even the use of props, like rubber chickens.

I thought that Trial Techniques was the best class I've taken at Hofstra Law School. The course enabled everyone to be more comfortable and effective when speaking in a courtroom situation. The improvement of every person was shown at the culmination of the program when each person participated in a jury trial. The trial itself showed that we could do something that nine days before seemed an impossible feat. Having a live jury at those trials not only made the event more realistic, but enabled us to see how a jury thought and what they remembered when reaching a verdict.

In addition to the learning experience the social atmosphere of trial techniques was great. The camaraderie that existed was warm and supportive. It was also nice to meet and become friendly with new people with whom I previously had had no contact. Not only do I know that Trial Techniques will be useful to me in professional practice, but I will look back at the experience with fond memories.

A Positive Shot-in-the-Arm

by Steven Wasserman

The strength of this program was structure of the classes as well as the immediate feedback. As a member of Sec. 3(a) (the students were divided into 4 groups, with each consisting of 2 sub-groups A and B), one was given the chance to be in a small group every day of the program which allowed each student to be "focused on." This not only allowed the student(s) who were speaking to have the full attention of the instructors, but it also allowed the student viewers to watch their classmates in action. What was most interesting was being able to recognize different methodologies in preparing and analyzing cases. Furthermore, the immediate attention allowed the speaker to learn simultaneously how to better their performance. Because the course was rather dense in its assignments as well as the in-class routines, each student was literally forced to educate and review at night so that they would be prepared the next day. The only real weakness encountered was the fact that some of the instructors understandably had different techniques and ideologies so that periodically some of the instructions on one day would be inconsistent with another instructor's opinion on the next.

After the first week of mostly direct and crosses, the finale of the program, the jury trial, was assigned. On the day of your trial, two groups of two students were assigned to a courtroom to oppose each other, call assigned witnesses and plead your case. The

goal was to use your recently acquired technical skills necessary to present your side of the case persuasively in court. Obviously, this was the "peak" day of the program in that each had the opportunity to argue their case in front of a jury (6-12 high school students) and a judge (professor or lawyer, etc.). Thus the full actions of a trial, openings, directs, crosses, re-crosses, redirects, and summations were performed. After this highly intensive period of questioning was over, the students were given the opportunity to hear the jury deliberate and decide the case. During this most helpful yet frustrating period of hearing the jury discuss the facts that may or may not have been offered, a decision was rendered. Whether you "won" your case or not, the judge sits with both sides and offered the final critique of the program in a friendly and instructional atmosphere (including wine and cheese).

All in all the trial techniques program was both educational and rewarding. It was a positive "shot-in-the-arm" for any law student, especially those in their third year. Personally, it gave me the chance to get a real idea of what advocacy in the classroom is really like, in that advocacy is truly an art. The program encouraged and demanded each individual to actively review the thought process of how a trial lawyer should think before, and during each phase of a trial, and for that, the shortened vacation was worth it.

Program Tainted By Sexism

by Eric Zucker

During the Winter Inter-session the National Institute for Trial Advocacy (NITA) sponsored the Trial Techniques Program at Hofstra Law School. The purpose of this article is not to discredit the program in general, nor castigate any individual attorneys. There is no dispute that those ten days were among the most intense and educationally fulfilling days of the three years of law school. Furthermore, the attorneys who participated in this program were all very conscientious and many were extremely professional. However, it must be stated that some of the best moments of the program were tainted by inexcusable sexism that must be corrected in the future if the program is to maintain the degree of respectability to which it rightfully aspires.

During the course of the program the students acting as lawyers would perform various exercises before an attorney acting as judge. The most important aspect of the whole exercise was the judge's critique. To be critiqued more than a couple of times a day was nerve-racking enough, but many women students also had to suffer the indignity of sexually inappropriate comments from irresponsible attorneys.

I will try to limit my examples, but it became clear as I talked to women that almost every one of them had another story to tell.

One example that I personally witnessed was that of a young woman who had just completed a simulated direct examination. It was early in the program and her nervousness was betrayed by a slight swaying mannerism as she listened to the witness' answers. If this had been a male student, the criticism would have predictably been something along the lines of: "Good job, but you have to watch your swaying. It comes from lack of experience, and once you become conscious of it, you'll look more professional." Instead, the lawyer, while gesturing in a manner suggestive of female anatomy, said, "You got lotta...ENERGY... in your...ah, upper body. If you know what I mean (ha ha)."

Similarly, another woman who unconsciously crossed her legs as she conducted a cross examination was told, "You look darling when you stand like that, but..."

Another woman told me that she was interrupted by the lawyer as she prepared to introduce medical records with a series of probing personal inquiries. Rather than pro-

viding her with practical advice on the proper demeanor to maintain in court, this attorney revealed that the only kind of conversation he felt comfortable holding with a female colleague was pillow talk: "Do you have a boyfriend? Do you ever talk to him about your personal problems? Then read these documents as if you were telling your boyfriend your most intimate problem."

One attorney went so far in his disrespect for a future peer that when it came time to criticize a woman's examination, he sighed while gazing at her and gushed, "I'm sorry. I couldn't concentrate on a word you were saying." (This moments after the other attorney had told her she stood like "a model.")

The twin evils of sexism and racism found their spokesperson in another lawyer who, for God knows what reason, thought it was appropriate to tell a group of students a joke regarding a vampire who needs to suck the blood of Italian virgins. The punchline was the musical "Drained wops keep falling on my head." This abrupt departure from taste, much to the students' credit, evoked not a laugh, but an embarrassed silence. One thing that became clear in that moment is that while professors and professionals may be equipped to teach us the law, many of them are behind us in their sensitivity to sexism and racism.

The fact is that when many of our instructors and future bosses learned their craft, the Law was a white male's club. Those days are gone forever. It is sometimes hard to recall that as recently as the 1950's, many law schools refused to admit women. Just twenty years ago, women comprised only 6.5% of all law school applicants. Here at Hofstra, the percentage now appears to be about 50%.

For any lawyer to argue that sexism is "a fact of life" and that women lawyers have to learn to "accept" it (as I heard) is to beg the issue. Sexism must not be tolerated by women or men. It diminishes all of us if we let a lawyer get away with a throwaway line like, "If you got it, flaunt it" to a female law student as part of her critique. And we should all feel vindicated when she responded, "I hope that you're judging me on the merits of my case—not my looks!"

I hope that in the future when the Trial Techniques Program is being planned, some time will be spent on raising the consciousness of the lawyers who will be training tomorrow's lawyers.

Life in the Real World

by Jim Markotsis

While some people used the intersession to relax and get away from it all, many of us took part in the Trial Techniques program and worked our butts off. Most of us who took the class would do so again without hesitation. In fact one student, Helene Mark, went through the last few days with a pretty high fever. When asked about this she said, "If it were any other course I would have stayed at home." As her opponent, I wish she did stay at home because she did a hell of a job arguing her case!

At the outset of the program, all the students were divided into four sections, each having 36 people. Each section was further divided into four sub-sections, containing nine people each. As a member of section II, most of our time was spent in these sub-sections which resulted in getting to know the other eight people in the sub-section pretty well.

The most significant part of the program in terms of time was the work involved. We went through nine straight days of classes (9 a.m. to 5 p.m.) and nine straight nights of work, but it was well worth the effort. We each came out of the program with a much better understanding of what it means to be a

litigator. This understanding came from first hand experience as we each performed the functions of attorney and witness in mock trials. Our last trial was done before a jury of high school seniors who actually rendered a verdict in the case.

Throughout the program we learned from a distinguished panel of litigators, each with a style unto themselves. Professor Diamond (who did a fine job) was the leader of our section which included attorneys such as David Dean (a very instrumental attorney in the Agent Orange case) who was very flamboyant and had command of the courtroom, and Carl Pilger (a private practitioner from Washington, D.C.) who displayed a more business-like and low-keyed approach to litigation. Between these two styles were many other styles that employed both methods to a greater or lesser extent. Each student listened and learned from the comments and hints of each attorney, and was given many chances to try and develop a style which was best for him or her self.

The best aspect of the whole program was that it was not theoretical; it was very practical and an invaluable course which is a real plus for any law student who is at all interested in trying cases out in the real world.

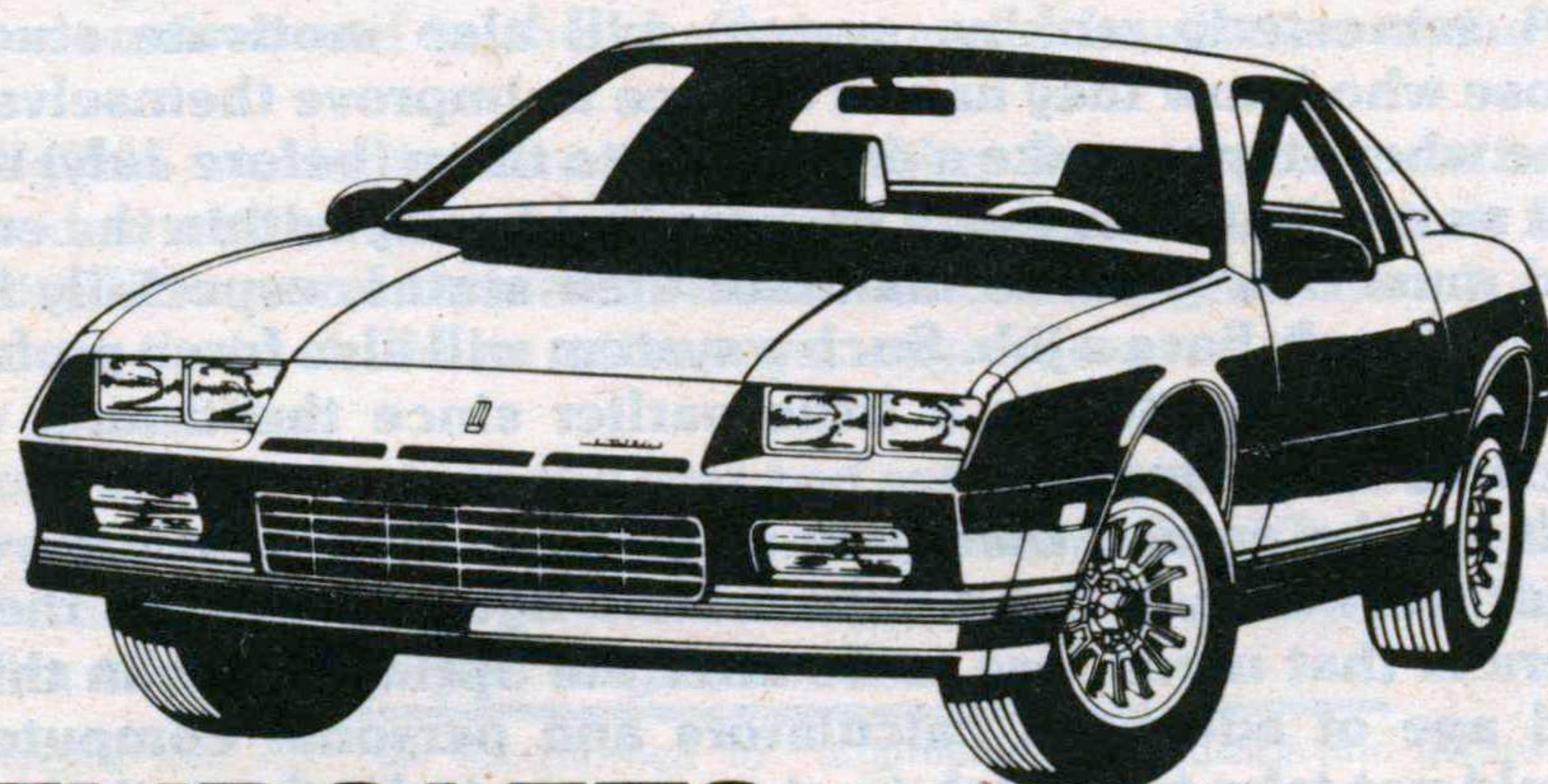
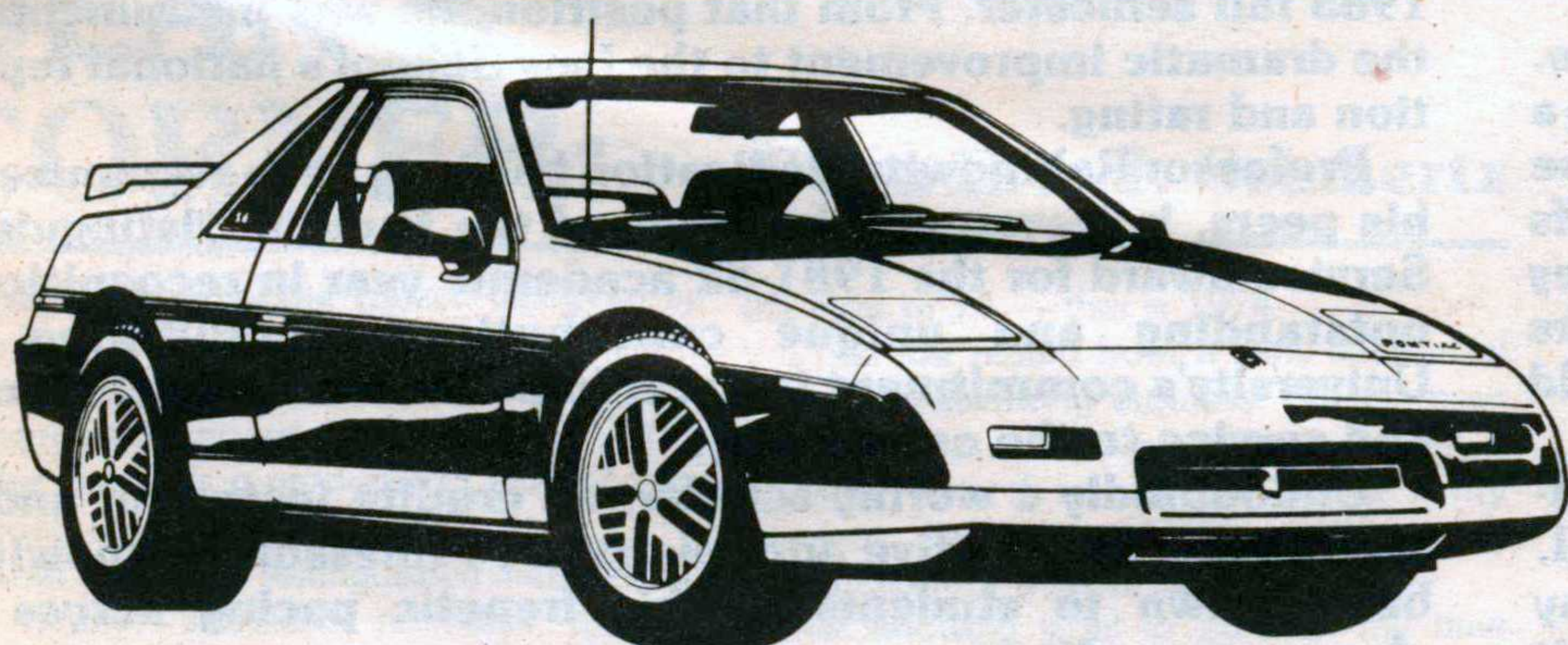
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COMMUNITY FORUM

EDITORIALS:

Semester Rankings? Yes!

The results are in. Another semester has just ended, and the final grades have been posted. When you think about it though, this is a meaningless exercise.

"Meaningless exercise?" you ask rhetorically. "I just busted my butt for a month, learning a semester, and I want to see the fruits of my labor. Besides, if I do well, my rank will improve." And that, my friends, is the reason why this is a meaningless exercise. After all, what does it matter how you do in the Fall if your rank won't be affected until the Spring semester is over? This, we feel, is something that should be changed.

Currently our placement system seems to be geared toward ranks. For better or worse, firms seem to impose cut-offs as to which students' resumes they will even look at. This is where the problem comes in. Someone who did well during their first year will be able to ride that crest throughout their entire second year, regardless of how well, or how poorly, they did second year. On the other hand, a student who may not have done so well first year will have to go through recruiting season with that stigma, even if they had a 4.0 second year. Each of these hypothetical students would not find out the respective changes in their positioning until some time in July, when their summer employment fate is sealed, a fate which may affect them for years to come. The same scenario happens to third year students trying to secure Associate positions upon graduation. Those students near the magical interview cut-offs will never be able to join the elite even if they deserve to after the Fall semester since they will not be ranked again until July.

The injustice the present system imposes can be easily alleviated by ranking 2L's and 3L's every semester, instead of every year. Imposing such a system would be a much better indicator of a student's true class standing, and would possibly help more Hofstra students get jobs. After all, someone who already has a job won't be fired if their rank goes down, and someone who is now ranked higher will have a better opportunity for interviews which lead to jobs.

A semesterly ranking system will also motivate students. Those who know they have a chance to improve themselves at a time when it may make a difference to them (before July) will be just as motivated as those who are just barely within the cut-offs and must now work to maintain their status, especially if they don't already have a job. Such a system will also force professors to get their grades in a little earlier since the timing would become more important.

It can be argued that such a system is logistically more difficult. However, if the numbers were figured out after the Fall, there is that much less to do after the Spring. Also, in this day and age of advanced calculators and personal computers, it would not take too much to store every student's statistics on a floppy disc and make the necessary changes as the grades come in. Even if done by hand, it should not be something that would take an inordinate amount of time.

The benefits to the students of semesterly rankings outweigh whatever the administrative costs of such a system would be. *Conscience* believes the system should be changed, and the time for change is now.

School Honors Rabinowitz

The seventh endowed Professorship at Hofstra Law School was conferred recently, with former Vice Dean Stuart Rabinowitz being named the Siggie B. Wilzig Distinguished Professor of Banking Law, and Director of the Wilzig Banking Center at the Law School.

Professor Rabinowitz was inaugurated at a convocation held at the Law School on Dec. 4, 1984; and *Conscience* congratulates our newest Distinguished Professor on this formidable and outstanding achievement.

We are aware of the fact that in the field of professional education, seven endowed chairs is a remarkable feat for a school barely 15 years old. Undoubtedly Professor Rabinowitz' endowment only further enhances the School's burgeoning reputation for quality legal education.

The Wilzig Professorship, made possible by gifts from the Trust Company of New Jersey and the Wilshire Oil Company of Texas, will create a banking law curriculum and a center for research, symposia and other professional activities in the banking law field.

Professor Rabinowitz brings to his new position an impressive list of credentials. He joined the Hofstra Law School faculty in 1972, after practicing law with a major New York law firm. While attending Columbia Law School, he was a member of the law review's board of editors, and a Harlan Fiske Stone Scholar.

Professor Rabinowitz has taught every class that has graduated from this institution. His subject areas have included Banking Law, Constitutional Law, Federal Courts, Civil Procedure and Conflicts of Laws.

He has also served as Vice Dean at the Law School since 1982, a post which he voluntarily relinquished at the end of the 1985 fall semester. From that position, he was instrumental in the dramatic improvement to the Law School's national reputation and rating.

Professor Rabinowitz' dedication has long been recognized by his peers, however, and he received the Faculty Distinguished Service award for the 1981-82 academic year in recognition of outstanding and unique contributions in fulfilling the University's commitment to excellence in teaching, scholarship and service to the community.

Undoubtedly a worthy scholar, an erudite instructor and, as Vice Dean, an effective administrator, Professor Rabinowitz is best known to students for his frenetic pacing across the classroom podium.

But not to worry, many students still have an opportunity to be mesmerized by Professor Rabinowitz in the not too distant future. Following this term's sabbatical leave, he'll return to full time lecturing, and a lot more pacing.

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

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COMMUNITY FORUM

EDITORIALS: CONTINUED

New Vice Dean

John Gregory, a Professor of Law at Hofstra since the Law School's second entering class, assumed the post of Vice Dean of the Law School beginning January 1986.

Vice Dean Gregory, appointed by Dean Eric J. Schmertz after Professor Rabinowitz stepped down at the end of last semester, brings to this position a wealth of experience in the administrative affairs of the Law School. He has served on various committees over past years—most recently the Governance, and Faculty Appointment Committees.

The appointment of Vice Dean Gregory is also significant in that it marks the first time a black has been appointed at this high level within the Law School administration. *Conscience* is fully aware, however, that race was not a factor in the choice of Professor Gregory. He has long been recognized as a fair and objective Professor, and as one totally dedicated to the school's goals and ambitions.

Thus, we are confident that race will not be an obstacle to full co-operation between the new Vice Dean, on the one hand, and his constituents—the students and faculty within the Law School, on the other.

Vice Dean Gregory must face one arduous task, however, one which would confront any successor to this office: How to make a good school better. In a recent interview with *Conscience* he intimated that he readily accepts this challenge.

But whereas Professor Gregory points to his immediate short range goal as that of making a smooth transition in the office, he was more reluctant to specify his long term goals. *Conscience*, however, suggests that among these long term goals should be the construction of a new library for the Law School, and expansion of the school's clinical programs.

We wish Vice Dean Gregory good luck in his new post, and hope that our expectations of his tenure will be fulfilled by the further growth and expansion of Hofstra as a national law school in the future.

DEAN'S CORNER:

Dean Eric J. Schmertz

The following is the speech delivered by the Honorable May Sayah, Judge of the New York City Criminal Court at our Winter Commencement on December 22, 1985. Judge Sayah is a graduate of Hofstra Law School, Class of 1974.

Dean Schmertz, distinguished members of the faculty, illustrious members of the graduating class, proud members of their families and honored guests.

It is indeed a pleasure and high honor to have been asked by Dean Schmertz to address this Hofstra Law School graduating class.

In a recent commentary in the Law School newspaper, written by one of your Third Year law students, Jim Black, I noticed that proposed speaker invites for the June Commencement included such distinguished persons as Justice Sandra Day O'Connor, William Brennan, Speaker of the House "Tip" O'Neil, 2nd Circuit Judge Constance Baker Motley, Ambassador Maxwell Rabb and other well known names. I am thus extremely flattered to have been chosen among such luminaries.

Despite their undeniable stature, none of these distinguished personages can claim the unique distinction of having graduated from Hofstra. I am a member of the Second Hofstra Law School graduating class, an honor in which I take great pride. Again thank you Dean Schmertz and selection committee for permitting a relatively old man—hopefully with young ideas and certainly not doddering—to matriculate and join

the class of 74—that is 1974.

I had just retired from a fairly substantial dress manufacturing business. Since I now spend a great deal of my time in a robe, a dress of sorts, I sometimes wonder if my previous background was meant as a preparation for a loftier calling.

Not knowing what to do with my time after retirement, I happened to meet an old friend on the Long Island R.R. Why not try Hofstra Law School, he suggested. Why not indeed! Sounded challenging. Perhaps I could defend the poor. Perhaps I could get involved in public service.

If I were quite a bit younger, he might have suggested I become an astronaut or something equally "way out".

The moral of this story is that you don't have to go to a psychic or tarot card reader to inquire about your future. Apparently riding the Long Island Railroad will do it—even though they're again raising the fares.

Well, as all of you experienced—I endured the agony of the law boards, the LSAT's, and although I had been a good student 30 years before, I was not equipped for the multiple choice questions of that exam. When Thomas Wolfe wrote "You can't go home again" he certainly did not have a return to studying after a three decade hiatus in mind, but it might be paraphrased to include that.

Needless to say—and embarrassingly at that—my LSAT results were less than satisfactory. Rejection after rejection by the New York law schools followed. All but NYU

Ninth Annual Trial Techniques

The ninth annual trial techniques program held at Hofstra University Law School from January 2-10 was widely regarded as a success by participants on all levels of the program.

The program, which focused on intensive trial instruction and preparation, provided students with a unique opportunity to explore the realm of the trial attorney for eight seemingly endless days.

Many who appeared disgruntled at the inception of the program, primarily because it had so rudely cut short the Winter vacation, nonetheless felt a sense of accomplishment at the end, and a feeling that it was worth it all.

The program brought many skilled trial attorneys, employed in diverse legal fields, to instruct and appraise students' performances. The use of audio-visual aids, and the advice of speech expert Dr. Maureen Regan helped to ensure improved and more confident presentations by students as the program intensified.

Trial techniques brought out an inner strength and stamina that many students did not know they possessed. Students learned to get up, at times with very little preparation, and to make presentations they thought themselves incapable of moments before.

Students learned to think on their feet like real courtroom lawyers, to deal with unexpected situations in the court, and to endure the burdens imposed by the pressure and stress of the occasion.

Very few students have stated dissatisfaction with this program, and many have been left wondering why there wasn't more of these types of programs integrated into the Law School curriculum. After all, isn't that what lawyering's supposed to be about?

Conscience seizes this opportunity to sincerely thank everyone who worked to make the ninth trial techniques program the success it has been, particularly the program's director, Professor Lawrence Kessler.

Students were particularly impressed by the high level of cooperation among both the lawyers imported to help with the program, and our own members of staff, who were never too busy to give a word of advice, or to calm an anxious student.

Perhaps the only criticism—the half-stale rolls and donuts—was soon drowned in the challenge and stimulation of the program.

Eligible students who did not take the program definitely missed a rare chance to develop a different side of their legal personalities; and to avail themselves of a program which could buttress their skills as attorneys, regardless of their intended area of practice.

To those students in the first and second year classes, we urge you to strongly contemplate the prospects of Trial Techniques in the future. You owe it to yourselves, for you never know just how good a trial lawyer you might become.

and Hofstra said no. Not accustomed to denial and refusing to be shot down—I called these two schools for interviews—perhaps my business experience might counter the initial results. Lo and behold—Hofstra said "you're in!" Much to my surprise, I might add. Knowing that Hofstra was the better school, I did not bother to call NYU again.

Upon entering law school, all of us as students immediately were subjected to a variety of legal doctrines. With the first class in Contracts (I had Prof. Judith Younger) we began our so-called privileged access to the secret and mysterious processes of the law. What was the value of a hairy hand? We thought that *Hawkins v. McGee* would provide the answer. I, having graduated as an engineer, expected definitive answers. But no, we all received a rude shock. We learned that certainty in law is illusory; law is an indeterminate process rather than a determinate body of knowledge. Questions elicit answers, but answers only elicit more questions. As first year students many of us thought that law could be understood by a process of moral reasoning. We thought we could define points of law by intuitive

arguments about justice and fairness—yet every point that one made which seemed moral and logical was immediately countered by an apparently equally compelling rejoinder from our professors or other students. Indeed even now, everyday, we witness similar situations—as with the currently well publicized public arguments concerning the intent of the framers of the Constitution being espoused by Attorney General Meese on the one hand and by Associate Justice Brennan on the other.

These public arguments on the state of the law has reached such proportions that even newsmen are getting into the act. Russell Baker's tongue in cheek comments emphasize the point. Would William Few and Jared Ingersoll have been able to deal with monopoly in the telephone business? Who were these illustrious gentlemen? If you have not already guessed, William Few and Jared Ingersoll were two of the framers of the constitution, at a time when the telephone has not yet been invented.

Baker—and I quote: "Would you trust Mr. Few or Mr. Ingersoll to make a vital long-distance credit card call from a pay
Continued on Page 20

COMMUNITY FORUM

Letter From The Editor

MY LOVES

by Doug Lieberman

Hello everybody. I hope you're all feeling great having had a vacation and are now getting back in the groove. I'm sure you didn't miss me in the three months since we last spoke. But, no matter, I'm back, and I have as much to say as I usually do.

This issue, as you can tell by the cover, is the Valentine's issue. Valentine's Day is one of those holidays I never understood. I think what happened was a conspiracy between Mr. Hallmark and the calendar makers of his day. Mr. Hallmark was having trouble with his business, after all, there are only so many ways to say "Happy Birthday," or "Merry Christmas." So, Mr. Hallmark has an idea. He would pay each calendar manufacturer \$500 (a lot of money in those days) to designate certain days as special days, so designated by printing the numeral in red ink, or putting a picture in that day's square. Mr. Hallmark would then devise greeting cards to correspond to those special days. This way, when people would look at their calendars, they would think that something might be special about the day since it was in red ink, but when they walked into their General Store and saw signs urging them to buy their Valentine's Day cards soon, they knew something was special about the day. The rest, as they say, is history.

Valentine's Day wasn't one of my favorite days when I was a kid. I was always afraid that if I would give someone a Valentine, they would read too much into it, and I would wind up committed to them. I couldn't deal with that. If I wanted to play roller hockey, I wanted to play, and I didn't want to ask my Valentine for permission. Besides, my parents were having enough trouble planning my Bar Mitzvah; they really

would've freaked if they had to plan my wedding at the same time.

Valentine's Day is supposed to be a day when love takes over. It's a day when Cupid is working overtime. In honor of this day, I will devote my column to a list of things that I love.

I love the law school experience. It's nothing like the New York Experience, or the Jimi Hendrix Experience, but it's an experience just the same. Where else can you be confined to one building for three years? Where else can you be ridiculed by the people who are above you, and stabbed in the back by your peers? Where else must you devote your constant attention to one thing? Where else do you lose touch with the outside world? Wait a second, I do know where else. Prison.

I love professors who test you on three days of class. That's one way of testing a student's command of the subject matter. It's also a way for the professor to visit the Land of Make Believe and pretend he's a dealer in Atlantic City—a student who attended only those three classes was dealt a very good hand; a student who attended every class was dealt a very bad hand.

I love being over \$25,000 in debt. This is my way of coping with the thought of possible nuclear destruction. Whenever Reagan or Gorbachev does something stupid that puts us one step closer to extinction, I say to myself, "Well, at least I won't have to finish paying back my loan."

I love prospective employers who never call you back. I know how much effort it would be to have the secretary make a quick

call to say "forget it," or type in a form letter telling me I'm rejected. It definitely is better than not telling me anything. After all, if I don't get the hint after not hearing anything for six months, I'm too slow to be an attorney to begin with.

I love interviews, especially the short ones. I know of no better way to spend a day than to rush to make a train, spend \$10 for the train and \$5 for a cab, wait half-an-hour to be seen, talk with the guy for ten minutes, have him tell you there really aren't any openings anyway for a person of your qualifications, have to wait an extra half-hour at Penn Station because you missed the last train by ten minutes, and then find your car ticketed at the railroad station. Ain't that the life?

I love traffic. It frees my mind up to think about things other than driving. I could think about why I shouldn't drive on the grass. I could think about how the person in front of me dented his trunk. I could think about writing my Congressman to have a law drafted banning people over 55 from buying 300ZX's and fire-red Camaros. I could think about why they bother putting up speed limit signs on the Long Island Expressway when you never come close to going that speed anyway. I could think about the three bozos at the front of the pack bird-watching, who are causing the traffic in the first place.

I love Steven Emanuel.

I love buying textbooks. I equate it with investing in collectibles. Who knows how much a never-opened "Debtor and Creditors Rights" or "Wills, Trusts and Estates" could fetch ten years from now.

I love student codes of conduct. They're very useful in keeping students straight and

laying down tough penalties for those who break the rules. Without them, imagine what might happen—students caught cheating on an exam would get called into the Dean's office, and would have to bring their parents with them. Oh my! I could see the Dean trying to get to the bottom of what's going on, and the students trying to pull the old "we-didn't-have-the-exam-we-had-the-student-code-of-conduct-and-we-were-experimenting-to-see-if-we'd-get-caught" trick. The Dean would never fall for such a trick.

I love John Pieper.

I love Chinese food. It's very inexpensive. I guess it has to be, though. This way you can afford the Super Deluxe Hamburger you get at the diner an hour after you're done with dinner because you're hungry again.

I love Saturday Night Live. It lets me really appreciate how great the show used to be.

I love diner onion rings. It's a challenge to eat through the three inches of batter to find the one centimeter of onion in the middle. They're models of the needle-in-the-haystack principle. I've been told that each diner only uses one onion for all their onion rings.

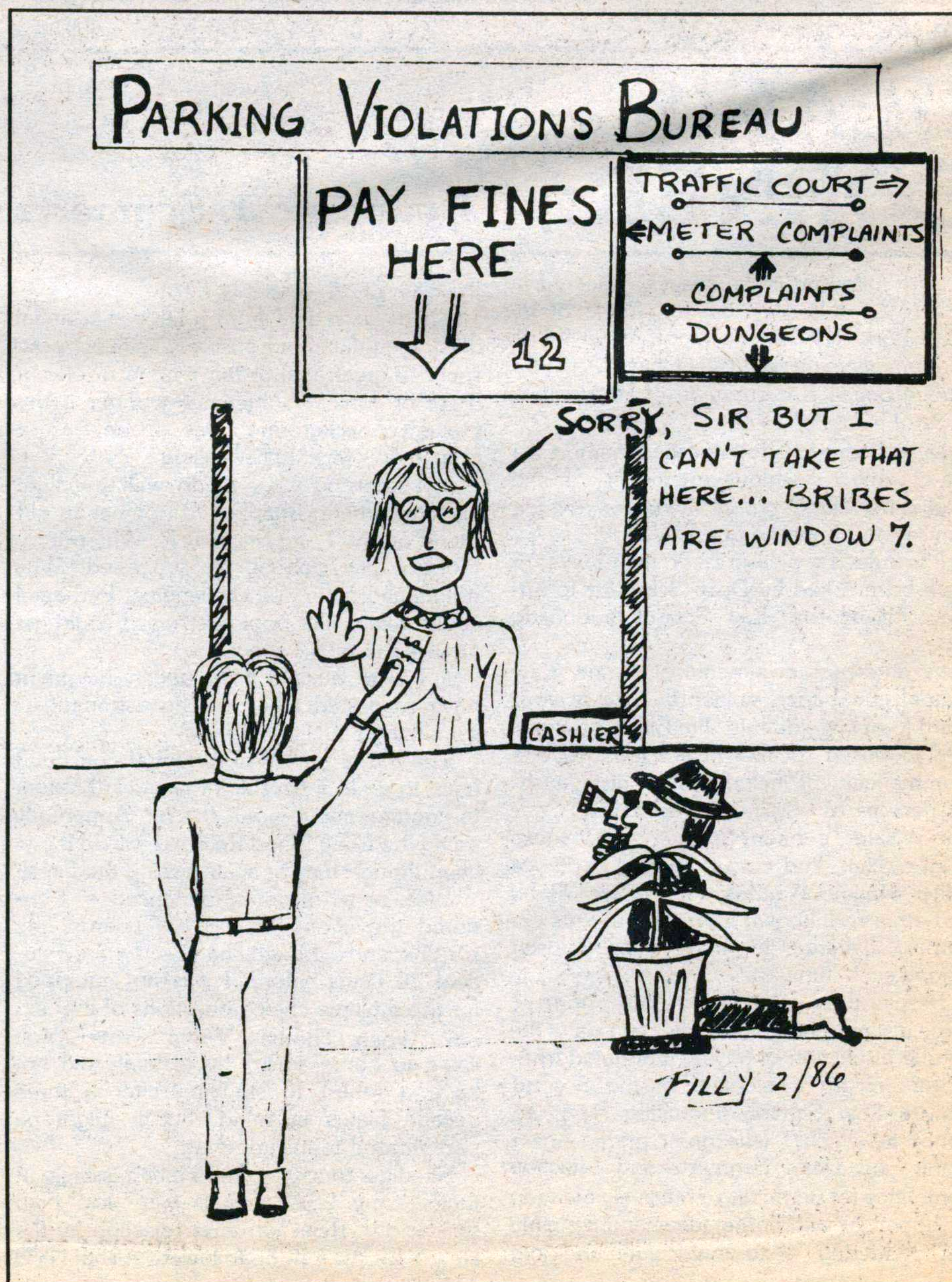
I love the temperature control throughout the building. It's afforded me the opportunity to experience how an ice cube feels when being taken out of the freezer and put in hot tea.

I love K-rock. It's a haven for DJ's from other radio stations. Jimmy Fink, Ray White, Steve Jones, Bob Wah. Maybe that's why it's right next to WLIR on the radio dial.

I love my girlfriend. You guys only have to listen to my complaints once a month; she listens to them once a day.

I love being Editor. It allows me to end articles whenever I want.

CARTOON VIEW



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NEXT CONSCIENCE DEADLINE

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COMMUNITY FORUM

Law Review Defended

To The Editor:

I am responding to the December editorial regarding the journal selection process. For your reader's information, allow me to explain how this process works. In the spring, the three journals hold a meeting to inform students about the writing competition. Anyone who attends that annual meeting has access to the following information.

The top 5% of the incoming second year class is invited to join the *Review* on the basis of grades alone. These students are selected by section, to adjust for the fact that grades vary from section to section. Four students from each section were invited on the basis of grades this year.

Up to six second year students are invited to join *Law Review* on the basis of writing scores alone. The rest of the invitations are extended on the basis of grades and writing scores combined, weighted 60/40. The exact number of invitations is determined after the scores are tabulated, since we try to place the cut-off at a natural "break" in the scores. The number of invitations to second year students is usually around 30. In addition, two or three students are invited from the third year class, on the basis of combined grades and writing scores (60/40).

Regarding the mechanics of the competition, each participant receives a code name with the writing packet. The student fills out an index card with the code name, real name, address and phone number. The cards are deposited by the participants into a box, which is placed by a librarian into the library safe. The cards are not retrieved until all scoring is completed and selections (by code name) have been made.

The competition is created by five Notes and Comments Editors under the supervision of the Managing Editor for Staff. The Editor-in-Chief performs a substantive evaluation and edit and checks the scoring method. The criteria for judging the competition are similar to those used in grading legal writing. General writing ability, issue spotting, legal analysis, legal writing, grammar and punctuation are considered. The writing packet includes copies of all the cases necessary to analyze the issues raised by the fact pattern. No independent research is required or permitted.

Five Notes and Comments Editors grade each competition entry (about 200). The grades of all five editors for each participant are averaged to produce one writing score. Throughout the process, papers are only identified by code name. In addition, the *Labor Law Journal* graded the competition separately this year. Although they did not have access to our exact scoring method, I was informed by Laurice Firenze, Editor-in-Chief of the *Labor Law Journal*, that their scores correlated with ours.

It is inaccurate to imply that our selection process is secretive, or that race has ever been a factor in selection, or non-selection for *Law Review*. Minority students compete according to the same standards as every other student. This past year, we made special efforts to encourage minority students to participate in the competition. An invitation was sent to Balsa, encouraging its members to attend the informational meeting. I personally spoke with Balsa leaders to secure their cooperation in encouraging minority students to write. Again, I wish to encourage **all** students, especially minority students, to write for the competition.

It is curious that Dennis Warren, who wrote the *Conscience* Editorial, neglected to

mention that he was invited to join the *Property Journal* this year, but declined. Instead, the Editorial states that only "[o]ne black student was invited to join the *Labor Law Journal* three years ago." I believe this is a reference to Brenda James, who graduated as an Editor of the *Labor Law Journal* last May.

Conscience performs a disservice to minority students by suggesting that the selection process is biased against them. I am not in a position to verify the number of minority students who write for the competition (since race is **not** a factor) but I was previously informed by Dennis Warren, and by a former Balsa official, that minority student participation in the competition is not high. Mr. Warren would better serve the needs of his constituency if he engaged in a campaign to bring about 100% minority student participation in the competition. Since the vast majority of students who are invited to join **any** journal are invited on the basis of the writing competition score **and** grades (I believe that the *Labor* and *Property* journals extend no invitations on the basis of grades alone), for most students a failure to write is automatic preclusion from journal membership.

Another point warrants comment. While it is *Law Review* policy to advise students in advance of the seriousness of a commitment to join the *Review*, there is no way, or logical reason, to compel people who are no longer willing or able to meet their responsibilities, to remain on a journal. Personal circumstances do change. In addition, membership on *Law Review* is like accepting a high-pressure, prestigious job — some people find it's not for them.

Each of the three staff members who resigned acted in good faith, in accepting **and** in resigning. I find it offensive that their "departures" should form the basis of a suggestion in the *Conscience* Editorial that resignations result, and will continue to occur, because of "the underlying selfishness of some students selected in the past to serve on the *Law Review*." I have yet to receive any practical suggestions about how to measure "commitment" and "dedication" to *Law Review*, **prior** to performance. Furthermore, such subjective inquiry would surely lead to charges of discrimination, favoritism, or vague standards.

Finally, the *Conscience* Editorial attempts to convey a sense of alarm about the state of the *Law Review* that is not based in reality. We are behind in our publication schedule. This is a problem often faced by law reviews and one that this journal has experienced in the past. We are actively engaged in a two year plan to "catch up." We don't, however, intend to sacrifice quality. The recent, successful Insider Trading Symposium (13:1) included a lead article that was chosen by the *Securities Law Journal* as one of the best securities law articles of 1985. In addition, we will be the first law review to publish an interdisciplinary symposium issue on AIDS and the law.

We intend to continue the tradition of scholarship and creativity that built the reputation of the *Hofstra Law Review* and reflects the excellence of our school.

Yours truly,
Linda Keenan
Editor-in-Chief

LETTERS TO THE EDITOR:

To the Editor:

In reference to your Letter from the Editor in the December 1985 *Conscience* characterizing *Law Review* as the "main event" for the month, one "peon" staff member and one "stuck-up" editor are compelled to respond. As a consequence of being on *Law Review* for two years now, and therefore familiar with its mechanics, our compulsion stems from the fact that we are in the best position to present the current status of the *Review* accurately. In contradistinction, you have painted a picture of a journal with which you are neither involved nor made no attempt to become involved. That is, to our knowledge, you have not investigated the *Review* or interviewed its members to any noticeable extent.

While we recognize that controversy makes good copy, you are more concerned with venting your personal hostilities and unfounded conclusions than with ascertaining and rendering an accurate factual presentation. That, Mr. Lieberman, is just plain mudslinging.

Was it deliberate omission or irresponsible journalism that led to your 'choice' to ignore *Law Review*'s recent accomplishments? Did you know that the lead article, by Jonathan Macey, in the Insider Trading Symposium (Vol. 13:1) was selected by the *Securities Law Journal* as one of the best securities law articles of 1985? How about the fact that *Hofstra Law Review* is now both on Lexis and Westlaw? Or that we will be the first *Law Review* in the country to publish an interdisciplinary symposium on AIDS and The Law? And did you know that the publicity from our recent accomplishments has resulted in an unprecedented increase in subscriptions?

Of course you knew. At least you should have known. Any editor with a modicum of journalistic integrity would have described these facts. Instead, you gratuitously attributed the recent resignations of three staff members to the *Law Review*'s "working atmosphere." Had you interviewed those who resigned, you could not have made such an unsupported assertion. At least one resignee wrote a letter to the Editor-in-Chief, subsequent to his resignation, praising the very atmosphere that you denigrated.

Speaking of denigration, what satisfaction do you derive from mocking the workload and functions of the *Review*. Analogizing the Editor-in-Chief to George Steinbrenner and the *Review* to the Yankees is cheap, specious, and devoid of any intelligent criticism. Had you bothered to simply ask any of us how we felt about the issues you raised, you would have been able to replace your inane presumptions with constructive criticism.

But it's easier for an editor of a law school newspaper to expose the fictions in his mind in lieu of doing all that pesky fact-finding, isn't it? That would explain why you attribute the *Review*'s conduct with respect to inviting members from the other journals to replace those who resigned, to our alleged attitude of "We're *Law Review* and we can do what we want." Well, you got one part right: we are *Law Review*. However, we do what we have to with collective responsibility to future *Hofstra Law Reviews* and to the *Law School* at large. As you yourself wrote, "without any staff, you can't put out a journal."

The bottom line is that we work damn hard and while no system is flawless, we've

managed to upgrade the reputation of the *Hofstra Law Review*, and ultimately, the *Law School* as well, despite the difficulties we've encountered. Not bad for people who live, as you so poignantly wrote, in "the Land of the Styrofoam Cups."

In short, Mr. Lieberman, your temerity as a journalist is only surpassed by your ignorance.

Annette Fisch
Staff Member

Julie Kuschner
Notes & Comments Editor

Dear Editor:

Your recent editorial condemning several students who resigned from the *Hofstra Law Review* provoked me to write this letter. I found your editorial response to this situation insensitive, uninformed, and superficial.

I am a 1984 graduate of *Hofstra Law* and a former law review staff member. After joining the staff as a winner of the writing competition in my first year, I, too, resigned from the *Review* for "personal reasons" in my third year. My personal reason was, primarily, money. I could not continue to work the unlimited, unpredictable hours necessary for quality *Review* work every week, year round without financial compensation. I had to work for money to stay in school.

I resent your characterization of all resignees as selfish and lacking commitment and dedication. The most selfless decision a staff member can make is to resign and allow himself to be replaced, rather than stay on and do inferior or little work. It is not at all an easy decision for a dedicated staff member to make.

Your editorial implies that those students who have the need for an income at some time in the three years of law school should not consider service on a journal. Are you suggesting that poorer students would make less dedicated staff members because they may have to limit their volunteer hours available for journal work, or resign entirely, in order to hold down an outside job? Should our journals be limited only to those with adequate financial resources?

A responsible journalistic response would have discussed the fact that most New York law schools provide dramatically higher rates of compensation to their Review Boards and staff members than does *Hofstra Law School*. For example, some Board members at a nearby law school even receive full tuition remission. Such a poll has not been done by *Conscience* in a number of years. A highly qualified but poor staff member cannot consider becoming a Board member or Associate Editor, foregoing employment, at the embarrassingly low rates of compensation *Hofstra Law* currently provides.

While I'm sure the administration counts on the fact that there will always be a sufficient number of students who either can rely on personal financial resources or are willing to assume astronomical indebtedness in order to serve the *Review*, you should recognize that such a policy of underpayment forecloses a whole segment of students who can do neither.

Before leaping to conclusions concerning these resignees, please consider the possibility that some of us simply cannot afford to volunteer unlimited time for two years and stay in law school. Does this mean we should decline to serve on a journal? The inequity seems obvious.

Laura Cecere
Class of 1984

ED. NOTE— A poll like that suggested was embarked on, but other law schools did not want to give out such information.

COMMUNITY FORUM

THIRD WORLD PERSPECTIVE

Trouble In Haitian Paradise

by Dennis Warren

Haitians are being slowly pushed toward insurrection by the unyielding economic and military pressures of the fascist regime of Jean-Claude "Baby Doc" Duvalier. Within the past two months, the tranquil island has been repeatedly rocked by widespread demonstrations and sporadic violent confrontations particularly between students and the oppressive Haitian police and military forces.

Conservative estimates put the loss of life, arising from these incidents, at about ten; others estimate the death toll to be at least three times that quoted by official Western news sources. It is interesting to note that recent demonstrations against Duvalier and his spendthrift wife have been executed with the backing, if not the blessing, of the Roman Catholic Church. The Church has also supported mass strikes by workers for humane working conditions.

These events signify a growing restlessness among Haitians, who have grown tired of the repressive machinery that run their lives. They are beginning to show their impatience with protracted human rights abuses on the island.

The growing unrest also sends a clear message to the United States, which has propped up the Duvalier regime over the years, that pressure need be put on "Baby Doc" to reform now. In fact, any political op-

tion which falls short of ousting Duvalier and reforming his crooked regime runs the risk of creating another Cuba in the region.

Despite its proximity to the United States, surprisingly very little is known about Haiti by Americans. The island has been negatively stereotyped as a country where people practice voodoo and as a place with fine beaches and resorts.

In fact, Haitians did not cross the consciousness of Americans to any large degree until the 1970s, with the mass arrival of many poor Haitians on the shores of Florida aboard leaky, wobbly boats. Since their arrival, however, Haitians have been given another burden to bear: that of purportedly being the initiators of the deadly AIDS disease. Ironically, though many respected scientific journals, including the New England Medical Journal, have long dispelled this as a fallacy, mass media has continued to perpetuate this erroneous view to the disparagement of the local Haitian community.

Contrary to what many may think, Haiti does have a history and a culture beyond that of evil spirits and demons—one of which the people of Haiti can well be proud. Since the Arawaks discovered Christopher Columbus on the island in 1492, Haiti has gone through many historical changes.

At one time, for instance, this tiny French colony was the richest colony in the world.

In an area scarcely the size of the state of Maryland, the slave plantations of Haiti generated more wealth than the British colonies of North America or all the Spanish colonies combined.

Today, conditions have changed drastically. According to a recent IADB economic study, this island remains among the 30 poorest countries in the world. It is also the most densely populated country in Latin America, with the lowest per capita income.

On the political side of events, Haiti has accomplished much in its past. Inspired by the French Revolution in the 18th Century, Haitians were to free themselves from slavery under the dynamic leadership of the black general, Toussaint L'Ouverture. The Free Republic of Haiti was proclaimed on January 1, 1804—the first black republic, and the second nation after the U.S. in the Western hemisphere to achieve complete independence. At that time this was the only island on which slavery was abolished.

Today the country has put aside all pretenses to democratic rule, and has been governed by successive tyrannical and corrupt dictators. Between 1843 and 1915, 22 presidents served Haiti, and only four finished their term in office.

It is not common knowledge either that Haitians have contributed to the American experience. For instance it was Jean Baptiste Pointe Du Sable, born in Haiti in 1745, who

founded the city of Chicago. The story of Du Sable's life is indeed very intriguing: Educated in France, Du Sable had decided to seek his fortune in Louisiana. On his voyage to Louisiana, a hurricane caused his ship to sink, but Du Sable was rescued and carried to New Orleans. Afraid that someone might claim him for a runaway slave, since all his papers were lost, he sailed up the Mississippi River with Indians and settled with them in St. Louis.

Du Sable learned their language, married an Indian woman named Kittihawka and became a member of the tribe. In 1772 he built a trading post at the southern end of Lake Michigan, called Chicakagou by the Indians. The post soon became the center of traffic for Europeans exploring the interior of Canada and America, giving rise to Chicago.

Haitians also fought as part of the 545 free blacks that helped make up the French force, which attacked the British at Savannah, Georgia, in 1779. Present day Haitians have not benefitted from the contributions of their forebears, however. Today political refugees from Haiti are waging a tough struggle to be accepted as legal immigrants in this country. The majority of Haitians who have arrived here by boats are being held in filthy detention centers in various parts of the United States and Puerto Rico, while the INS drags its feet on their petitions for relief.

Continued on Page 20



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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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♥ Messages From The Heart For Valentine's Day ♥

S.U.N.Y. Albany: In Re Robin W., Class of '83, PLEASE send her FINAL TRANSCRIPTS to Hofstra Law School, Class of '86. **Charlotte**

For Sale: Tapes of Dolgin's tax class. Gum chewing distinctly audible.

Steve Drellich, I'll shave my *whole* body for you!

M.T., I did not hit your truck! **Crash**

Tex, You drive us wild! **Crash & Boom-Boom**

John P.'s Resume: I can dress, I can dance, I can swing on doors... Please hire me.

Robin, Typically students use one notebook for each different class, not each different class in one notebook. **Mead Notebook Co.**

Ellen A., An excellent Bench Trial Partner!

Chris J., Why don't you socialize with us? We may be the lower half of the class, but we're the happy half!

M.T., This doesn't mean I won't hit your truck! **Crash**

Robin: Graduation is on June 2nd. All final transcripts must be in by that time. Bank loans are available for the \$3.00 filing fee at your undergraduate institution.

Candy B., We made quite a team, didn't we, Ms. B.? — **the Rifleman**

Scott, Are you still generating those smelly things that drive law school women crazy? **2 of the Triad**

Meryl, If you left home five minutes earlier, you would be in class on time. **From those of us who notice**

Diane, How do you do your nails, a crossword puzzle, drink tea, and take notes, and talk all at the same time?

Please, no more rejections—please!! (Legal or personal)

Pam, What is your type????

Laura, When are you going to wear your white lace stockings so we can see your elephant knees again?

Meryl Ann, I love your bed! **Baby Scott**

Leo and Jim G., Wherever you are this year, we hope you're NOT together.

Leslie, You do not know. You just do not know. You do not know.

Desperately seeking Robin's final transcripts!

Baby Fatso, Only 120 lbs to go!

Patti: North Shore Health Club did wonders for your legs.

To Ruth R., Don't think I didn't notice! **Mr. Blackwell**

Scott, To our 2 shirt man—we can't wait til Spring and the peeling of the layers. **Nos. 2 & 6**

To J.B., Tomorrow night at 8:00, my place. You bring the peanut butter and I'll bring my whip! Love, **You know who**

Pam, Got a match?

To Claudia and Ursula, I need some friendly aids. **Frank**

John P. & Jeff H.: Attention—Last chance to fulfill your writing requirement for the third time. **Charlotte**

Steve S., What do you REALLY do with your tape recorder at night?

Dear Michelle Z., Please refrain from chewing gum in class and packing up your books before your tax class is over. **Ms. Janet D.**

Diane, During trial techniques, you're not supposed to make an objection to the statements of your co-counsel!

Pam & Laura, Tennis anyone? By the way, what movie did we say we saw that night?

J.P., Is it true lounge potatoes only eat potato skins?

I have no colleagues. I'm in a class by myself!

Hey Pam... Knock yourself out, **Babe.**

I want to go to Club Bed in a Louis Vuitton trunk!

Dear Sue _____, Seriously, who the hell are you? Love, **All your fellow 3L's**

Dear Terry, When you have an objection, speak up; you grab no attention from people by just standing up. Love, **the Judge**

Dear Prof. Resnick, Don't liquidate your love for me and merge with another. Love, **A Grain Farmer's Daughter, Inc.**

Mim, Janet, and Sherri, My house is very easy to find. Just go between the 2 pine trees. **Guess Who**

It's time to make the doughnuts!!

Margaret, Hang in there! The worst is over, and you'll do just fine! **Scott**

Dear Ken, Do you always take notice of things in public restrooms? Love, **the John P.S.** Here's spit in your eye.

Karen N., Just think—I can say I went to school with you when your treatise "Whores and the Law" is published! **A.K.**

Michelle L., Try to stay put. My arms and back are aching me! Love, **Your Moving Man**

Janet D., Your cheeks are so squeezable!

Vinny, Nick, Steve & Ari, Thanks for your help and enthusiasm with Bagels! See you at the White House! **Teresa**

Summa, You're such a good person for letting Tex and I win Trivial Pursuit. **B.B. P.S.** I can't believe you missed the question about the duck billed platypus!

Pam, Your lips are making that cigarette too happy.

John P., Will you come out and play even if it's raining?

P., You know why I brush my hair! Sono Italiana! —**T.**

Tex, I still can't believe you won't sell bagels! **B.B.**

Steve D., I want to go to Florida!! **Your Wifel P.S.** We love you anyway.

P.D., I'm going to pass you by at those road races this Spring. **P.R.**

To a Section C lady, Happy birthday from an upper class friend whom you feel intimidates you.

Eric, If you can't follow our personals, talk to me. **P.D.**

Chris J., Love the new specs! I'm sure Rivleyn and Co. will too! Happy Valentine's day! **T.W. P.S.** I miss you in classes!

Henry, You're invited! You're invited! **T.W.**

John P., Did you start your outlines yet?

Robin and Paige, I told you that the Real Ray's Pizza is on 6th Avenue and 11th Street. **John**

Paige, Congratulations on being the only one to have so much fun during trial techniques.

Pam, Keep your shoes on!

To All Students Concerned with Freedom, A group of law students is organizing to march in the National Pro-Choice Rally scheduled for March 9 in Washington, D.C. Your voice is needed. If you need information or a ride, call Jim Markotsis at 933-9623.

Patti: Try to avoid Tina Turner at any parties. She'll get upset when she finds out you're wearing the same legs.

Laura, Desperately seeking something?

Laura and Cheryl, Can't wait to read the steamy novel.

John, We'd have written more, but there's a sale at Bloomingdale's. **L.S., C.V., P.R.**

Robin, Try not to faint when we go out. We need someone to drive us home.

Paige, Which way is downtown?

Janet D., Have I got a deal for you. **Rosemary Wood**

John P., Don't deny it. The night we kidnapped you, you ate pizza too!

Dear Terry, What the hell is in your hair that you've tried for 25 years to extract? Love, **A person who sits behind you in class**

Pam, Laura, and Cheryl: You're the cutest couch potatoes I know.

To Le Monsieur of Milk (Mike Gallub): May your udder be blessed with largesse. Fondly, **Your Milk Club Board of Editors**

To the Man with the Paradise Island Tan... Time for your monthly dental check-up. My time is valuable, so make your appointment soon! Happy Happy Valentine's Day! Love, **Helayne**

To the Old Section B of class of 1987— Happy Valentine's Day! Love, **Helayne**

Dear Henry A and Eric Z, Nice working with you in trial techniques. Your check for \$665 is in the mail. Sorry it couldn't be more. **Candy & Scott**

To Scottie B, Nice working with you in trial techniques. Let's do it again soon. **The queen of cross-examination**

Steve D., You may wander, but we still love you.

Lounge Potatoes Rule

To: Cheryl
From: P.R., L.S., J.P. —BITCHO!

Michael R., Didn't you know it is unethical to win a jury by winking? **the defense**

John P., Up, up, up!

Tex and Boom-Boom, I let you win Trivial Pursuit. **Summa**

Paige, Robin and Diane, Why do I always have to get the room? **John**

Missing since August, 1985: Law dean. 5'10", white hair, red Jaguar. Please contact Charlotte Hoffer if you have any information.

John, We love it when your blues clash. Do it again, pretty please? **L.S., C.V., P.R.**

John, Can I have the debtor-creditor notes for September, October, November and the last week of August? **Robin**

Dear Janet, I hope you realize that there is a prerequisite for Individual Income Tax. I realize that it's not in the catalog, but as of 1/1/86, passing Labor Law is required in order to take Individual Income Tax. And you can't take them both at the same time. Love, **Dean Douglas**

Robin: We've noticed that you've gotten very cultural lately.

Mike Hirst, Call home!

1L's, BEWARE! The "Baby Brothers" will be watching you during Moot Court!

Attention All Motorists: BEWARE! I'M OUT THERE! **CRASH**

Pam, Go for a big guy.

PJA, GMTA—Need I say more? **DRS**

Tex: How's 'em Little Doggies?

Baby Michelle—Where did you say that Mexican Restaurant was?

Lisa, How's window shopping? Did you find anything you want yet?

Robin: Congratulations on being the President of the final Transcript Club. We knew you could do it. **John and Diane**

J.P., Wipe that look off your face!!

To a very cute 1L, I looked, you looked. I liked, you didn't. I still like, you still look. Either start liking or stop looking!—**An annoyed 2L**

Tex, I hear Houston is a great place but tell me one thing...Do they wear belts down there?

Pam, Will you dance for me? Love, **Omar**

Lisa, I hear red underwear and white men's shirts are really hot. Dennis told me!

To J.B., My love. My life. My hunk. This is your last chance. I can't wait forever. Please don't force me into the cold showers. Love, **Your Admirer**

Ellen L., Happy Birthday! And get those point headings down! **Scott**

Dear Jack, Please hand in your work on Allison. **L.K.**

John P., As a graduation present to the class of 1986, why don't you sell your wardrobe and take us all to Club Med?

Laura, In order to imitate the way I dance, you first have to learn how to dance.

Jay, With all the groupies hanging out in your office all the time, do you have any time to work on your book?

♥ Messages From The Heart For Valentine's Day ♥

To the Ivory Soap Girl, I'm not kidding! Really, we must!...Just as soon as...well, you know! **Number Three of Three.** (with love).

To C.G., I don't care if he gets jealous! Tell him he's got nothing to worry about! But I just have to dip you!! **Who else!** (P.S. I hope this doesn't get you in trouble.)

To the Hare of Hemptay, Hi! So what else? Any gossip? Oh H — I wuv youuuu! **E**

L.L. Have a Happy Valentine's Day. Love, **J.C.**

To Karolyn, Caroline, Care-O-Line, Will you be my funny Valentine? **From the kid next door (sort of).**

Philomena, It was great dancing with your dog and petting you...I mean dancing with you and petting your dog...Jeez, I can be such a jerk sometimes! Gotta get a new type-writer!

Alison, You can be the spice in my life if I can be the sugar in your tea! Love, **"member of a suspect class."**

Laurice, This is for you since you once sobbed to me that you "never got flowers." And because you're so sweet. **Your Research Editor**

Jean, Just think, one year from now I'll be basking in the warm LA Sun and you'll be...uh...getting a Valentine from me!

Ruth, So when are we going skiing? Or at least drinking? From **"Tired of Politics but ready to ski"**

Janice, You and me; then You, me and he; then me and she and you and he. Right? We gotta talk your mom into inviting me over for dinner, and to hell with this semester! **Z**

Dear Steve, Alan, and Ken, I just wanted you guys to know that I really admire you. But help Eric keep the apartment clean, you never know when I might want to hang out with you guys. **Bruce Springsteen**

To Hedy and Jackie, Thanks for being the two best friends in the world. We've almost made it!! **Kathy**

E.Z., So, what else?? **Me**

Michael, Ron, Fran and Rob, Thanks for being such great friends. Luv ya, **Helene and Caroline**

Dear Howie, Maybe some sunrise you'll see the DAWN.

To: P,
From teaching to Teply to *Law Review*,
Of all the good fortune one could foolishly eschew
One of the finest is certainly you.
Yet to recover from blushing, what can you do
But quietly smile and admit, "Yes, that's certainly true."

To David Mattana, Since you married Fay, the rule of Huis Clos no longer applies to you. Happy Valentine's Day! **Ralphaela**

Dear J.H.H., Happy Valentinoonoo! **From the Woman with Palm Disease**

U.B., Since you're not going to get to sleep anyway, without your I.R.S. code, come over and try on my sweater. Love, **The Guy who lusts after your boots.** P.S. Bring the spurs.

Dear Jim, You're the greatest person in my

life. I'll always have a place in my heart for you. Love, **Melinda**

Dear Michelle, I love ya every time I see ya, as I sit in Civil Procedure. Waiting impatiently, **T.B.**

Dear Tom, Happy Valentine's Day from one who idolizes you!

To all Point Lookout People, We have just begun to drink. Happy Valentine's Day! Cheers!

Keenan, For Valentine's Day, be kind to the men in your life. They've had a rough year. **One of the sufferers**

For Sale: Springsteen Video Bootlegs. Normally \$100, for you \$9.95. Would I lie to you, baby? **S.M.**

J.D., It's panic time. Finals are only 4 months away. **R.F.**

Steve and Rich, Miss you guys. When are you coming up? How are those girls doing? You know, their names? J, J, J, Jane? K, K, K, Kathy? M, M, M, Madonna? **Vaughn Tamzarian**

Trent Tucker is Dale.

Dear Deb (ice princess), Does he have a big icepick? **Curious**

Vamp, Suck blood, not cigarettes! Red is more fitting for Valentine's Day, anyway! **One of your elders**

Dear R.E.K., Where's the perfume? What about the flowers? I hate you! I hate you!

Dear "Farewell to Arms," This semester, we thankfully will not have to hear from you in *Conscience*, instead we the students will have to write to You, Love, **Farewell to J.B.**

Craig R., Great way to meet girls—standing on a step? Keep on thinking of those ingenious ways! **One of the girls who frequents your arms.**

Stevie-Boy, Happy Valentine's Day! Love, **Two real Women**

Dear H.H., It's a Double Whammy. Happy Birth and Valentine's Day. **DEE**

Helayne,

I'm so glad to get a date with you
I'll even bring my ruler too
And when my putter starts to jerk
You'll need serious dental work.

Love, **"The perfect 10"**

Claudia, The fires of hatred are cinders of affection. **Sir Walter Raleigh**

Dear Steve, Thank God it's no longer a secret. And now that you're no longer here, I can tell the whole world: I love you! **Marianne** P.S. Let's never get married. Why ruin a good thing?

Ursula, Happy Valentine's Day! Please stop doing drugs. We hope you're still a virgin! Love, **Jack and Grace (your parents)**

Randi K., Forget "California Dreamin'". I can make your dreams come true right here on Long Island. **amino acids**

E.Z., We 'wuv' you very much. How could we handle Hempstead without you? **Caroline & Helene**

Artie, Artie, Artie, Let's tie the knot...Not clip it on! **Your loving following**

Marty & Jeff, How come you don't undress

and dance naked in front of the window like you're supposed to? Happy Valentine's Day. Love, **Roxanne**

To the Gang, Now, if the New Dale is the Old Dale, and the Old Dale is the Middle Dale, who is the Middle Dale? **Trent Tucker**

M.F., One is the loneliest number. **S.B.**

Dean Hunter, Happy Valentine's Day! **BALSA**

Valerie, Pam, Tierre, Sallie & Hadiza, Thanks for making life at Twin Oaks interesting, fun and enjoyable. You are all beautiful people and I am glad I had the good fortune to get to know you better. Have a nice Valentine's Day! Don't forget to visit me at Tower B. Love, **Jean**

Ed, Lots of love on Valentine's Day and always. Yours forever—for better or for worse, **Lisa**

Claudia, I hope you have a very happy Valentine's Day! Love, **Jean**

J.H., A.F., D.M., etc., NEVER trump your partner's winner!

The Point, Is it true that a bird in the house is worth 5 fleas in the bed? **S.B.**

Carl, Before you become a member of the bench, do you really have to move the bench? **R.F.**

Trent Tucker loves Dale.

Scott Davis, Happy Valentine's Day you sexy hunk! When do I get to show you my red leather teddy?? Do I need to take a number? Let me know.

Jeannie & Debbie, We'll always remember the long lunches and the diners that disappear. Thanks for helping us get through law school. Love, **Helene & Caroline**

W.M., Too hot—and getting hotter! Thanks for everything since the first Aloha! Love, **D.J.**

Dear Marie, Let's play footsies.

Dear Ron R., As I sit at my Passover seder, I'll think of viewing your persuader. Love, **SEKA**

Dear Col., Let's go lay a rug. **Father Mike**

To all the Hunks in 21-105, HAPPY VALENTINE'S DAY to the greatest group of guys.

Janet B., Ditch that "long-distance" fag and start seeing a real man. Luv, **a SUNY-B'er**

Dog-Lover, A Valentine's Day poem for you:

Roses are red,
You're black and blue,
Sugar is sweet,
And I still hate you.

from a hot bitch

Dear Marianne, Don't ever stand me up again. Happy Valentine's Day! **Steve J.**

Zoe, The only true love of my life. Love, **Pebbles**

Dearest Law School, Happy Valentine's Day to you all. Enjoy the artwork. Love, **Gaboda**

Fifi, Just 'cos it's Valentine's Day doesn't mean you have a day off. Clean the library, you fishnetted twerp. **Grandma and Vamp**

To F.B.G. III, Thank you for rescuing a maiden in distress. Chivalry is not dead. **M.A.L.**

To the Bluest Eyes I've ever seen: Consider this personal to be a dozen roses! **S.B.**

Andy, Happy Valentine's Day! **the Flasher**

I.O., You are the booger of my dreams. Some day soon we'll be together forever. I.L.Y.S.M. **-K.B.**

What is Wally Backman doing at Hofstra Law School?

Norato, When will you come to your senses? Time's running out for you. **The 1st Steve in your life**

Eric, You are one of the most special people I know. I will miss you. Love, **Helene**

Dear Rob Rosenberg,
Although your privates are quite meager,
It's whipping you which I am eager
And even though you look quite preppy
I'd love to give you savage keppy.
Love, **Helayne**

P.C., Wish your wife a Happy Valentine's Day! Love, **C.**

Ken, GET OUT OF BED!!!! **J.F.C.**

J.D., How can such a nice person be a Republican?

Trent Tucker Hates Dale.

Janet, Karen and Michelle, Make Michelle's (and my) dream come true. **S.B.**

To PALE YELLOW VW with STRIPES, I LIKE YOU... WHITE CHEVROLET

To S.B., Give the roses to Steve. He'll show more appreciation. **M.A.L.**

Dear Little Fran, How was it being ROB-BED on the bathroom sink? Jokingly, **M**

Julia, Happy Valentine's Day to everyone's favorite Valentine!

Dear Ralph, How could you play mellow with the Ace of Spades? **Your fellow Card-Clubbers**

Edzo, Cuddle me! **Guess who...**

Dear Mark & Tom, If I could, I'd move to Inwood Ave. Clean the house, will you? **Lillian**

John, Show us your muscle. Never mind, it couldn't compare with Roger's!

Dear Dina,
Your body is still quite a sight,
Even when you deprive me of my 1st amendment right,
And you know I can never love any other.
So please—Dina—Give us your udder.
Love, **the Milk Club**

M.A.L., That would be difficult!!! **S.B.**

Baby Stew, Cheer Up! Relax! **Baby Scott**

Baby Stew, Guess who's coming to Hofstra! **M.A.L.**

Ellen L., A pleasure working on your brief(s)!!! **Scott**

To My 1Ls, Congratulations on your crim grades. You made it all worthwhile. **Your Section C Crim law Fellow**

Doug R., I'll bet your moustache tickles in all the best places!

♥ Messages From The Heart For Valentine's Day ♥

STEVE D., THE QUESTION IS, WOULD YOU SHAVE YOUR LEGS FOR ME?

Jackie, Who Loves ya, baby! **Joe Jurisprudence**

MOM, I'll be a lawyerke yet! **Your non-Furry Child**

Michael G., I had the perfect match for you this year. A gorgeous Irish beauty. I had my bow and arrow ready for the two of you. But you blew it by being a total, complete brute. I can't trust you any more. You will have to wait another year. Sorry. **Cupid**

Mike G., How could you let someone injure their hand by hitting your muscular arms? Can't you find other things to do with your body? No Valentine's Day greeting for you. You've been a bad boy. **Cupid's Mother**

Dean Everitt, Welcome to Hofstra! Happy Valentine's Day!

John G., The next time you stand me up, please let it be for another woman. And while you're at it, tell your roommate. **Marianne**

MARGARET, STAND UP FOR YOUR RIGHTS, KIDDO!!! **Scott**

Meryl, Thank you for the privilege of carrying your books. **the Constructive Jew**

TRIAL TECHNIQUES WAS A ROYAL PAIN!!!!!!

Dear Steve and John, How about them women? Valentine's Day strategy meeting at 7:00. **Hector Cheech**

Dearest Law School, I supposed you all noticed how I misspelled my name? Just wanted to see how sharp you are. **Gaboa**

Pat and Adam, Remember those days of wild unfettered sex and phone calls to my friend? Let's do it again this Valentine's Day! **Sis (and friend)**

Bear-Trap, Ear contract is ready to be signed. I adore you! **Bear**

Jean, Happy Valentine's Day!! Love, **Rowland**

Champ, Let's avoid French Onion Soup and stick with the Johnny Carson show. **Cutie**

Maria, Thanks for being my friend when I needed you most! **Charles**

U., J., C., & V., Happy Valentine's Day to my dearest friends at Hofstra. I know I don't see you all as much as I'd like to outside of the school, but—it's great knowing you're here... I love ya' — **L.L.**

Dear Beth, I'll never let you drown! How bout some mouth to mouth? **H.S. Life-guard**

Two lovely young ladies of my life, my wife & daughter, Thank you, for your sacrifices. Just 106 days to graduation. **Jose "86"**

Dear Ron R., Do you pick a four leaf clover when you're always bending over? Love, **Vanessa Del Rio**

Fifi, I say Jump him. **Hortense**

John A., I couldn't wait for you any longer. I could not take all those lonely nights while you shopped in the cellar for gourmet foods. You'll tease my heart no longer. **the Little Red-haired kid**

Claudia, a personal for the head of personals. Keep up the good work. Have a Happy Valentine's Day. **Guess Who?**

Professor Diamond, I'm glad you find me so amusing. The feeling is mutual. **Private Benjamin**

John A., I've been admiring you from afar for the past 2½ years and I'm dying to work your wok. **Chef Blueballs**

Jim, Let's get drunk and run naked. **Your adversary from Moot Court '85**

Rob (Bob), Roses are red, Violets are blue, Bending over for Jigs, has done wonders for you. **Ron**

Jean Marie, Why have you forsaken me and given me away? I only love you. I'm yours. **H.D.**

Princess Leona, Who are you? What am I? Oh!! You too? That's great. I'm so glad! Be my Valentine!

E.M., A bottle of red? A bottle of white? Or is there "something else" you'd rather have tonight? I love you! **L.L.**

Claudia, You're too much woman for any one man. Love, **the Guys waiting in the wings.**

An open note to the Class of '88 from the Class of '86: Congratulations on having more decent wenches than any class in Hofstra Law history.

Dear Milk Club Editor, You have definitely curdled. **Devoted Law Review Non-Milk Club member**

Dear J.B., a/k/a "the hunk", a/k/a Jim Black: I love the way you handle your pipe. Do you handle other things as well?

Omie, Gee...Our first Valentine's Day! Thanks for helping me to get through the torture of first year. Don't know what I'd do without you. I'll love you always and forever because you're the best part of my life. **Pam**

Dear Brian, You're being robbed. **SIS**

Gina, Wake up and 86 that California Bimbo. Get yourself an East Coast Man. Love, **Goofy, Donald and Mickey**

Mike, YOU BRUTE!! No valentines for you! **A concerned friend of a victim of brutality**

Zoe, Happy Valentine's Day to my favorite niece. **Auntie**

Professor Lewiss, Happy Valentine's Day to our new sponsor. **BALSA**

Scott, Happy Valentine's Day! **From three women you don't appreciate nearly enough**

Jean, You really are one of the sweetest, kindest people I've ever met! Happy Valentine's Day! **Who else would write this to you!**

Ron, Here's to no holds barred! I'm proud of you—You're great! Happy Valentine's Day!!

Steve, Say "women". Watch the lips—it's sexy! Happy Valentine's Day. **A lady too**

Frap, I love you more than honey. I miss you so much my stuffing hurts. I hope we are reunited soon. Have a happy Valentine's Day. Hugs and kisses, **Susy**

Attn residents of 1F: I call your attention

to cl. 32 of your lease which reads "No blimps, dirigibles, zeppelins, or air balloons, of any type allowed on premises."

Hortense, Happy Valentine's Day you ole goat!! You look great for being over the hill (way over). I have a box of chocolate covered prunes for you. Love, **Fifi**

Ursula, Would Grace mind if Jack were my Valentine this year? **Claudia**

Professor Greene, HAPPY VALENTINE'S DAY to our new sponsor. **BALSA**

Crappy Valentine's Day to the inconsiderate morons who don't RESHELVE THEIR BOOKS! It's no wonder you're not loved!

Ursula, Happy Valentine's Day to someone who listens to me talk about Mr. X constantly. Thanks for being so patient. Love, **Jean**

To John and Ron, the Best wives a guy could ever have! **Hubby**

BALSA Members, HAPPY VALENTINE'S DAY! Love, **Dennis, Jose, Jean & Cindy**

To Joe L: I've been admiring your strong muscular bod from afar and on this Valentine's Day I'd like to come out of the closet and say "Let's go crazy you hunk of manhood". Love you, **A gay caballero**

Val, Tierre, Sallie and Hezida, Thanks for being such good friends. Each of you have a special place in my heart. **Pam**

R., Happy Valentine's Day! Love, **Your Latin Russkie and her Scottish Lass**

L.A.M., We hope your donut hole never goes unfilled. **Us**

L.A.M., It's hard to "spare the abuse" so why try? **Us again**

Michael Gilmore, The next time you decide to encourage me to injure one of my body parts with yours, please make sure I at least enjoy incurring the pain. Love, **Jean**

Suze, I miss you. Come back to N.Y. where you belong. You is my woman now. Happy Valentine's Day! Love, **Frap**

Claudia, Happy Valentine's Day!! Yeah!! Love, **Ursula**

Valerie, Happy Valentine's Day! What would I do without your refugee camp? Thanks for your kindness. Love, **Jean**

Ron, Come back from Oshkosh. I miss you. **Morris**

Karen, You get no sympathy, you're engaged. We're Heartbroken!! **all males**

Zoe, Happy Valentine's Day to the prettiest collie on Long Island!

Cab, I love you!

To Dr. Dooberstein: Continued long term analysis will be necessary before any conclusion can be reached. Research will be continued in Pt. Lookout throughout the semester.

Steve, You're a nice boy. Love, **Claudia and Ursula**

Dear Claudia and Ursula, You're two nice girls, I mean ladies, I mean women. Oh what the hell, you're two nice broads.

Eric, I live for those frantic moments when you know who is in class. Happy Valentine's Day! Be mine.

Lillian, Your room is waiting. We've got John's bags packed. **Ron and Steve**

To Pam F., "Come on over." O.K., O.K. Happy Valentine's Day!

Scott Davis, I sent your picture and bio to Cosmo. They are definitely interested. Call me Friday and we'll do lunch. **Your agent**

Bouncing Baby Brockett, Have yourself a merry little McHebe's Valentine!

J.C., Be my Valentine. I promise I won't hurt you like some others have. We won't mention names. **Mike, you brute!**

Ozzie, Happy Valentine's Day! Thanks for the bed. Love, **Harriet**

Dear John, Ron and Steve, If you were really my brothers, I'd disinherit myself. Thank God there's not too much time left. Really, I love you guys. Happy Valentine's Day! Love, **your foxy friend**

Ron M., Next time you get a naked girl in the shower with you, DO SOMETHING.

Adam, I can't do it with you *that* way. Incest was best *last* year. **Sis**

Pat D., You are the most gorgeous guy in the school. I wish I knew you. Often I admire you from afar. **Your Secret Admirer**

Kenny, You're right, sometimes you just have to follow your heart. I'm glad I did. **Karen**

To L.K., a/k/a E inc, A three way duel tomorrow at high noon. The winner (?) gets you. Love, **Gary, Matt, Geoff**

An ode to Mike the Spike: Cupid would be shocked. By a punch that should have been blocked. Even though you're real cute, you're still such a brute. That my chastity belt will stay locked.

Scott, Wayne & Francis, HAPPY VALENTINE'S DAY! Love, **Jean**

Art S., Roses are red, Violets are blue. I learned to tie a tie. Why can't you? **the association for the prevention of Cruelty to Clip-on Ties**

To E.L., Who said being a weasel couldn't get you to Wall Street? **Honest Hardworking Law Students of America**

Linda "the Body": When you dominate me, I scream with delight. But when you tore off those garters I yelped at the sight. **the "Milk Club" and Andrea Field**

Hugh, Please see Camille re: authentication of your resume.

Dear Bets, Some day your ship will come in, but you'll probably be writing a brief at the time and won't want to miss your deadline. I think life is like that. Make it not like that. **DEE**

Flo, Laura and Judy, You have taught me more than law these past three years. Together, we have accomplished much, and apart we shall always carry the benefits of each other's wisdom. **a friend**

Frank, I found out where it all ends. Won't you be surprised! **Karen**

J.D.M., If it will help me get M.L.'s number more quickly, you can put it on a floppy disk. **Anxiously waiting somewhere in the subways of Queens**

♥ Messages From The Heart For Valentine's Day ♥

Jim, When I gaze into your blood-shot eyes, I see "the barrel." I love always (looking forward to racking the eight ball with you).

Michael, Let's celebrate Valentine's Day on Weds. 10:00. My place.

F.L., Roses are red, violets are blue, your personality has left you. **G. Dette**

To my lovely daughter and her hateful uncle, A day by any other name would include just as many fights. Unc., Watch out for those body smashes! And she goes for the elbow slam!

Pam, Laura, Cheryl, Leslie, Happy Valentine's Day! **Lisa**

Claudia, Stop bugging me! And have a nice Valentine's Day. **J.C.**

Crim-Poetry Available at Bookstores Near You!!!!

Ursula, Hearts are red, and so is blood. Does that explain why you drink Bud? Happy Valentine's Day!

MEN and WOMEN! JAZZ, DANCE, EXERCISE, MOVE! Class: Tuesday and Thursday. Where: Dance Studio in Gym, 6:30-7:30 pm. Who's teaching? Robin. Be there!

Mom, You're the best! Have a happy Valentine's Day. I love you. **Zoe**

Mrs. Historian, Let's discuss venue sometime soon. **Mr. Historian**

Scott Davis, I eagerly look forward to Mondays, Wednesdays and Fridays because that is when I have the opportunity to see your wonderfully muscular body glide into 308 for Con Law. Have a happy Valentine's Day. **A very interested coed**

Claudia, Roses are red, tulips are yellow. Is it true you fill your bathtub with jello? Happy Valentine's Day.

Rah, rah, rah, rah, rah always!

Dear Shark, I love you! **Wolf**

Dear U.M. Bischoff, Hi honey. It's that time of the year when it is important to wear your long johns. Don't worry about your classmates finding out you have cute little teddy bears on yours. They won't know unless you show them. Happy Valentine's Day! Love always, **Mrs. Bischoff**

Ribon Frankel, You're a peach except when there's Ben & Jerry in the house since you are what you eat.

Tierre, Happy Valentine's Day. Your love, **Harry**

Leslie, Nice eyes! **Bill, Craig, Lee, etc.**

Claudia, Violets are blue, Carnations are pink. Do you ever leave your dishes piled up in the sink? P.S. I know this poem stinks.

To Pam, Hediza, Valerie, Tierre, Sallie, J.T.

S.D., You are so adorable! Have a happy Valentine's Day. **J.C.**

Claudia, Quit smoking & we get down. **Labor lust**

Dean Douglas, What do you really do? Certainly you do not control the temperature or the parking.

John P., Our Ray's better than yours! **Robin & Paige**

Larry, If you really love a challenge, read my mind... **Your "Protege"**

Library Staff, HAPPY VALENTINE'S DAY!!!!

To the dark haired beauty from Spratts: I'd scratch your back ANYTIME!!

Dear Academics, If you don't like Hofstra... Kiss my perpetuities! Then leave.

Ellen, Jay, Debbie, Anna, Cesar, Chrissy and Tracy, Happy Valentine's Day. I love you all. Love, **Jean**

To All the beautiful black, hispanic and oriental women at the law school, Happy Valentine's Day. Love, **Harry**

Spike, I hope you have a Happy Valentine's Day. **Walt F.**

Mary (Library Staff), Your kind words and warm smile can cheer anyone up. Have a happy Valentine's Day.

Claudia, They said it was personal. But you knew it was more. They failed to tell you typing would be a chore. Keep up the good work.

Robin, Diane, Paige, I'll swing from the door for you any time. **J.P.**

Scott, I can't believe Connie's no. 5 and I'm 6. Well, I hope you come to your senses next November. Happy V.D. **No. 6**

Patti: What are you doing for lunch? May I suggest a nice place in FH with D.B.?

Ruth Robinson, "Something Wonderful"

Dear Anne, Has Kevin's mother been working overtime? You are never in school after class. Love, **P.D.S.**

J.M.: I like your taste in watches and rings. **A.K.**

Jim M.: Let's take a ride together on a dessert cart! **Sophie**

Mim: Do you know a good place to go for dinner—cheap?? **The Gang**

Paige, You're the only one I know who can get lost in the Midtown Tunnel.

J.P.—I don't really think your face is too small. **Pam**

Diane, I heard Madonna is going to be the guest speaker at graduation. **J.P.**

Tex, Where's that down home cookin' you promised us?

Eric Z., As promised—here is your personal! **Phil**

Dear Prof. Gans, Sorry I did so poorly on your income tax exam, but I sneezed and missed that lecture.

Pam, Laura, and Cheryl, Keep up the good job on Lounge Patrol. **J.P.**

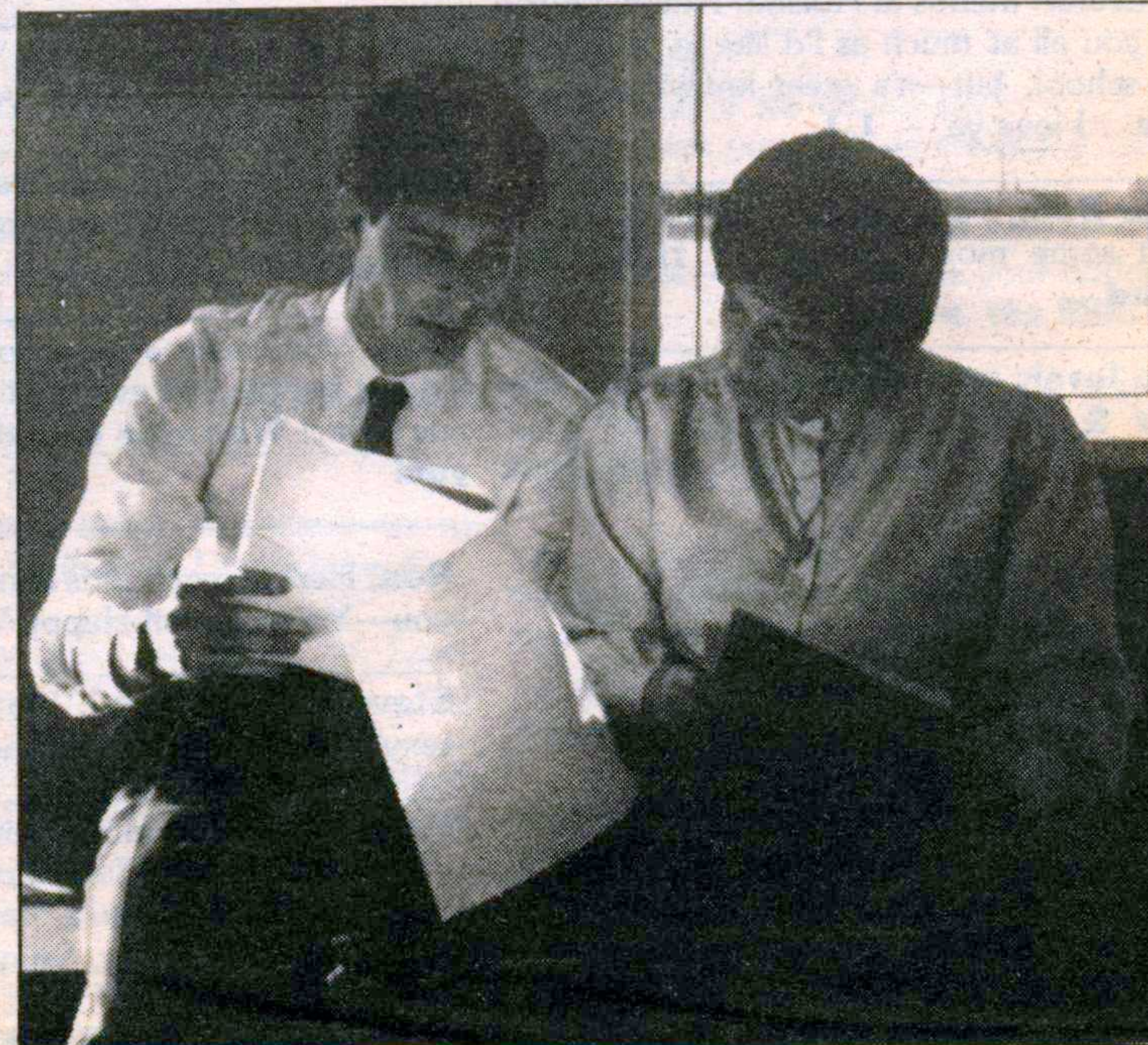
Boom-Boom, How's Baby Boomer? **P.**

When we grow up we want to be John Panagopolous.

Tex, Did you fill your belt loops yet?

Jeff Herman, I can't take my eyes off of your body. **An adoring 1L**

Some Of The Faces At The N.L.O.



COMMUNITY FORUM

MORE LETTERS TO THE EDITOR:

Graduate Program Needed

To the Editor:

Most of the well known law schools offer a post J.D. graduate law degree program. In New York, for example, the only law schools which offer a graduate law degree are Columbia University, Cornell University, and New York University. There are 15 A.B.A. accredited law schools in New York.

Successful completion of a post J.D. degree program typically leads to the degree of LL.M. (Master of Laws) or J.S.D. (Doctor of Juridical Science) in a particular specialty such as labor law. It enables students to broaden their backgrounds and provides them with the opportunity to engage in scholarly research which is invaluable to those who are interested in a career in law teaching.

An LL.M. program does not take a long time to complete. For example, New York University's LL.M. program requires successful completion of 24 graduate law credits. Full time students can complete the degree in one year and part time students have five years to complete the degree.

Ten members of the Hofstra faculty have an LL.M. degree (12 if you include the legal writing instructors) and at least one member is pursuing this degree part time. Professor John Regan is the only member of the faculty to hold a J.S.D.

It's time for Hofstra to seriously begin thinking about instituting a graduate law program. Such a program will bring further recognition to the law school and enable it to attract a higher quality of students and a more renowned faculty.

The most obvious discipline in which a graduate program should be established is in labor law. The law school has an endowed Chair in labor law (currently held by Dean Eric Schmertz) and a scholarly journal devoted exclusively to this area of law. In addition, Hofstra currently offers six classes in labor and employment law. Other disciplines which the law school could offer a graduate program include communication law, torts, bankruptcy and banking law. The law school has endowed professorships in each of these disciplines. The law school should also consider offering a graduate program in tax law since it is so specialized.

Sincerely,

Mitchell H. Rubinstein

SLOBS?

Dear Conscience Editors,

I have spent the last three Friday evenings using the Law Library while my wife takes a graduate course in Education. Is it a custom to litter the Library Lounge with refuse, mostly the remains of bag lunches and cigarettes? There are large refuse cans by the door, but no one seems to toss trash away. The array of litter certainly makes the Law School look sloppy. I hope no visitors see this mess.

Sincerely,

Robert N. Keane
Professor of English

Bad Joke?

To the Editor:

I feel compelled to respond to Bruce Robbins' poem entitled "Practicing Law" published in the December issue of *Conscience*.

I hope that the poem is a bad joke. I say bad because it is the kind of thing that gives lawyers a bad name. Whatever Mr. Robbins' reasons are for deciding on a career as a lawyer, it cannot be denied that a lawyer has certain ethical responsibilities. After reading the poem I looked through the American Bar Association's *Model Code of Professional Responsibility and Code of Judicial Conduct*. Here are a few of the Ethical Considerations that I believe are in conflict with Mr. Robbins' "Practicing Law".

EC 2-16: "[P]ersons unable to pay all or a portion of a reasonable fee should be able to obtain necessary legal services, and lawyers should support and participate in ethical activities designed to achieve that objective."

EC 2-25: "The basic responsibility for providing legal services for those unable to pay ultimately rests upon the individual lawyer, and personal involvement in the problems of the disadvantaged can be one of the most rewarding experiences in the life of a lawyer. Every lawyer, regardless of professional prominence or professional workload, should find time to participate in serving the disadvantaged."

EC 2-30: "Employment should not be accepted by a lawyer...when he knows or it is obvious that the person seeking to employ him desires to institute or maintain an action merely for the purpose of harassing or maliciously injuring another."

It is nice to know that the bar association does not consider a lawyer an "idealistic jerk" for doing pro bono work.

I hope not all Hofstra Law students feel as Mr. Robbins does. When you read the Hofstra brochure, you don't get the feeling that that is what the school is all about.

Sincerely yours,

Eve Zeese, 1L, Section A

Women's Rights

To the Editor:

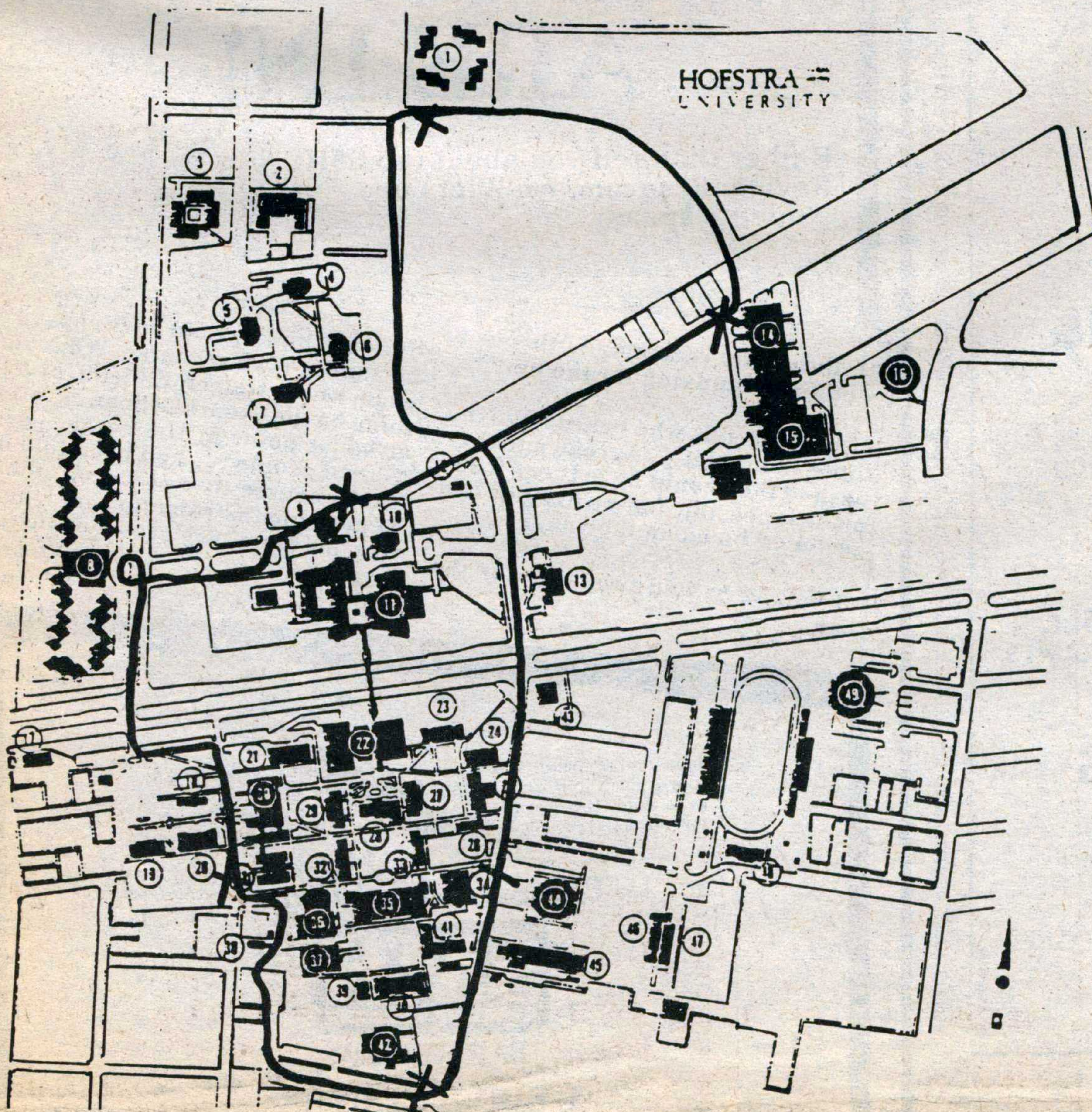
This is the last call for any student—MALE or FEMALE—to sign up for a newly created clinical program: THE WOMEN'S RIGHTS CLINIC. This clinic will be modeled on the Women's Right Clinic at Rutgers Law School. Students will be representing real people with real problems and since this clinic will be part of Hofstra's own Neighborhood Law Office (NLO), students may be able to get up to 8 credits for participating during their last year in law school. Specific issues that will arise as part of this clinic may include: sexual harassment, sex, age and race discrimination on the job, domestic violence, reproductive freedom, credit discrimination, and Title IX-sex discrimination in the schools.

Interested students may sign the list that is on the Women's Center board on the 2nd floor across from the Legal Writing offices. If we don't get enough people to sign up for this clinic, it will not be available for anyone.

Thanks.

Robin Frankel, Co-Chair
Hofstra Law Women

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Name selected will win prize

SUBMIT ENTRIES TO
DEPARTMENT OF PUBLIC SAFETY
BY FEBRUARY 21, 1986

COMMUNITY FORUM

By Jeffrey Chase

Despite the passage of time, the Islamic nature of Iran's government remains a puzzle to outside observers. The religious basis on which the Islamic Republic rests is peculiar to the Shi'ite branch of Islam, of which 93 percent of Iran's 44 million people are followers. Much more so than in the majority Sunni branch of Islam, Shi'ite doctrine rejects all sources of government other than the Shi'ite clergy (known collectively as the 'ulama); unlike their Sunni counterparts, the Shi'ite 'ulama maintain the power to render interpretations of law that are binding on their followers during the interpreter's lifetime. Additionally, in contrast to the situation in Sunni states, the Shi'ite 'ulama have for centuries operated independently of, and often at odds with, the secular government of the time. As Iran is the only country with an overwhelming Shi'ite majority, the concept

Following the revolution, Iran's Islamic leaders were faced with the task of constructing a government in line with the above religious precepts of leadership, which at the same time took into account modern political necessities. The result is a typical constitutional parliamentary system, with a popularly-elected President and Majlis (Parliament); a Majlis-appointed Prime Minister, and a Supreme Judicial Council appointed by the various branches of government. However, three Islamic institutions have been added. The most important of these is the office of the *Vilayat-i Faqih* (the Governorship of the Islamic Jurisprudent). This position has been derived from the Shi'ite religious office of *Marja'-i Taqlid* (Source of Imitation). Historically, there would naturally emerge over a period of years one scholar from among the highest-ranking 'ulama whose writings and holdings on Islamic law would gain him the universal following of the Shi'ite 'ulama *en masse*. The decrees and holdings of this *Marja'-i Taqlid* would thus become binding on the entire Shi'ite community. As modern political expediency does not allow for a prolonged natural emergence of such a leader, under the present constitution an eighty-member Assembly of Experts, chosen through general elections and consisting of leading Islamic jurists and scholars, is charged with the sole duty of selecting this officer.

The most important political development in Iran over the past four years has been the *Hasht Farman* (Eight Commandments) issued by Ayatullah Khomeini in December of 1982. This eight-point decree guarantees many Bill of Rights-type protections, including freedom from warrantless searches, phone tap, and opened mail. A State Department report on human rights practices states that these practices still continue, but are much less frequent. Furthermore, local offices have been set up for enforcement of this decree, which receive and investigate numerous complaints. Other freedoms have increased by varying degrees since the 1982

After seven years, many problems remain. Persecution of Baha'is and the denial of many basic rights are causes of great concern.

Continued on Page 17

Continued on Page 17

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COMMUNITY FORUM

What To Do About Qaddafi?

by Eric Levine

There is more to the Libyan problem than figuring out the spelling of Qaddafi. Born to a Bedouin family, the Libyan leader came to power when he overthrew King Idris in 1969. He quickly aligned himself with the Anti-Israeli, Pan-Arab policies of President Nasser of Egypt. Benefitting from great oil revenues in the seventies, he rewarded his people with a huge infusion of money into the Libyan infra-structure, which helped buy himself popular support. However, given a fledgling economy (due in the most part to the world oil glut) and the fact that he turned the country into a police state, his popularity has begun to wane.

Unfortunately, Mr. Qaddafi's concerns have continually extended beyond the borders of Libya. Since assuming power no fewer than 30,000 people have fled the country. So extreme is his fear of political opposition, that he has dispatched trained hit squads around the world, including Western Europe and the U.S., to murder those he perceives as a threat to his regime. He even sends agents, under the guise of being college students, to spy on their fellow countrymen in foreign universities.

As outrageous as this behavior is, one could almost make a rational argument that these actions are merely a Libyan internal affair as they only concern Libyan Nationals. However, Qaddafi's lunacy extends well beyond such "internal affairs." He gave military support to the recent coup in the Sudan which resulted in the overthrow of the Pro-Western, Pro-Egyptian government of President Numeiri, and the institution of a

virulently Anti-Western and Anti-Israeli Regime.

Colonel Qaddafi invaded neighboring Chad, one of Africa's poorest countries, in order to take control of its rich mineral deposits. When the French intervened, he promised President Mitterand that he would withdraw his troops. He lied, and Libyan maintains a military presence in Chad today. This caused a great political embarrassment to the French President.

When Anwar Sadat went to Jerusalem, Qaddafi severed diplomatic ties with Egypt and has been a sworn enemy of the Egyptians ever since. He has threatened the life of President Mubarak on several occasions. In addition, he is believed to be responsible for the mining of the Suez Canal. He has also attempted to overthrow the government of neighboring Tunisia.

However, these exploits (of which there are many more) pale in significance compared to his blatant support for terrorism. The lifeblood of any terrorist organization is a base from which to operate. Qaddafi's hospitality includes training and financial support of Abu Nidal, the Palestinian extremist who was responsible for the terrorist attacks at the Rome and Vienna airports. After these acts of cowardice, the Colonel praised them as "Heroic Acts." This is just the latest example of Libyan support for terrorism.

The issue then becomes, what, if anything, can be done about Mr. Qaddafi. It is clear that a military strike is an appropriate response. The Bedouin Qaddafi does not understand the language of compromise or

rationality. He understands the language of force and political interest. The Israelis have shown that the only way to deal with state sponsored terrorism is to make it in the Sovereign's interest not to harbor terrorists.

Apologists for terrorism argue that the only way to stop terrorism is to solve "the cause" of terrorism. For Abu Nidal and his kind, the cause of terrorism is the mere existence of Israel. He is not interested in a negotiated settlement with the Israelis. He is still living the dream of driving the Zionists into the sea. In fact, it is precisely because King Hussein of Jordan and moderate West Bank Palestinians have shown an interest in negotiating a Peace Agreement with the Israelis that the terrorist attacks have recently increased. Abu Nidal hopes to scare the Jordanians away from the peace table or to provoke the Israelis into an attack against an Arab country. Either would result in the death of the Peace Process.

The Peace Process is all the more reason that the United States should take military action. It would take the pressure off the Israelis to retaliate and reassure Hussein that we are willing to fight for Peace. Unsure of America's resolve, King Hussein has been hedging his bets by talking to President Assad of Syria, an enemy of the King's, and like Qaddafi, a member of the Rejectionist Front. Hussein needs more than American good intentions. He must know that he will be protected from Syria, who would like to sabotage any peace agreement, and who in 1971, along with Yassir Arafat, attempted to overthrow Hussein.

A military response is almost risk free. No

one will come to Qaddafi's aid. Syria, Libya's closest ally and another supporter of state sponsored terrorism, has a massive number of troops in Lebanon and on the Israeli, Iraqi and Jordanian borders. In addition, Assad, as one of the region's shrewdest political animals, knows he has nothing to gain in spilling Syrian blood for an unstable ally who has recently been giving him trouble in Lebanon. The Soviets will respond with nothing more than spineless rhetoric. Their most important ally in the region, Syria, was militarily embarrassed by the Israelis during the early stages of their Lebanese invasion. The Soviets did nothing. The stakes of risking a superpower confrontation are too high with too little to be gained. What we will get in the short-term is rhetorical outrage. However, this is a small price to pay considering the potential for long-term regional stability.

The Reagan Administration has chosen the worst of all possible alternatives. The President has spoken loudly and carried a wet noodle. This attracts attention to the fact that we feel impotent. At least if we have decided to do nothing, we should keep our mouths shut. Although there has been an attempt at an economic boycott, it has been frustrated by a short-sighted Western Europe that thinks its economic interests are so crucial as to view terrorism as an acceptable price to pay. To continue to do business as usual with Qaddafi is to appease. As Neville Chamberlain showed us, appeasement is viewed as weakness, and as a policy is fatal.

Johnson Conference Slated For April

An international scholarly conference on Lyndon Baines Johnson: A Texan in Washington will be held at Hofstra University on April 10-12, 1986.

The Conference will be the fifth at Hofstra in a series that examines the lives and careers of the Presidents of the United States who served in the White House during the University's history. Hofstra was founded in 1935 and the first conference in the series was devoted to Franklin Delano Roosevelt. It was held in his centennial year in 1982. Since then, the annual meetings have focused in turn on Harry S. Truman, Dwight D. Eisenhower and John F. Kennedy. The Conference is part of the official fiftieth anniversary celebration of Hofstra University.

Former Congresswoman Barbara Jordan will be the Conference's keynote speaker at the opening session on Thursday, April 10. Bill Moyers, who served as President Johnson's Press Secretary and is a CBS-TV network commentator, will deliver an invitational address at a banquet session on Friday evening, April 11. Robert A. Caro, a major L.B.J. biographer, and former Attorneys-General Nicholas deB. Katzenbach and Ramsey Clark will be among the speakers during the Conference.

Lynda Bird Johnson Robb, Luci Baines Johnson Turpin and former Virginia Governor Charles S. Robb—the late President's daughters and son-in-law—are serving as Honorary Chairpersons of the Conference's International Honorary Committee.

Planning for the Johnson Conference has been underway for more than a year and it has had the cooperation of members of the Johnson family, many of the former President's associates and of the Lyndon Baines

Johnson Presidential Library in Austin, Texas. Co-directors of the Hofstra Johnson Conference are Robert C. Vogt, Dean of the University's College of Liberal Arts and Sciences and Associate Professor Bernard J. Firestone of Hofstra's Political Science Department.

More than forty research papers on Johnson have been received from scholars in many parts of the United States and from abroad. The papers are being read by a committee of twenty-five Hofstra professors, who make the final selections of those that will be read at the Conference.

Among the more than 100 distinguished members of the Conference's International Honorary Committee are former Presidents Gerald R. Ford and Richard M. Nixon; former Supreme Court Justice Arthur J. Goldberg; Governor Mario M. Cuomo; Rev. Jesse L. Jackson; former Israeli Foreign Minister and Ambassador to the United States Abba Eban; former Attorneys-General Nicholas deB. Katzenbach and Ramsey Clark; former Texas Governor John B. Connolly; Ambassador W. Averell Harriman; Georgia State Senator Julian Bond; AFL-CIO President Lane Kirkland; and former Secretary of Defense Clark M. Clifford.

Also, Senators Daniel Patrick Moynihan, Gale W. McGee, and Edward M. Brooke; former Secretaries of State Dean Rusk and Edmund S. Muskie; former White House Press Secretaries Bill Moyers and George E. Reedy; philanthropist Mary Lasker; Ambassadors Sol Linowitz, Mike Mansfield and Edwin O. Reischauer; Sargent Shriver; Representatives Barbara Jordan, Raymond J. McGrath and Robert J. Mrazek; former

Assistant Secretary of State William P. Bundy; former Director of the Central Intelligence Agency Richard Helms; Notre Dame University President Rev. Theodore M. Hesburgh; Exxon Foundation President Robert L. Payton; and former Johnson Administration officials Anthony J. Celebrezze, Wilbur J. Cohen, Francis Keppel, W.W. Rostow, Willard Wirtz and Adam Yarmolinsky.

In addition to the scholarly sessions at the Conference, a number of special forums have been scheduled. One of these will be a roundtable discussion featuring former members of the Johnson White House staff. Another will focus on LBJ's Great Society. A special forum will analyze the Vietnam War and other panels will take up civil rights, and LBJ's relations with the press.

In conjunction with the Johnson Conference, Hofstra will feature a number of special exhibits that will be open to the general public and schoolchildren as well as to the members of the University community. An exhibit of Johnson memorabilia from private collections and from the Lyndon B. Johnson Presidential Library will be shown on the Ninth Floor of the Hofstra Library. An exhibit of more than 100 photographs, editorial cartoons and front pages of newspapers from the Johnson era will be shown in another gallery of the Hofstra Library. A third exhibit, to be shown in the Emily Lowe Art Gallery, will feature work by artists done during the Johnson Presidency. Also on display during the Conference, will be a taped Johnson press conference and film screenings of special documentaries devoted to the Johnson Presidency.

Rabinowitz

Continued from Page 2

For all of these reasons, Vice Dean Rabinowitz is most deserving of the honor being celebrated tonight.

On a more personal note — Stuart and his wife, Ruth, have been my very close friends, for more than a decade, and I am proud of that friendship. We have sipped Pina Colodas on the Caribbean beaches, rented summer homes in the Berkshires, and traveled to San Francisco together. They are decent, honest, fun-loving people — whose skill and energy on the ski trails go well beyond my own. They have every quality anybody would ever hope for in close friends — including a keen sense of humor and good sense of priorities....

This celebration tonight comes at an appropriate time. Stuart recently announced his desire to leave administration to return to full-time teaching and scholarly endeavors. It is only fitting that when he returns to the full-time faculty next month, it will be as the occupant of a Distinguished Professorship.

It is my extreme pleasure to introduce Vice Dean Stuart Rabinowitz.

Iran

Continued from Page 16

cern. However, the current regime has been successful in restoring national and religious pride and identity that had been "sold out" under the Pahlavis' extreme Westernization programs. Furthermore, conditions are gradually improving as noted above; the current government is far less oppressive than the former shahs had been. It must be remembered that Iran is a country which has never known democracy. The recent signs of improvement can hopefully be construed as the cautious first steps towards a truly free and just Islamic society.

Hofstra's Federal Clinic Provides Unique Experiences

By Carolyn A. Kubitschek

Last week I overheard a third-year student say to another third-year student, "Does the NLO actually handle real cases, not just simulations?" NLO, the law school's clinical program, does in fact handle real cases, as that student learned. Hearing that question led me to wonder if other students had similar questions, questions which a person who has been teaching at the clinic for only six months can answer.

I have been a clinical teacher at Hofstra since July, 1985, and since late August, when the fall semester began, I've directed the federal litigation clinic. In real life as well as in the catalogue, the federal clinic is a two-semester clinical program, offered for four credits each semester. I'm told that in past years the federal clinic generally started in the fall semester and finished at the end of the spring semester. This year we have one student who is starting the clinic in spring semester and finishing in the summer term, in addition to those who started last fall and will be finishing in April. (In order to register for any clinic, a student must be considered a third-year student.)

All of the students handle real cases, under the supervision of the clinical teacher. From the time that a client first walks into the office, the case is the student's case. The student interviews the client, does all the necessary fact gathering, prepares all papers, and makes all court appearances for the client. (We have an order from the United States District Court for the Eastern District of New York allowing students to appear in court.) Right now, all of the clinic cases are in the district court for the Eastern District of New York, about evenly divided between cases in Uniondale and cases in Brooklyn. However, our students have permission to argue in the Second Circuit also, and students have done so in the past. I am presently negotiating with the Second Circuit clerk's office to refer appeals to the NLO, in order to provide a more regular stream of appellate cases.

During my first semester in the federal clinic, each of the students worked on, *inter alia*, at least one Social Security case. The Social Security cases in federal court are always appeals by Social Security applicants or recipients from adverse agency determinations, generally centering around the issue of whether or not the individual is unable to work and therefore entitled to Social Security disability benefits, and those



cases in the clinic reflect the general picture. Our first client was a woman in her mid-fifties who had worked for many years as a check-out clerk until developing uterine cancer in 1982. Although her surgery was successful, she continued to feel poorly, and in 1983 her doctors discovered that she had muscular dystrophy. Social Security rejected her application for disability benefits on the grounds that since her cancer surgery was successful, she was capable of working. The agency decision mentioned neither the muscular dystrophy nor the side effects of post-operative cancer therapy, though doctors' reports documented these problems.

When the case came to the clinic, the client had already filed *pro se* in the Eastern District, and the case was before Judge Eugene Nickerson. The first issue was a strategic one: the United States Attorney defending the case offered to set aside the agency's determination and remand the case to Social Security for a new administrative decision. The student had to decide whether to recommend that our client agree to the remand in order to have a new hearing where, represented by counsel, she might do better, or to pursue the appeal, asking the judge to reverse the administrative decision and award benefits. Our client decided to proceed in federal court, and the student wrote the brief and had the opportunity to argue the case in federal court. It was gratifying to hear the judge say to the Assistant United

States Attorney during oral argument, with refrained sarcasm, "This woman is breathing. Is that why she was rejected?"

Shortly before exams started, the judge's decision came in the mail: he reversed and awarded benefits to our client. A motion for attorneys' fees is now pending. It was argued by the student on January 17th.

I like Social Security cases because I think they are a good introduction to federal court practice for the students. In addition, they provide an important service to disabled, poor people who would otherwise have to represent themselves in federal court and who are not in a position to do so very well. For plaintiffs represented by counsel, the winning percentages are very high; Social Security has not been doing a good job of evaluating disability in the past few years. Finally, this type of experience is marketable. A former colleague of mine who is now a federal magistrate considers experience in Social Security litigation to be extremely important when she looks for clerks.

Social Security cases have the advantage of having a record of the administrative proceedings, which, as a matter of law, contains all the facts which will be before the federal judge. If important facts are missing from the record, the judge may not consider them, even if they are brought to his or her attention by counsel for the plaintiff. The most that the judge can do in that situation is to set aside the agency decision and remand the matter to Social Security for a new determination based upon the new facts. Other cases, however, do not have such nicely packaged facts, and our students must conduct investigations and pretrial discovery in order to determine what the facts of the case are.

One such case involves a challenge to the Nassau County Police Department's policies regarding the return of money seized from people who are being arrested. The law permits the police to take money and personal property from suspects at the time of their arrests, for use as evidence in the criminal trials. Our client, who was arrested for possession and sale of drugs, had all of his personal property taken from him when he was arrested, including a few hundred dollars in cash. As far as we can tell, the grand jury refused to indict him for sale of narcotics and indicted him for possession only. He plead guilty to possession, and when the case was over, asked for return of his money, since it was no longer needed as

evidence. He got back the wallet, keys, etc., but not the money.

The police, apparently pursuant to Nassau County policy, decided that the money came from the sale of drugs, and refused to return it. We believe that the police department placed that money, along with several hundred thousand dollars taken from other people arrested during the same year, into a fund for retired or disabled policemen. The clinic has brought a lawsuit under 42 U.S.C. § 1983, the civil rights law, challenging the police department's policy of keeping seized property without providing the owners with notice or an opportunity to be heard to challenge the retention of the money as violative of the due process clause of the Fifth Amendment.

The student handling this case has already been to court twice. First, he appeared before a magistrate, who *sua sponte* prohibited all discovery. Next, he filed and argued a motion before the judge to overrule the magistrate's ban on discovery. The judge ruled in our client's favor from the bench, and discovery is now proceeding.

Other cases in the federal litigation clinic include a race and sex discrimination case against a cleaning company and a civil rights damage action on behalf of a family who were harassed by child abuse investigators investigating a groundless complaint of child abuse.

I personally am very excited about all the cases. Before coming to Hofstra, I spent twelve years at MFY Legal Services, a federally-funded legal assistance program on the Lower East Side of Manhattan, litigating cases similar to the ones the clinic has now. I very much enjoy Social Security and civil rights litigation, and am looking forward to the progress of these and other cases in the federal clinic. I hope the students do also.

Social Security cases are fairly short-lived. Unless there is an appeal to the Second Circuit they are usually over within a semester, invariably within a year. Civil rights cases, however, tend to last much longer. When I worked for legal services, one of mine involved two jury trials, two appeals to the Second Circuit, and more than five years of work altogether. I hope there are second year students interested in doing the federal clinic next fall, who will take over where the current students leave off. People who want more information are encouraged to call me or any of the clinical professors, Norman Stein, Yvonne Lewis, Ken Rothstein, or Doug Colbert at Ext. 5934, or come visit us at 73 Main Street, in downtown Hempstead, our office until we move onto campus in the spring.

Criminal Justice Clinic Stages Mock Trial



On November 26th and December 3rd, the eight members of the Criminal Justice Clinic under the tutelage of Professor Douglas L. Colbert participated in two simulated trials held at the Long Island Federal Courthouse in Uniondale. Both trials were bench trials based on the same facts with the same witnesses and were both known as *The People of the State of New York v Denise Sands*. At each trial two

members of the clinic prosecuted the case for the State and two represented the defendant who was charged with third degree assault and third degree criminal trespass.

Extensive pre-trial discovery and motion practice was conducted by both sides prior to the actual courtroom exercise. At trial, each side made an opening statement, conducted a direct examination of its witnesses, cross-examined opposing witnesses and made a closing statement. The first trial was presided over by Mr. Richard Klein, professor of Criminal Law at the Touro Law School, and featured Mary Biunno and Mike Gaffey for the State with Cheryl Bader and Eric Zucker for the defense. The second trial was presided over by the Honorable Samuel Lipp, a sitting Nassau County Supreme Court Judge, with Andy Heffner and Jim Goodman for the State and Dennis Warren and Marty Cargas for the defendant.

Both trials featured dramatic opening and closing statements by both sides and fierce cross-examination of the State's witnesses. Both trials lasted two hours and closed with complimentary comments by both judges. Judge Lipp told the group that this was the most professional job by students he has seen to date in his many years of presiding over such simulated trials. This view was

shared by many of the friends and spectators who packed the courtroom.

Reactions to the simulated trial exercises were uniformly positive. "It was a lot of hard work but in the end the hard work paid off" enthused Jim Goodman. Said Mary Biunno, soon to be working in the Nassau County District Attorney's office, "The Criminal Justice Clinic in general and the simulated trial exercise in particular is invaluable experience for those who are considering a career in criminal law." Marty Cargas added, "The simulated trials really prepared us for the Trial Techniques program and for a career in litigation." "Definitely the highlight of the semester," concluded Mike Gaffey.

The Criminal Justice Clinic is a two-semester, 10 credit comprehensive program that places each student in either a Legal Aid or District Attorney's office in the Fall semester. In the Spring, students, building upon the experience attained in the Fall internship and simulated trial, actually represent defendants in criminal cases in the local courts under the supervision of Professor Colbert. The Criminal Justice Clinic is highly recommended for those students who are considering a career in criminal litigation and to a lesser extent those who wish to be commercial litigators.

LITERARY CORNER

Once upon a time in this land
Lived a man with a damaged hand
He met a guy named Doc McGee
Who said, "I'll fix that hand, I guarantee."
George Hawkins always was a nerd
So he took the Doc at his word
Doc grafted some skin from George's chest
George was left with a hairy mess
Now for this botched operation
George is seeking compensation
Despite the Doc's firm denials
The case went through sev'ral trials
But finally as it turned out
Nobody clearly won the bout
In the end the case proved to be
An exercise in futility
So what we learn from all this slush
Settle early, avoid the rush

Bruce Robins
1L Section A

ORGANIZATIONS

BALSA

February is Black History Month, a time when blacks in this country traditionally focus on the past achievements and contributions of Afro-Americans to the growth and development of America.

Blacks have undoubtedly made positive contributions to America, we have come to know, in more ways than one. These accomplishments are worth celebrating. But we need to go further during this month, we need to look harder at the present condition and the apparent dismal future prospects for blacks in America.

The contributions of people like Marcus Garvey, Malcolm X, Dr. Martin Luther King Jr., and others stand to be reversed with the prevailing mood in this country. We witness today forces attempting to reverse the progress made by blacks and other minority racial and ethnic groups over past decades. Unfortunately, it seems that racism is in vogue in this country more than once.

Even as we celebrate Black History Month, forces are contemplating how to bring an end to policies which have contributed in the past to the amelioration of the economic status of blacks—programs like affirmative action.

The task facing the people of color in America today is indeed just as urgent and immense as that which Martin Luther King Jr. faced during his struggles against the system.

Blacks cannot afford to sit complacently by and watch as our gains of yesteryear are

snatched away, and as more of our peoples are each day pushed more deeply into poverty and crime.

This month, therefore, should not be one of celebration but one for reaffirmation of our convictions to struggle for the goals that King proclaimed but never realized: justice and equality.

King started the ball rolling, but a ball doesn't roll too far on an uphill course. It will need the support of the present generation, and those to come, to ensure that peoples of color get their just due in this the "land of the free."

...

A blue ribbon advisory council was recently established by the American Arbitrators' Association in cooperation with Hofstra University and Cornell University's School of Industrial and Labor Relations to oversee a training program for minority arbitrators.

This project, a joint effort of the AAA's department of Case Administration and Education and Training, responds to the expressed desire of the labor-management community for increased representation of minorities among labor arbitrators.

The advisory council, which will supervise candidate selection, program format, and curriculum, is comprised of leading management, union, and administrative personnel.

Among them are Dean Eric J. Schmertz of Hofstra Law School. Hezekiah Brown of Cornell's School of Industrial Relations is program director.

...

BSLA will be presenting a video documentary on the life of Martin Luther King Jr., as part of the celebration of Black History Month in February. The date and time of the presentation will be posted in the Law School.

SGA

At the last SGA meeting there were several positive accomplishments that were discussed. To begin with, President David Kosakoff and Second Year Rep. Scott Bach, the two student representatives on the Faculty Committee, spoke optimistically about the possibility of the University adopting a Summer Externship Program. In years past, students who have worked during the summer clerking for judges or in some other capacity in the court system for no pay have been unable to receive academic credit for their work. Under a newly proposed program, it would now be possible to earn credit. Discussion about this program has been going on for quite some time, and it is the hope of the student representatives that the Faculty Committee will approve such a program before this summer.

In reference to the adverse parking conditions that exist at the Law School, Stu Meisner, Chairman of the Parking Committee, announced that the university has commissioned a bus that will run every eight minutes from the North campus parking area adjacent to the gym, down California Ave. near the front of the Law School. This bus will run from approximately 7:30 A.M. to 8:30 P.M.

The Student Government purchased a fully automatic Panasonic electronic typewriter with word processing functions and limited memory. They allocated additional money for the acquisition of two additional typewriters. One was purchased for the newspaper, and one was purchased for the Environmental Law Society. These two organizations were selected due to their emphasis on their literary publications and their need for a more sophisticated printing unit to help in the production of these publications.

The Environmental Law Society was granted an additional amount of money to help pay for the printing costs of their digest. As this money was not in their budget for the fall issue of the digest, the additional money was taken from their spring budget so as not to impact on any other group. This decision called for an hour long discussion which included an Executive Session of the government. It was the hope of the government that the Dean could be persuaded to help the Environmental Law Society by assuming some of the cost of the digest which is deemed a quality publication and a valuable contribution to the school.

Concern was expressed at the meeting over the scheduling of major core courses during the Fall 1986 semester at the same time. The SGA promised to look into this problem in hope that some sort of compromise could be worked out to alleviate this situation. The SGA also announced its regrets in the delay in the printing and distribution of the Student Directories. The Registrar's office was unable to assist in the typing of the directories due to their shortage of secretaries. The Directories are expected to be completed soon and distributed within the next two weeks. In response to some concern over the possibility of the third year class purchasing a gift for the school, the SGA elected to match dollar for dollar, money raised by the third year class up to a maximum of \$300.00.

Finally, the SGA made additional plans to sponsor a mid semester party due to take place on March 7th. The party will be open to all members of the Hofstra Law School community. Free entertainment will be provided, and there will be free beer, wine, and soda served as well. This promises to be a fantastic event, and all are encouraged to attend.

ED. NOTE—On Jan. 28th, the faculty voted unanimously and passed the Summer Externship Program in principle, with details to be worked out.

Last year in response to complaints by many students, the Student Government held a vote to decide whether or not the 2nd Floor Lounge should be a smokers lounge or a non-smokers lounge. The vote overwhelmingly supported making it a non-smoking area. Signs were put up in the lounge and around the school stating the results of this vote.

For whatever reason it appears that students have not paid attention to the No Smoking signs in the lounge. A large number of students have come to the SGA, upset that this vote has been ignored.

As the law school students requested that their lounge be a non-smoking one, the SGA is urging that all smokers please comply with the majority decision. The students at the law school make up a community who should have respect for the rights of others to be able to relax in their own school, able to breathe fresh air. As the lounge lacks an effective ventilation system, it exaggerates the problem of circulating the air. As there are other areas in the school available to smokers, we expect that the no-smoking policy in the second floor lounge be adhered to.

ABA/LSD

by Dan Feldman

For less than the cost of watching the Knicks lose, you can become a member of the ABA/LSD. Members receive two publications per month which contain many articles of interest. The Law Student Division of the American Bar Association publishes the *Student Lawyer*. Articles that have appeared in the past include: Specializing in growth areas of the law (lists the growth areas, salaries, and schools that specialize in the areas); the annual salary survey; and why after extensive research a group of law students want the Atlanta child murders case reopened.

Students also receive the *ABA Journal*, which is published for practicing lawyers. Articles that have appeared in past issues include: Mistakes to avoid in depositions; trends in million dollar verdicts; and liability of corporate officers.

The ABA/LSD also sponsors many programs. VITA, or Volunteer Income Tax Assistance, gives law students the opportunity to help themselves by helping others with their tax returns. Information on VITA is available on the ABA/LSD bulletin board. If all this wasn't enough, ABA/LSD members have the opportunity to win money from various essay contests. Prizes range from \$500 to \$10,000 (yes \$10,000!). For more information see the contests section in the *Student Lawyer*. So, why aren't you a member? Applications are on the ABA/LSD bulletin board office, in the Admissions Office, and on the checkout counter of the Library.

LEGAL RESEARCH SERVICE

The Placement Office and the Nassau County Bar Association are currently discussing the possibility of providing a service to assist local practitioners with their short-term research requirements. Student researchers would work as an independent contractors at an established rate of \$8.00 per hour. The "research pool" would consist of students who have completed a year of law studies and are available for short-term assignments.

If you have an interest in this concept, please complete the information requested below and return it to the Placement Office at your earliest convenience.

Name: _____

Address: _____

Telephone: _____

Currently: _____ 1L _____ 2L _____ 3L

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Dean's Corner

Continued from Page 7

telephone at a turnpike fast-food dispensary where they had just eaten a piece of pie bought from a slot machine and washed down with coffee whitened by a chemical powder identifying itself as a 'non dairy creamer'?" Let's face it...law is not an exact science. And to the fledgling students that we were, that was highly frustrating.

In this initial period at law school some of us — hopefully very few — were dispirited and began to view law as hopelessly indeterminate, with a counterrule for every rule — where answers were often "It depends" — and with the critical factor often one of caprice by the judge or the appellate court. Were we at this time losing our common sense and morality? Were we at this time reducing our legal arguments and concepts to a meaningless game in which more often the lawyers' craft and guile prevailed in the outcome of the case rather than the sense of justice and fair play?

Fortunately for me and hopefully for each one of you, these dispirited views of the legal profession were early on dispelled. I admittedly did not have the financial pressures each of you faces. I gladly accepted an \$11,000/year job as an assistant D.A. in Manhattan where I learned my trade and more importantly, I learned to respect, trust, admire, and yes — love the law. Each day to me was a challenge, each day gave me a sense of honor, of doing a job to the best of my ability. I confess, I loved law more and more each and every day — and still do. And it is here that I give you the benefit of my humble outlook on our profession.

You and I during our experience at Hofstra were constantly prodded to "think like a lawyer" — whatever that elusive term means. We at Hofstra early on were imbued by our professors that here we were at a "National" Law School as opposed to a "local" law school. We soon learned from our classmates that perhaps New York Law

School or Brooklyn Law School were "local" law schools — although I am sure my former boss, David Trager, former United States Attorney and now Dean of Brooklyn Law School would censure me for uttering such thoughts. Yet I do not mean sacrilege and disrespect. I believe the distinction between local and national law schools is the ill founded perception of the difference in the quality of graduates they produce — perhaps this is based in part on an idealized image of the corporate lawyer as the model lawyer. The model lawyer, according to this perception, is the facilitator of business, especially that of big business corporations, of corporate mergers, takeovers, spinoffs, of multimillion dollar negligence awards, of a 10.5 billion dollar judgment against Texaco in favor of Penzoil.

This image of the national law school graduate contrasts with that of the typical graduate of the local law school. That lawyer engages in what I will call "People Practice", representing individuals, small businesses — in a small law partnership, in public law — in the defense of petty criminals. But Hark, I think we mislead this concept between so called "national" law schools and "local" law schools. Each type of school — yes, every law school has the same primary task — to train lawyers in what I consider the three elements which every lawyer must deal with: The law, the facts and, again I emphasize, the people.

As for the first element — knowledge of and ability to use the law — "thinking like a lawyer" —, that is the traditional focus of your legal education. I am certain with this distinguished faculty, each and every one of you has been well grounded in the elements of thinking like a lawyer — the legal vocabulary, understanding of doctrines, how to spot legal issues, applying the law to the facts, the ability to read and decipher judicial opinions and precedents.

The second quality of a good lawyer is the ability, sensitivity and awareness of the significance of the facts of a situation so as to be able to develop those facts which are useful to the given legal situation which the

lawyer must argue. Here again I am sure that Hofstra has grounded you in the ability to apply the facts to the law in each legal problem you are faced with. I do confess however that in my everyday dealings in Court with the profession, many lawyers continually fail to perceive those issues and facts which are vital to their clients' cases.

The third, and in my estimation the most important element and quality of a good lawyer, is the ability to interact with people. I tell you again and again "law is people." Each day the lawyer must be sensitive to the needs of his client — and most importantly to the perception that his client and the public have of him.

Our profession is on fire in the sense that more and more of the public increasingly perceives, confuses and equates the lawyer with his client. If the client is a criminal — the lawyer is often denigrated into his client's position.

Why does this occur? Look at the headlines each day. An Assistant United States Attorney in the Southern District of New York pleads guilty to drug offenses; a Queens State Supreme Court Justice is tried and convicted for RICO violations — racketeering and bribery; a Brooklyn lawyer convicted of bribery and perjury acts as a government informer seeking to have his six year sentence reduced. Each day the Appellate Division strikes another lawyer from its roles for misuse of client's funds, for unethical and illegal conduct. Our society is reaching the point where prosecutors subpoena attorneys seeking to have them disclose the nature and extent of their fees in an effort to trace the source of their client's ill-gotten gains. Here again, although such information is ordinarily not privileged, lawyers tend to be equated with their clients — lumped into one pot of criminality.

That is why I say — "Law is People!" You and all lawyers must be above reproach. We must strive to raise the public esteem of our profession. The law must be respected, trusted, admired and yes — loved. Advertising agencies, public relations advisors and pollsters cannot help. Only you, the future of

our profession, can by devotion to high principles raise the standard of public esteem towards lawyers by your clients and by the "people".

Some of you may yet not have jobs — all of you are concerned about the immediate future — the bar exam — the need for financial stability — the need to succeed in your chosen profession.

I tell you this — Love the Law — treat "Law as People", enjoy your profession, be ethical, treat every day and every case as a challenge. Do all of these things and you will succeed. Congratulations and God Bless you all.

Third World

Continued from Page 10

Haitians are a proud people, with a revolutionary history. They have successfully fought off the shackles of oppression in the past, and undoubtedly will do so again if needs be.

The United States has to act to cut off economic and military support to Duvalier and his corrupt politicians before it is too late. It is time to demand a constitutional change in Haiti, one that will permit restoration of democratic elections and even a modicum of human rights.

Feinberg

Continued from Page 1

Sixth, the 60 day list. Justices of the Court of Appeals, like all former law students, can be terrific procrastinators. By putting peer pressure on each other to go through their cases within a 60 day period, the cases are disposed of very promptly.

Seventh, the exchange of tabs. While this seems like a miniscule point, the Justice insisted that by hinting at opposition in advance, the court was able to avoid confrontations.

Eighth, the Civil Appeals Management Plan (CAMP). This entire program was the creation of the Second Division and has greatly enhanced efficiency.

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FIRST SESSION

Date: Saturday, February 22
Time: 9:30 A.M.
Place: Room 230

ORGANIZATIONS

Environmental Law Society

by Carl Howard

Numerous students, annoyed with some of their peers, have asked me if ELS would 'do something' about a problem in the law school. The problem is that not all students, or faculty, respect the fact that the second floor lounge is a No Smoking lounge.

Last year the student body voted overwhelmingly to ban smoking from the upstairs lounge. Since food and drink should not be consumed in the classrooms, the upstairs lounge is virtually the only place in the school where one can eat without the annoyance of smoke.

The solution to this problem is simple: Police peer pressure. Please, if you see someone smoking in the second floor lounge (and this includes merely carrying a lit cigarette through the lounge while making a quick purchase), politely inform him/her that this is a no smoking lounge and ask him/her to extinguish his/her cigarette, cigar or pipe.

This solution also applies to a related problem; namely, immediately after class ends many students light up in the classroom before exiting. This is annoying to the students in the next class since burning

cigarettes give off smoke which remains in the room after the smoker has departed. Polite peer pressure can solve this irritation.

Please help ELS recycle cans and bottles. Boxes have been placed in both the first and second floor lounges for this purpose. Please make an effort to carry cans and bottles out of classrooms, empty them, and place them in the boxes.

The ELS Bulletin Board, outside room 206, is periodically updated with informative articles regarding environmental issues. We urge you to read them. We have also posted the current edition of our Environmental Law Digest for general consumption.

Finally, we are trying to gain signatures on a petition concerning resource recovery. As landfills for the disposal of wastes are phased out, due to the threat they pose to environmental and human health and well-being, the recovery and recycling of "wastes" becomes essential. Such recovery is greatly enhanced by the separation of wastes such as metals, paper, plastics, food stuffs, etc., in the home. The petition concerns the recognition of this essential fact and we urge you to sign it.

International Property Investment Journal

I would like to welcome back all the Board and Staff members of the International Property Investment Journal from their winter break and extend a special thanks to all those who worked on the Journal during this vacation. As a result of your efforts, the final proofs for Volume 2, Issue 4 have been returned to our publisher who expects the issue to be available for distribution during the week of February 10th. Issue 4 will include: *Shopping Centre Leases* by Harvey M. Haber, Q.C.; *International Foreign Corporations and Bidding Requirements* by Jerome Reiss; *The Bankruptcy Reform Act of 1978: Section 304 Analysis* by Jeanne Claugher; *In*

the Matter of Toga Mfg, Ltd: A Step in the Wrong Direction for International Bankruptcy by Michael S. Fischer; *Renting Office Space in New York City: The Rising Costs of Escalation* by Robin Molho; *The Work Product Immunity: Its Application in an International Setting* by Alan Snider; and the *Meeting Minutes of the International Real Estate Committee*.

It is also my pleasure to announce that Volume 3, Issue 1 is in the final stages of editing and will be ready to be sent to our publisher by the end of February.

Kenneth J. Yadvish
Editor-in-Chief

Phi Alpha Delta

Phi Alpha Delta International Law Fraternity announces the winners in their annual scholarship writing competition, held last November. The winners, both First Year, are Ellen Lavergne and Anthony Cummings. The welcoming address at Harvard Law School (reprinted in the *N.Y. Times*), briefing the students on the realities of becoming a lawyer, was the topic of the competition. The money for the two \$250 awards came from PAD's Monday and Wednesday bagel sales.

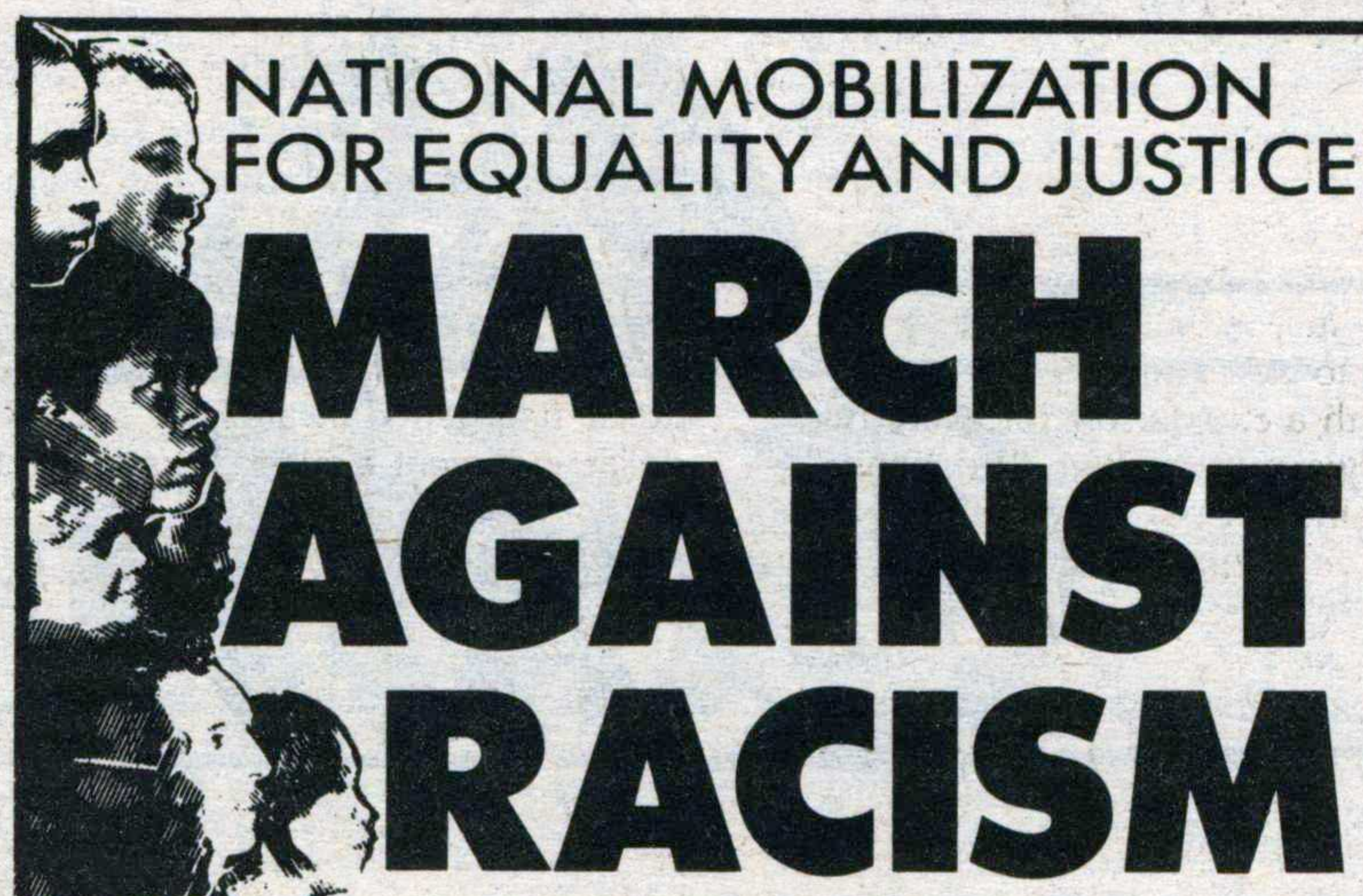
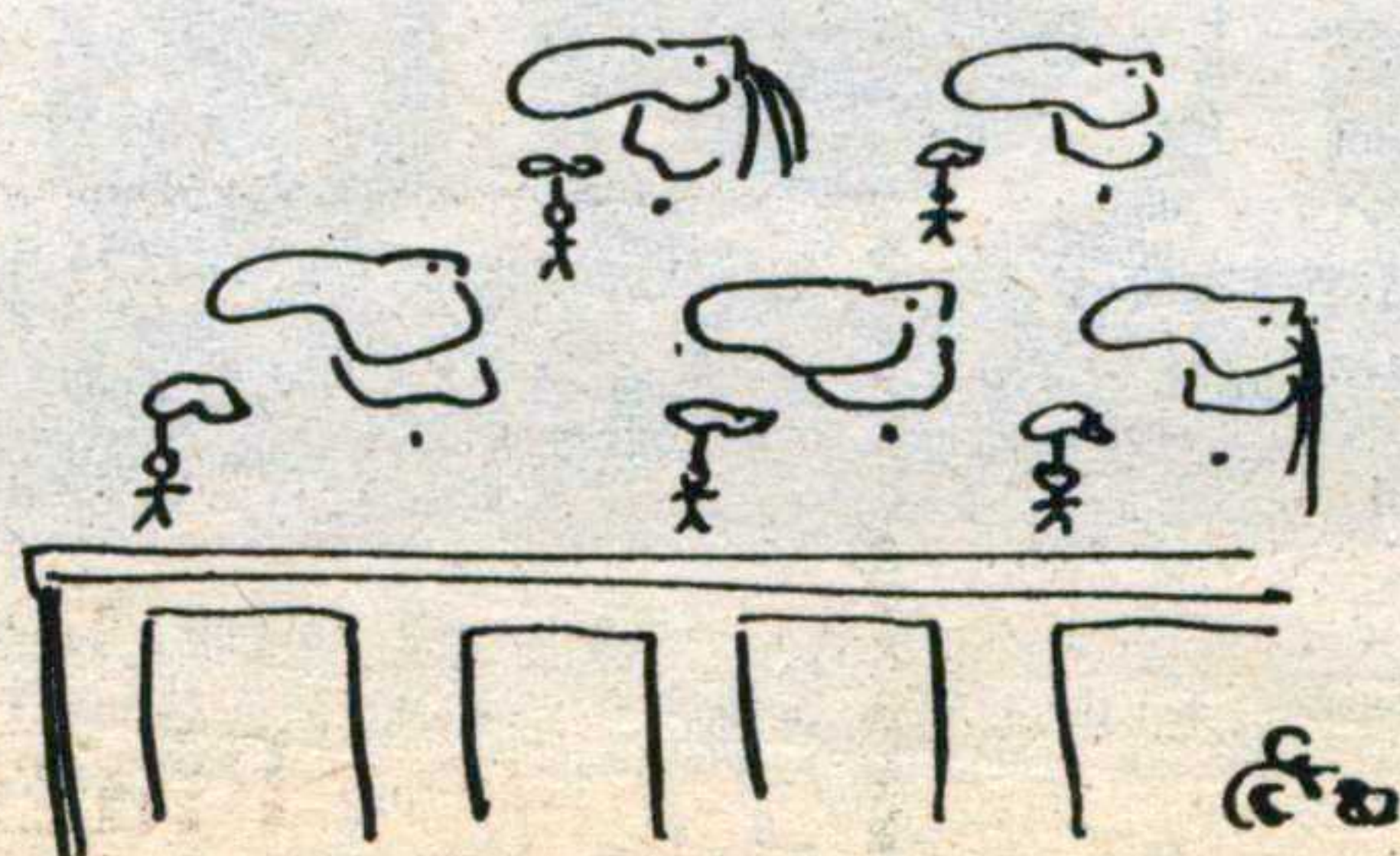
Phi Alpha Delta would like to announce the start of the Juvenile Justice Program sponsored by PAD International. In order to make this program work, students interested in teaching at local schools please sign up on the PAD Board. Notices will be posted as to the date of first meeting. PAD and Non-PAD members welcome.

Recently, Phi Alpha Delta International lost its International Justice Stanley H. Kohn. Mr. Kohn was a graduate of the University of South Carolina School of Law in 1968 and served PAD and the law school community for many years.

The PAD members here at Hofstra will miss the guidance and support this man has given the John F. Kennedy Chapter at a personal level, as well as the wisdom and insight he instilled in those all over the country through his work.

The members of PAD plan to remember Mr. Kohn by a donation to the Stanley Kohn Fund set up by PAD International. This money will be going to further the work Mr. Kohn started prior to his untimely death.

Let the defense
top that
summation.



Saturday, February 15 in Philadelphia

RACISM RAMPANT IN PHILADELPHIA, NATIONALLY

Racist mobs have declared Southwest Philadelphia "for whites only." A Black family has been driven out and their home gutted by arson. An interracial couple's home was broken into and they received death threats. Whites who refuse to go along with terrorism are threatened and their property defaced. A Black family in East Falls was pipe bombed. A Jewish community center was destroyed by arson. The KKK and other white supremacists have come to Philadelphia from all over to fan the flames of racial hatred. All this in the wake of the police bombing of West Philadelphia and massive arbitrary police round-ups of Puerto Ricans under repressive curfew.

The Philadelphia outrages flow from the national climate of racism promoted by the Reagan Administration which has tried to overturn all the hard-won civil rights laws. Equality in housing, voting rights, affirmative action in hiring and education, and bi-lingual education are all under attack.

SAY NO TO RACISM!

NO APARTHEID IN PHILADELPHIA—OR ANYWHERE.

Philadelphia Endorsers include: Committee for Dignity and Fairness for the Homeless; Farm Labor Organizing Committee (FLOC); David Harrison, Pres., Local 1210 ATU (Greyhound)*; Philadelphia Black Women's Health Project, Inc.; Philadelphia Chapter, National Lawyers Guild; David Richardson, State Rep., Pennsylvania; Spring Garden United Neighbors; Rev. Paul Washington, Church of the Advocate; Philadelphia Welfare Rights; Women's Peace Encampment.

National Endorsers include: African National Congress of South Africa; Ramsey Clark, former U.S. Attorney General; All-Peoples Congress; American Arab Anti-Discrimination Comm., NYC; City Council of Jersey City, NJ; John Conyers, Jr., U.S. Congress, MI; George W. Crockett, Jr., U.S. Congress, MI; Disabled In Action, NYC; District 65, UAW, NJ Region; Nat'l Coalition of Black Lesbians and Gays; National Conference of Black Lawyers; Puerto Rican Socialist Party; Cleveland Robinson, Sec. Treas. District 65, UAW* NYC; United Americans of New England; Women for Racial & Economic Equality

*organization for identification only

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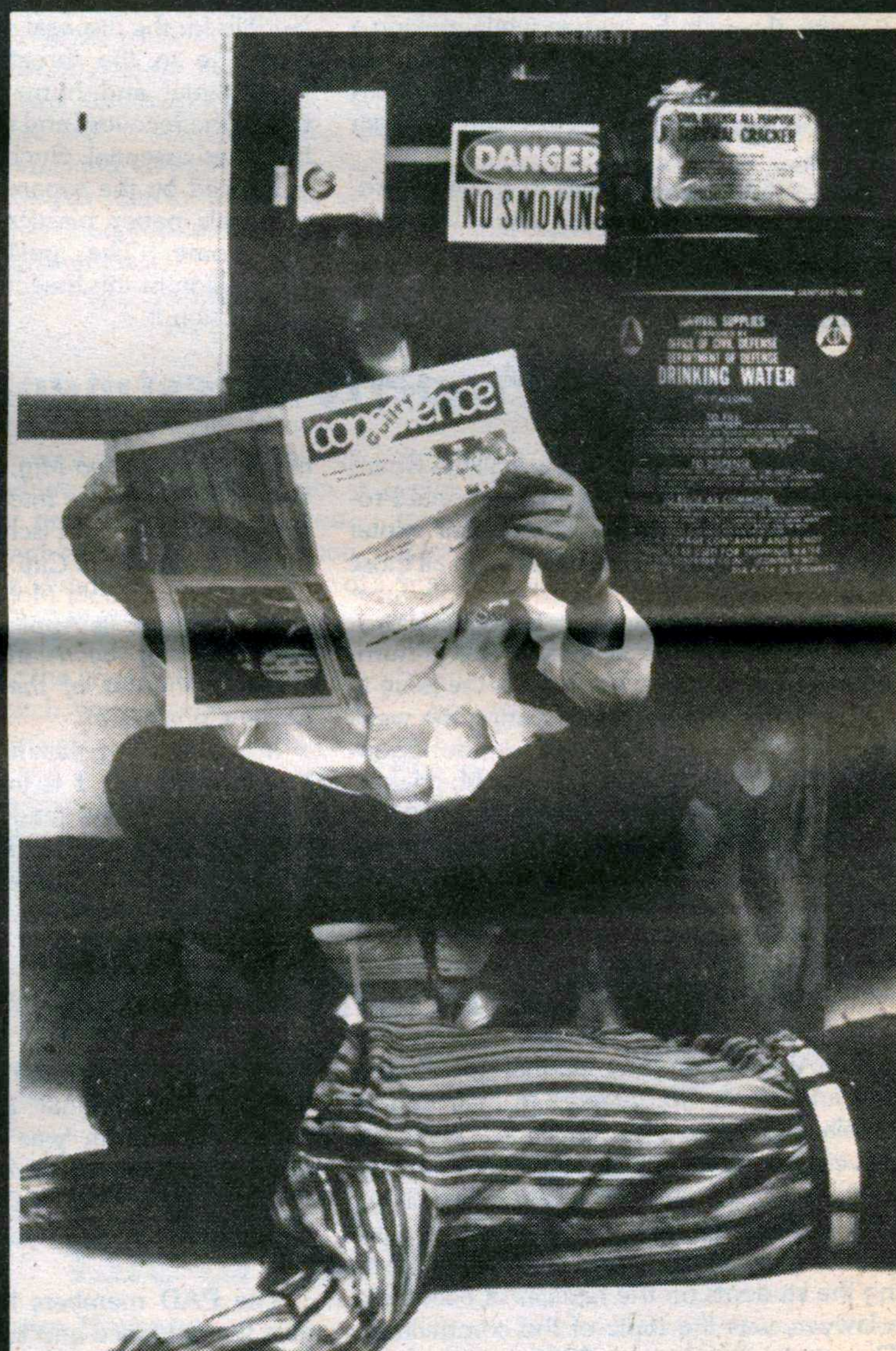


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HERE!**

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WANTING TO ENLIST.**

**IF YOU CAN'T ATTEND THE
MEETING, DROP A NOTE IN THE
BOX.**



IT'LL KILL YA!

conscience

SPORTS

BASEBALL GLORY

by Jim Markotsis

In 1975, outfielder Ralph Garr had a salary dispute with the Atlanta Braves. He decided to take his case to salary arbitration. The arbitrator made baseball headlines when he decided in favor of Ralph Garr, thus doubling Garr's previous salary. Garr has long since left the game; but Dean Schmertz, who was the arbitrator in that case (and helped make Garr's retirement financially possible), is presently working on his own comeback to baseball.

The Dean has been training rigorously all winter and has made plans to begin his comeback in St. Petersburg, Florida from Monday, February 3, through Saturday, February 8 during the New York Mets "Dream Week." During Dream Week, Dean Schmertz will be playing baseball under the supervision and instruction of many former Met players including Bud Harrelson, Larry Bowa, Ed Charles, Richie Ashburn and Ed Kranepool. As a Dream Week participant, the Dean will be playing ball in intra-squad games with fellow New York Met Dream Weekers, and against Dream Weekers of the Baltimore Orioles and Cincinnati Reds. Some of the activities will possibly be incorporated into the spring training activities of the present New York Met baseball team.

Dean Schmertz said he got involved in Dream Week because, "I always wanted to

be a major league baseball player (my greatest ambition was to play second base for the old New York Giants)."

It must be pointed out that the Dean has been terrorizing opposing pitchers ever since he played on the New Rochelle High School varsity baseball team, where he got two hits off Ralph Branca. During his high school career the Dean was offered a minor league contract with the Pittsburgh Pirates but declined, instead playing varsity baseball for Union College.

The Dean has gotten himself into excellent physical condition. He has lost some weight, reduced his blood pressure, lowered his cholesterol count, etc. He said that his doctor is permitting him to "go to spring training."

Each day for an hour and a half the Dean trains very seriously, often with the help of Senior Assistant Dean Douglas, at the Hofstra Physical Fitness Center. The training has included calisthenics, swimming, running and lots of stretching. Of course, plenty of time has been spent honing the Dean's skills as a second baseman. Dean Douglas has been working with him on his fielding, especially the pivot for the double play. The only weak link for Dean Schmertz has been his difficulty in going to his right to stab ground balls. But the line drives that crack off his bat should more than make up for any

minor problems he has in the field. The Dean has worked on his hitting at Shea Stadium in the Met batting cage twice before heading for Dream Week. During his first session he hit all 13 pitches Bud Harrelson threw to him.

Dean Douglas feels that the training has paid off. He said that the Dean is enjoying himself and has worked himself into good physical condition. He said that he has "put Dean Schmertz in pain, and has made him work very hard." He has also helped Dean Schmertz watch his diet carefully.

Dean Douglas has relied on his experience as the business manager of the Cor-

nell University football team in helping Dean Schmertz train. According to Dean Douglas, the Dean "has a real good arm, good reflexes and plenty of wind; his mitt is oiled, he has a full compliment of batting gloves and he's ready to play ball."

In an effort to quell the many rumors of him leaving Hofstra to hitch up with a major league club, Dean Schmertz has said, "I know that many major league teams will ask me to join them after my performance at Dream Week, but I would only accept an offer from the old New York Giants." But only time will tell whether the Dean is on the field or in the stands on opening day!



Dean Schmertz loosening up.

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