



ASKING YOU TO ASK YOURSELVES

Vol 14, No 6
May 1987

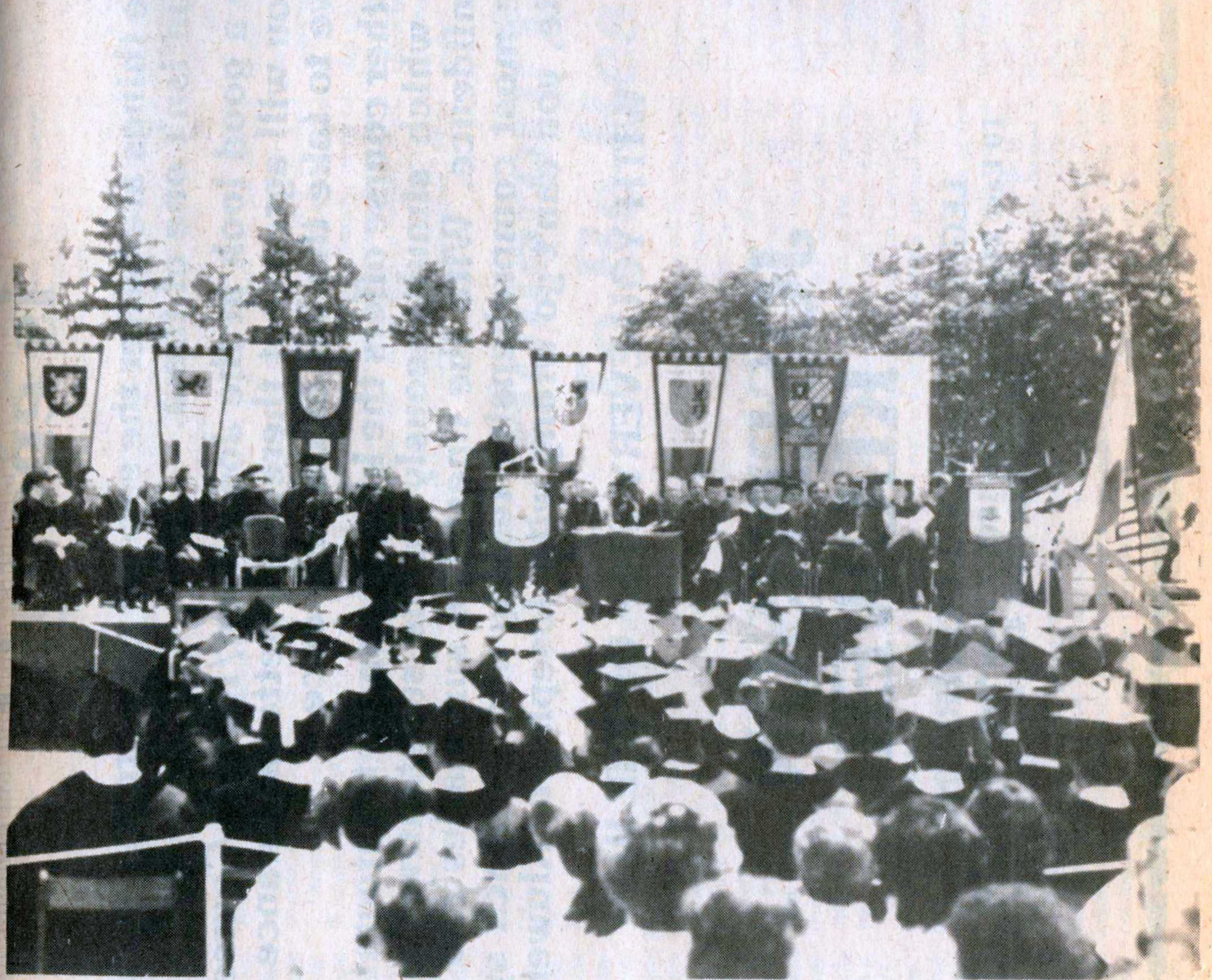
Conscience

Hofstra University
School of Law
Hempstead, NY
11550

© Conscience 1987

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

Return Postage
Guaranteed



CONGRATULATIONS CLASS OF 1987!



ASKING YOU TO ASK YOURSELVES

Vol 14, No 6
May 1987

Conscience

Hofstra University
School of Law
© Conscience 1987

C. Vernon Mason On Racial Justice

Mason's challenge:

*What kind of a lawyer are you going to be? A social engineer or
A parasite on society...*

by Sallie Manzanet

The Public Forum on April 1, 1987, brought to the consciousness of all those in attendance an extremely powerful message delivered by a man that Professor Colbert introduced as (using the words of Dr. Martin Luther King) "A drum major for justice, Mr. C. Vernon Mason." The forum entitled, "Racial Justice in America: Kerner Commission Report Revisited," was sponsored by the National Lawyers Guild, Black Law Students Association, Women's Law Center and Environmental Law Society.

Mr. Mason, a graduate of the 1972 class of Columbia University's Law School, has been practicing in New York in the area of civil rights for 15 years. He is noted, by his colleagues, as one of the few voices that has stood up to fight for the racial injustices that

permeate our society. The thrust of Mason's message was a multi-faceted approach which traced history beginning with Slavery, through the Civil Rights Movement and to the present on surge of racial violence throughout this nation. However, his underlying theme was simply that social change toward equality and justice for all people, regardless of race, nationality, religion or sex, can only be achieved through a sincere moral commitment by all members of society in furtherance of that goal. He said that we, as future legal professionals, would all be called upon to take a challenge upon leaving this institution.

That challenge was one posed by Professor Charles Houston, while teaching at Howard University, who said, "A lawyer has two choices: (1) s/he can either be social engineers or (2) s/he can be parasites on society." Mason further explained that this choice wasn't one between Wall Street and Civil Rights, but is a choice between the kinds of principles you live by during and after your law school education. In other

words, Black or White, private or public sector, every person has an obligation and the opportunity to stand firmly behind the convictions of justice and equality for all people.

Mason's message was a difficult one to receive for many of those present because racism is a topic that most people are defensive about and uncomfortable with. But as Mason asserted, it is something that must be examined with extreme scrutiny in order to identify where it came from; where we are now; and where we will go if there is no intervention. He urged everyone to read the Kerner Commission Report (1968) which talked about some of the most profound societal problems that this country has ever faced and described some of the conditions that minorities in this country must face on a day-to-day basis. The report further indicated that the creation of the ghetto, a systematic approach of perpetuating poverty and lack of a proper education among minority group members (primarily Blacks and Hispanics) is the invention of the

establishment. Mason went on to say that such findings need not be re-examined, they need to be addressed with action, not lip service, which is what many of this state's politicians have done in the past.

Although many of the events that Mason discussed that afternoon were things we have all heard about in one form or another, his account of what those events mean seemed to be forming a cohesive web which unmistakably reveals an ongoing trend of racism against people of color. Mason spoke briefly about the institution of slavery and how millions of his ancestors were processed (just like flour and cotton) to become the property interest of their white owners. For 250 years Blacks were the backbone of this country, through this institution of slavery; were it not for them the industrial revolution may not have occurred.

Likewise the perception of black leaders continues to be viewed with extreme suspicion or outright opposition. Back in the days when Harriet Tubman dared to establish an

Continued on page 2

Course Selection Problems Examined

by Thomas Sheehan

Course offerings and scheduling have long been a problem at Hofstra Law School from this writer's perspective. As a graduating senior, I have suffered through four semesters of courses and I am now compelled to offer a solution. I intend to tackle the problems of both course offerings and scheduling in a very limited but systematic manner.

First, I take notice of a recent change in class scheduling patterns that is actually beneficial, although it may be unintended. The change is that when two sections of the same course are offered they are no longer scheduled during the same time periods. This change significantly increases a student's flexibility in course selection, both directly and indirectly. The direct benefit is acquired by the student who, for example, takes Criminal Procedure and is now free to choose a section that in many instances avoids a direct conflict with another course s/he desires to take.

This principle is illustrated by the following simple example. Assume a universe of three classroom hours and four different courses and two sections of the fourth course so that there are five classes (#1, #2, #3, #4A, #4B). There are three students (Mark, Nancy, and Oscar). Mark's heart is set on taking

courses #1, #2, #4; Nancy wants #2, #3, #4; and Oscar prefers #1, #3, #4. If #4A and #4B were scheduled at the same time the resulting student satisfaction would be less than optimal. With only three classroom hours and each course occupying one hour, it becomes clear that one of our three students will have to suffer as their preference is unobtainable. Only by separating #4A and #4B into different hours does it become possible to fully satisfy the three students.

Any argument that this model is too simple and that with over 40 hours of classroom time a schedule can be made without conflicting with two sections of the same course given at the same time fails. It fails because an indirect decrease in scheduling flexibility occurs. By avoiding the direct conflict, another time block will now have three courses squeezed into it rather than four instead of three. The student's freedom of choice is then restricted in this area because s/he is unable to take more than one of those three courses.

Thus, this change in scheduling is beneficial and Constitutional Law should also be separated into different time periods. There are other probable benefits that reinforce this type of scheduling. More students should attend classes as they are more likely to have classes they prefer and/or they will

be able to reduce job and class conflicts. There will be a better utilization of classroom space. Students will be exposed to a wider range of faculty, so that a student may end up taking Constitutional Law without choosing their favorite professor. (For some students this is no doubt a harm at the single course level of analysis, but no student would willingly suffer such a harm unless s/he obtained a net gain such as through being able to take other preferred courses or in being able to work.) Classes may even improve as faculty find a higher attendance rate and a greater student interest in the course to be motivating factors.

The above analysis and potential benefits are applicable to my proposed solution to course offerings and overall class scheduling. First, a pre-registration period should be implemented. At the very least each student should receive a list of all potential courses, including those in the catalogue. Each course would be assigned a number and each student would fill out a computer grid sheet that could hold up to seven or eight course numbers. The student would simply fill in their combination of preferred courses.

I realize that Hofstra has yet to enter the computer age but the completed computer forms can be processed by someone else's computer. I know the programs exist

because many schools use a such pre-registration system including the Community College I attended ten years ago. The cost would be no more than a few hours of computer time and the computer results are two-fold. First, the computer would give the total number of students who signed up for each potential course. Second, there would be a list of each possible pair of courses and the number of students who selected that pairing. (Though other useful computer outputs could be obtained such as a schedule, this discussion is purposely limited.)

The first result is a powerful indicator of student course desire and may go a long way in reducing student discontent. In three years, no one has ever asked me what courses I would like to have offered. Instead, I have often wondered how anyone knew what to offer. What I knew though was that many students have been disappointed. For example, this semester many students had planned on taking Labor Law and many students would have taken an advanced real estate course or a law and race course if they could have in their last year. (All these examples are in the catalogue.) I make these statements knowing that student demand has at times led to the addition of a course. However, this present "practice" is not effective.

Continued on page 2

EDITORIAL: LARGER ROLE FOR STUDENTS?

— Page 4

Mason On Justice

Continued from Page 1

underground railroad to help some of her people escape from the bondage of slavery, she was labeled a terrorist. Today, when Attorney Alton Maddox attempted to uphold his client's Sixth Amendment right to confrontation of a witness in cross-examining Marla Hanson, he was personally attacked and accused by the press and legal community of inciting racism. Removing one's self from the horrible crime that was committed against Ms. Hanson, those defendants are entitled to zealous representation and all the protections afforded all defendants under the law.

Concurrently, the development of case law, with regard to the rights of Black people in America, was emerging. Mason suggested that a good place to begin would be the *Dred Scott* decision in 1857. He concluded that Chief Judge Roger Taney's decision raced European history, but basically came down to the following: "That a black man has no rights that a White man is bound to respect." Then came another monumental Supreme Court decision in *Plessy v. Ferguson*, which held that blacks would have separate but equal facilities, a concept which has never been a reality. This concept continued until the decision in *Brown v. Board of Education*. Essentially then, prior to *Brown*, the policies underlying past case law was based on an Apartheid System.

However, when the *Brown* decision came down in the 1950s, the racial discrimination did not end. Southern Blacks knew that the decision wouldn't mean anything until someone stood firm and demanded change. Here lay the embryo of a movement which would redirect the course of Black life in America.

Rosa Parks in 1955, the same year that 15-year-old Emmett Till was lynched, was the catalyst of one of the most effective boycotts which launched the Civil Rights Movement into full swing. At the same time that Rosa Parks was refusing to give up her seat in the front of that bus, there was a young minister in Montgomery, Alabama, by the name of Martin Luther King, who was called upon to lead that movement and the boycott in order to change the basic landscape of the South. As we know, the movement brought with it an expensive price, payable with the lives of Blacks. Mason described how the enforcement officials brought out fire hoses to subdue the protestors, many of whom were women, children and the elderly. He said the hoses had the force to strip the bark off of a tree from 40 feet away, but this was one of the instruments of violence that the Whites of the South used on a people who were fighting for their rights as citizens and as humans. After a difficult struggle, however, some significant strides were taken in the direction of enforcing, establishing and enacting legislation to protect the rights of Blacks in the United States.

Despite all this, in 1987 we can have a Michael Griffith in Howard Beach who was beaten and chased to his death because his skin was the wrong color. And if this alone wasn't enough, Queens District Attorney Santucci aggravated the matter by being involved in a cover-up which reeks of improprieties. Despite all this, there was a Michael Stewart who was beaten and killed by New York City Police Officers because he was a useless Black graffiti artist who was defacing a subway car for lack of a better canvas. Despite all those struggles, there was an Eleanor Bumpers, a 70-year-old Black grandmother who was shot to death with a double-barrel shotgun, again by the NYC Police during a \$70 eviction proceeding. When an investigation was ordered, it was uncovered that the proceeding was dealt with in that manner on the basis of a 1939 conviction in North Carolina. Despite it all, there was a Bernhard Goetz who shot four Black youths on a NYC subway whom he alleges were intending to harm him. Goetz, in his own vigilante manner, shot several of his victims in the back. In fact, Goetz after walking closer to one of the Black youths he had already shot said, "You don't look so

bad..." and then shot him again, rendering the young man a paraplegic for life. And for this act, the initial reaction and the underlying sentiment present now, views Goetz as a hero. There is something extremely dangerous and warped about that perception. It sends a very disturbing message to Black and other minority group members...that on the basis of race or nationality you may be harassed, physically beaten, arrested and/or killed, without any legal recourse to the person(s) involved in the "isolated incident."

Mason suggested that the perception that acts of racial violence are "isolated incidents" is absolutely erroneous. He asserted that we must study history and make connections. "You don't have isolated incidents for 400 years." Mason also pointed out that while serving on a Police Brutality Commission which investigated many claims, it was found that between 1973 and 1983 there were 400 Black deaths committed by police officers and not one officer was convicted. He reminded us of the death of a Black man by the name of Abdul Salom who died after being hog tied and beaten while in police custody. After this incident, Police Commissioner Ward said he would outlaw hog tying. However, Phil Russo (President of the Police Union) went to court to reinstate the practice of hog tying in the N.Y. Police Dept. Mason also asserted that something drastic should be done about the drop out rate, in light of the fact that there is a startling correlation between the numbers of Black drop outs and the numbers of Blacks in prison. He also pointed out that we should not dismiss the fact that throughout this state and country

Selection

Continued from Page 1

tive as it seems to require students to organize into vocal groups.

The second computer result is the key to maximizing academic resources. The information comes from each student's pre-registered courses. Thus a student who has registered for three courses creates three pairs and a student who has registered for four courses creates six pairs. Thus, if s/he had selected Evidence, Bus. Org., and Copyright then the following pairs would be counted once: Evid. and Bus. Org.; Evid. and Copyright; Bus. Org. and Copyright. Adding each student's selected pairs will give a total number for each possible pair of courses and help minimize overall conflicts.

Using this semester's schedule provides an illustration. Family Law(F) and Products Liability(P) are held at the same time as are Land Use Regulation(L) and Law of the Sea(S). If a pre-registration had occurred last Fall the results may have been as follows:

PAIR	# STUDENTS
F&P	30
F&S	10
F&L	10
P&L	10
P&S	10
L&S	30

Thus, 30 students would have preferred a course schedule allowing them to take both Family Law and Products Liability, 10 students preferred Family Law and Law of the Sea, etc. What has happened, using the current schedule, is that the choice of only 40 students was obtained. If we now consider a schedule where Family Law was switched in time with Land Use the result is that the welfare of 80 students has been maximized.

The benefits are clear and no computer is no excuse. In this limited case a computer is not even necessary to count up the cards to determine the courses students want to take. It could be done by hand in a few hours. The pair totals could also be done by hand but would take more time.

Concluding on a more subjective note, the pre-registration period could be used to create new course offerings. The present catalogue is arguably not the pulse of student demand. The pre-registration could also be

in advance.

Conscience wishes everyone
a happy and restful summer,
and the best of luck on the
Bar exam to the 1987
Graduating Class

there are cities whose main industry is prison: without them those cities couldn't function. Mason further contended that "Gucci-Pucci" New York is not as progressive or liberal as many purport it to be. In fact, he informed us that 80% of public education teachers are White, that Black firefighters constitute a mere 2% of this state's department, that there are very few Blacks in Wall Street firms, and that there are no Black senior partners in any of the big major law firms in New York. However, despite all of these discouraging realities, Mason concluded by attempting to motivate all of us to do our share in contributing toward a brighter future for all people. He said that we all know right from wrong and we should do everything to uphold those principles.

Unfortunately, racism and acts of racism are not foreign to Hofstra campus and experience. As a member of the Black Law Students Association, I was very disturbed by the few incidents that have transpired here at the Law School. Namely, many of our flyers, posters and notices have been defaced with racial remarks ranging from, "We be servin' chicken and ribs" to "You're a bunch of racists and segregationists." While

in comparison to the acts of physical violence these incidents may be seen as insignificant. However, they reveal that the seed of racism is present among us. Racism is a disease, much like cancer, that must be immobilized as expeditiously as possible. It is my hope that the administration will continue to take steps to alleviate and rid the Law School of any such acts against any group or organization. It is also my hope that the faculty and the student population as a whole support any efforts in achieving that much desired goal.

In conclusion, I would like to just say that I hope many of you were inspired by his message. Let us use the knowledge and skills acquired here at Hofstra Law School to achieve equality and justice for all people of society. And let us not forget, Mason said, "It's always easier for the establishment to discredit the messenger than to deal with the message"; therefore, prepare yourself for opposition. Lastly, in the words of Dr. Martin Luther King, "I have a dream, that one day man will be judged not by the color of his skin, but by the content of his character"...Why not join me in helping to do everything we can to make that dream a reality?

Honorary Degrees To Be Bestowed

Three honorary degrees will be presented at the School of Law Commencement exercises at 1:30 p.m. on Sunday, May 31, on the Green behind the School of Law on the South Campus. The honorees will be George C. Pratt, Judge of the United States Court of Appeals for the Second Circuit; Robert Coulson, President of the American Arbitration Association; and Leslie Wexner, Chairman and founder of The Limited, Inc., the nation's largest women's apparel chain with 2,500 stores across the country.

Judge Pratt received his Bachelor of Arts degree and his Law degree at Yale University. After serving as Clerk to a judge of the New York State Court of Appeals, he was in private practice on Long Island. In 1976, he became a Judge of the U.S. District Court for the Eastern District of New York. He assumed his present position with the United States Court of Appeals in 1982. His courtroom is located at the Courthouse on the

Eastern end of Hofstra Campus on Uniondale Avenue. He is a member of the adjunct faculty at the Hofstra School of Law.

Robert Coulson received his Bachelor of Arts degree at Yale and his Law degree at Harvard University. An attorney, he became Executive Vice President of the American Arbitration Association in 1963 and President in 1972. The Association is the leading agency in the nation for handling alternative methods of resolution of disputes.

Leslie Wexner received his Bachelor of Arts degree at Ohio State University. He has been active in community and civic affairs in behalf of Project Hope, the Columbus Symphony Orchestra, the American Jewish Joint Distribution Committee, and the Hebrew Immigrant Aid Society. As Chairman of The Limited, Inc., he presides over a company that is worth over \$2.5 billion, according to a recent *New York Times* article.

Stanley H. Kaplan has chosen his bar review.

Have you?

For years, Kaplan students have been asking for a bar review course with the same standards of excellence as Kaplan's other courses. After carefully investigating bar review courses, Stanley Kaplan has joined forces with SMH Bar Review to add bar exam preparation to his family of outstanding educational offerings. The academic integrity and comprehensive, well-paced structure of the SMH approach made Mr. Kaplan's decision an easy one - yours should be too!

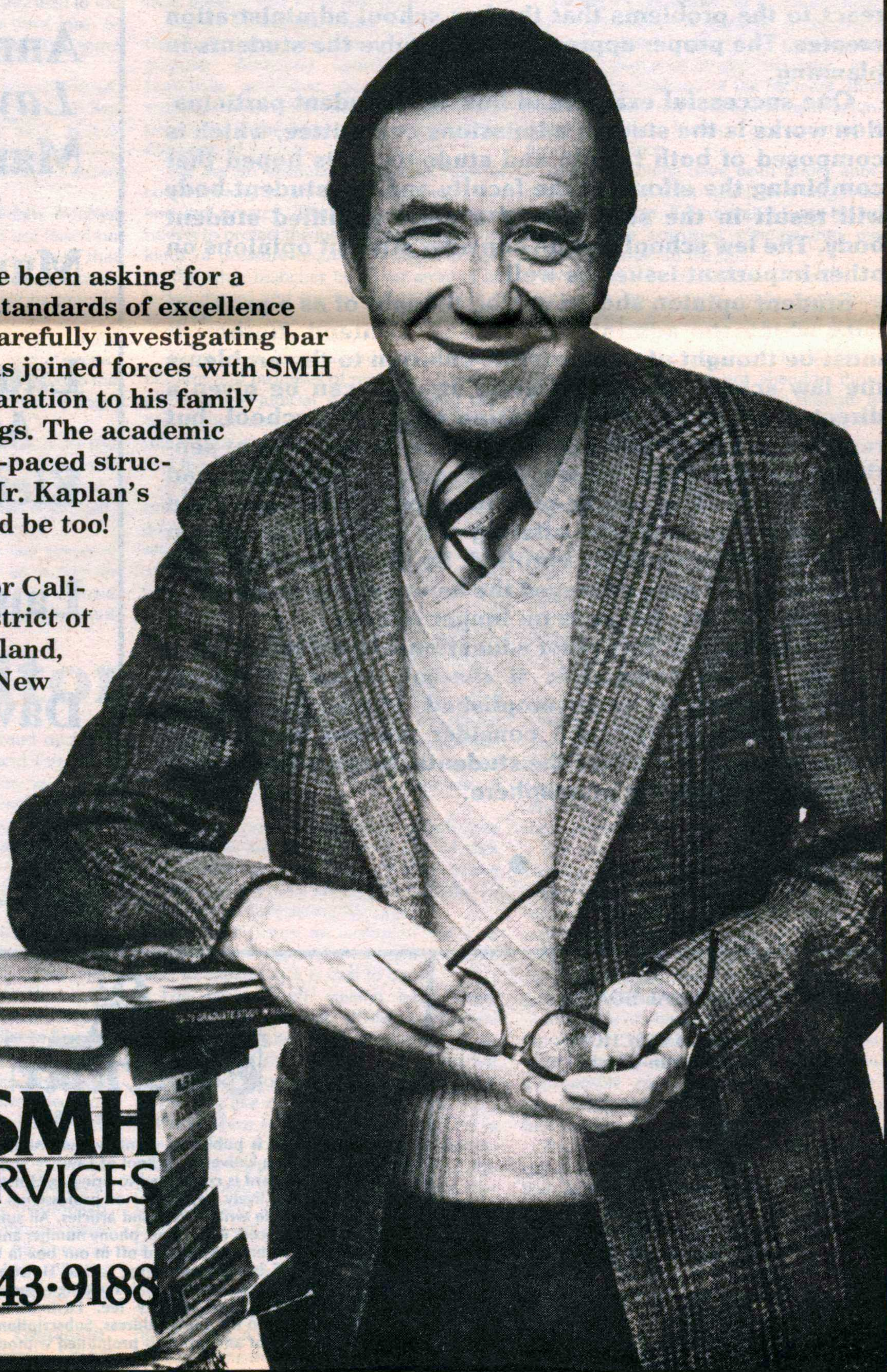
Preparation is now available for California, Colorado, Connecticut, District of Columbia, Florida, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New Mexico, New York, Pennsylvania, Rhode Island, Vermont, and Virginia.

The Best Course Of Action.

LOCALLY CALL:
212-977-3200



(800) 223-1782 (800) 343-9188



COMMUNITY FORUM

EDITORIALS:

Students Should Play Greater Role

The students at Hofstra have virtually no say in the way the law school is run. It is ironic that an institution that is supposed to train lawyers in the democratic ideals of our society is itself so lacking in those ideals.

Students should have a voice in decisions that directly affect their education. Course offerings, scheduling, faculty selection and budgetary allocations are some of the areas where students should play a greater role. The SGA does act as a voice for the student body, but it can only react to the problems that the law school administration creates. The proper approach is to involve the students in planning.

One successful example of how well student participation works is the student admissions committee, which is composed of both faculty and students. It is hoped that combining the efforts of the faculty and the student body will result in the selection of a more qualified student body. The law school should consider student opinions on other important issues as well.

Student opinion should not be thought of as a problem with which the administration must contend. Rather, it must be thought of as a possible solution to the problems the law school faces. Not every student can be given a direct voice in the administration of the law school, but representatives of the student body can relay student sentiment on important issues. For example, if students had been included in a course selection committee they could have helped to avoid the offering of a banking seminar in which only four students enrolled. By the same token, the students could have conveyed the demand for a course like Law and Racism, which is no longer offered.

The law school, like most educational institutions, cannot be purely democratic if the job of educating its students is ever to be accomplished. The administration can, however, solicit and consider student opinion on issues that directly affect the students. It can only serve to improve the learning atmosphere.

The Conscience Staff is pleased to announce the 1987-88 editorial board.

Howard Tollin:

Co-Editor-In-Chief

Meryl Wasserman:

Co-Editor-In-Chief

Fran Wasserman:

Business Manager

Ann Zetoony

Layout & Production Mgr.

Marty Schwartzberg:

Sports Editor

Marnie Carrick:

News Editor

Laura Aprigliano:

Managing/Copy Editor

Kieth Singer:

Editorial Editor

Laurie Greenfield:

Art Editor

Dave Bernstein:

Photographer

EDITORIAL BOARD

URSULA BISCHOFF
Editor-in-Chief

ARI BENJAMIN
Business Manager

RICH HOROWITZ
Editorial Page Editor

JEAN COLLINS
Managing Editor

Matthew Weiss, News Editor
Claudia Grinberg, Copy Editor
Wayne Bodden, Sports Editor
Lisa Jones, Personals Editor



© Conscience 1987

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

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

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

CONSCIENCE STAFF AND CONTRIBUTORS

Sallie Manzanet
Tom Sheehan

COMMUNITY FORUM

DEAN'S CORNER:

Dean Eric J. Schmertz

I think the following remarks by Rose Elizabeth Bird, former Chief Justice of California, delivered to the annual law school deans' luncheon sponsored by the Roscoe Pound Foundation earlier this year in Los Angeles, California should be of interest to law faculty and students.

Thank you for inviting me to join you. This speech marks a milestone in my life for it is my last public appearance as Chief Justice of California. I would like to sound some themes I have touched on before. Perhaps, there is no better forum than the Roscoe Pound Foundation's Law School Deans' Luncheon.

Dean Pound loved to think about the law, and he was remarkably well versed in the esoterica of jurisprudence. But he never lost sight of the fact that the law must ultimately further the ends of justice if it is to benefit the society which it serves.

As law school deans, you are charged with the challenging responsibility of teaching prospective lawyers the importance of both jurisprudence and justice, which are in essence the head and the heart of the law. You also have a vital role to play in promoting better public understanding of the law and the judicial system, and I strongly believe that an increased emphasis on this aspect of your duties has never been more needed than it is now.

I have some remarks to make today in defense of an institution. Unless we work together to find a way to explain that institution to the citizens of a society where so much emphasis is placed on instant answers and bottom lines, on winning images and pleasing personalities, it will become an anachronism.

The institution to which I refer is, of course, the judiciary. Over the past 200 years, it has proven itself to be an indispensable part of our democracy. But if it is to remain so, its difficult duty of balancing order with liberty must be better understood. It is there that the law schools have a crucial role to play, both now and in the years to come.

It is easy to see why the judicial system might not be well understood in a nation so driven by the momentum of the moment. We are an institution whose rigorous procedures and adherence to precedent are out of step with an instant society where amusement and gratification — or at least their illusion — are immediately available.

There are any number of ways in which the judicial branch does not mesh with that brave new world. Let me suggest just a few.

We are not an institution that can relieve societal pressure in the same manner as the legislative and executive branches. There, the process is designed to make everyone feel that they've won or at least that they didn't lose.

In the courts, however, the nature of the adversary system and the need for a definitive resolution of legal rights lead to the inevitable result that one side must lose. In the process, disputes are settled, but some tensions still remain.

We are an institution that communicates through the written word in a day and age where everything is oral and most of it is electronic. We are an institution that is not visually exciting at a time when video action speaks far louder than words.

As television anchorman Robert MacNeil has observed, TV news shows are based on the assumptions "that bite-sized is best, that complexity must be avoided, that nuances are dispensable, that qualifications impede the simple message, that visual stimulation is a substitute for thought, and that verbal precision is an anachronism." In that arena, we in the judiciary are at best relegated to the ranks of talking heads and B-roll footage with voiceovers.

We speak in a collective voice in an age where everything is individual. We wear robes to depersonalize ourselves, both symbolically and literally, at a time when personality is of mesmerizing interest.

We are taught to set aside our personal views about the issues before us during an era in which everybody is expected to have an opinion about everything and to express it

freely. We must carefully consider the gray areas of the law at a time when everyone wants instant answers in black and white.

We are first and foremost an institution based on rationality, in a society where communication is increasingly based on emotional appeals and entertainment value.

We are an institution that deals with fundamental principles in an age where the only interest is in bottom lines. We are an institution of precedent and historical perspective at a time when only the moment counts.

We reason through the written word in an age where the printed page is becoming passe and continuity and context take a backseat to pacing and patter. As New York University Professor Neil Postman has remarked, "In an environment in which non-linguistic information is moved at the speed of light, in non-logical patterns, in vast and probably unassimilable quantities, the word and all it stands for loses prestige, power and relevance."

We are an institution that looks at the facts and the law during a period in which the public seems much more interested in the celebrity and notoriety of the litigants and their political and economic clout.

We are an institution that is asked by the theory of checks and balances to make unpopular decisions against the state, presidents, governors, special interests, and majority views in a day and age where popularity is the beginning and end of the definition of success.

We are an institution with strict rules of confidentiality in an age where there's less and less privacy. The reason behind these rules is to protect the judicial branch from the kinds of pressure regularly brought to bear on the other branches by a vast array of affected parties and special interest groups in an effort to influence the outcome of legislation and executive action.

These pressures — including both threats of harm and promises of reward — have no place in the judicial decision-making process, which must always be governed by the rule of law and guided by the Constitution and the Bill of Rights.

We are an institution that deals in subtleties at a time when simplification masquerades as understanding. We are an institution that must grapple with complex issues at a time when quick fixes are valued far more than lasting solutions.

We sometimes must stand in the way of the most powerful groups in our society — governments, president, governors, legislatures, special interests — in order to do what our oath of office demands of us. And yet we have no means by which to enforce our decisions other than the acceptance and understanding of this difficult role by the people and the other two branches of government.

We are not an institution which can achieve that acceptance by the use of slick public relations gimmicks and entertaining new hooks. We have no way of pandering to the public or pampering the press.

We are, in short, an institution that is as peculiar to this age as it is essential, that is as hard to explain as it is vital to do so.

The point I am making has validity regardless of who sits at the conference tables of the United States Supreme Court and the High Courts of each state. They are all people of good will regardless of whether or not you like each individual justice.

My concern is with the institution. That is why we need your help in translating this institution to the people. This is a day and age where, should we go too long without a true understanding of the role of the judicial branch, we will no longer have an institution that can serve as the guardian of the Constitution and the Bill of Rights in a diverse and multi-cultural nation.

The people need to understand the reasons why it was necessary to establish an institution like the courts in a tripartite system of government. They need to understand

why we are not merely a mirror image of the legislative and executive branches.

They need to understand why our founding fathers and mothers set up a branch of government that would require the powerful, the weak, the popular, and the unpopular alike to abide by the rule of law and respect the principles set forth in the Constitution and the Bill of Rights.

That role will often be an unpopular one, but the public must understand that the judicial branch is fulfilling its obligations to all of the people when it steadfastly performs that difficult duty.

The legal profession is not very well understood either. For example, a survey released last year found that only 12 percent of Americans would like to see their children become lawyers. Perhaps it is time for us to reflect on what it means to be a good lawyer, what it means to be a good judge.

The role of lawyers and judges in our society has never been to be popular or to receive the applause of the crowd. Rather, lawyers and judges must find satisfaction in doing their craft well and with a sense of dignity.

Should the bar see its role as merely pleasing the legislature, for example, or improving its public relations, should the judiciary see itself as a purveyor of popular views, as a mimic of the majority of the moment, then both institutions will have lost something fundamental to their heritage and essential to their preservation.

Both institutions have been under enormous stress and sharp attack for a long time, and these forces, if unrestrained, are bound to etch their corrosive essence into our hearts. So what do we do?

We try to steer as close as we can to the course the law requires, while recognizing our fallibilities and the need to rethink who and what we are so that we can keep pace with our society as it changes. However, in that process, we must not abandon those principles that have given us the strength to stand firm when that is what following the law requires.

Though lawyers and judges are on different sides of the bench, their roles have much in common. For instance, how different is a lawyer who asserts the rights of an unsympathetic client from a judge who upholds the law in favor of an unpopular litigant? How different is an attorney who must insert reason into what may be a very emotional dispute from a judge who must assert the rule of law in an age of emotion?

The lawyers and judges in these two examples are never going to win popularity contests. They are often going to find themselves misunderstood. It is not easy to keep your head when everyone around you seems to be losing theirs, but that is the time when a clear understanding of your role is most essential.

Periods of societal transition are never easy for any institution, and what emerges may be very different from what went before. During such periods, we must help mold and reshape our institutions so that they do not ossify, at the same time, we must not lose the essence of who we are and what gives our institutions their significance.

In an age of image, of popularity, of emotionalism, it is vital that we help our fellow citizens see how important substance is, how indispensable courage and rationality are, how essential the rule of law remains to a free society.

Every new fascist and totalitarian state gets rid of its lawyers and shackles its judiciary first. That is because we stand in the way of unbridled change, intolerance, inequity — in short, the rule of those who would substitute their might for the rule of law.

This is not to say that at times we cannot be rigid and inflexible, doctrinaire, and even arrogant. We are, as we know quite well and as others often remind us, human beings after all. But our roots in the law bring us

Continued on Page 6

Letter To The Editor

There is perhaps no other area of law practice that is more misunderstood than practice in the Judge Advocate General's Department of the various Armed Services. Many people have images of basic training, marching, twenty mile hikes and field rations. This is an unfortunate misperception that causes many to overlook a rewarding opportunity. After passing the New York Bar, I investigated the Air Force's Judge Advocate program. Those who are accepted (about 40%) enter as First Lieutenants (approximately \$22,000 per year) and attend a two week orientation course. Here you will learn some military history, proper wear of the uniform and general responsibilities of officers. There is also some light physical activity. The next step is a six week course designed to acquaint you with the fundamentals of military law practice. This course includes moot courts, research assignments and seminar discussions. Upon graduation you are sent to your first duty assignment. You select your base of preference and will know if it's been approved before you make a commitment to join. The Air Force has over one hundred bases worldwide to choose from.

At your first assignment, you generally begin by working in a variety of areas. You will be prosecuting criminal cases; providing legal assistance on such topics as products

liability, divorce, consumer fraud and contracts; writing legal opinions and assisting in whatever legal matters that may arise. I am doing criminal defense work exclusively and gaining invaluable litigation experience. The Air Force also has an LLM program for interested Judge Advocates who qualify. Under current law, after six months of service, Judge Advocates are automatically promoted to captain (approximately \$26,000 per year). In addition, there are yearly cost of living and seniority raises, extra pay for travel, and allowances for those living in high cost areas. There are many opportunities for those who would like to live in a foreign country. I am presently stationed 15 miles outside of Madrid, Spain. I'm paying \$165 per month for a new three-bedroom apartment overlooking the city and have traveled extensively throughout Europe.

In short, practice in the Judge Advocate General's Department of the Air Force is an opportunity that should not be overlooked. For more detailed information about rewards and responsibilities of being an Air Force attorney and officer, contact HQ USAF/JAEC, Room 5E313, Washington, DC 20330-5120.

Steven A. Tomanelli,
Captain, USAF
Area Defense Counsel

Legal Corner

By Matthew Weiss

Lights. Camera. Action! A state-run cable network called "NY-SCAN" (New York's State and Community Affairs Network) has begun to broadcast, on an experimental basis, Court of Appeals proceedings. Modeled after its national counterpart "C-SPAN," NY-SCAN has been shown only in the Albany area. If the programming is favorably received then the network may make its broadcasts available throughout the state. Last year, the legislature narrowly defeated a measure that would allow state-wide broadcasts. Chief Judge Sol Wachtler predicts that the measure will be passed this year.

Wachtler is a proponent of the broadcasts. He believes they increase the public's awareness of the judicial process. He would also like to see the United States Supreme Court televise its proceedings. The cameras and their operators are inconspicuous and unobtrusive. One camera focuses on the bench and the other on the attorney presenting his argument. The cameramen follow the instructions given to them by the program's director who watches the broadcast in the basement via monitors.

NY-SCAN is a unit of the State Cable Commission. The commission was established by statute to regulate the cable television industry in New York. Its chairman, William B. Ginnerman, was the primary supporter of the program. He is also using his authority to allow hearings and other legislative proceedings to be broadcast over NY-SCAN.

Earlier this fall, high wattage bulbs were installed in the Court of Appeals' chandeliers to improve the lighting for the cameras. Another obstacle not yet fully corrected is the lack of sophisticated graphics to cue the

viewer in on the action. NY-SCAN's equipment is able only to flash the name of the case. Explanations about the case's history and its facts as of yet cannot be conveyed.

The network has indicated that its broadcasts appeal to higher-income persons, especially lawyers. In fact, a plethora of requests for videotape copies of various broadcasts has forced the network to cease its practice of dubbing copies for lawyers.

Chief Judge Wachtler Visits Hofstra To Tape New Show

Chief Judge Wachtler was recently at Hofstra to be taped for a new show that will feature prominent Long Island residents. The show can be seen on the Long Island cable channel later this month.

The show will be an hour long. The first half hour was a question and answer session with host, Bill Zimmerman. The topics ranged from the Chief Judge's childhood and school days to his fifteen years with the Court of Appeals. In the last half hour, the Chief Judge fielded questions from the student audience.

Get Involved!

Join the
1987-88

Conscience Staff!

Dean's Corner

continued from p. 5

back to the basics and teach us to examine ourselves first, to guard against our own weaknesses and blind spots, and to strive for fairness and justice, because that is really why we are here.

We must constantly review who we are and what roles we play in this modern world of change. Remember, though, that we are not without help. The old map remains a good one. Some of the landmarks may have changed, and the pace of travel may have quickened. But our path can still be guided well by looking back to where we started, to our roots in the law, to the principles of fair play and equality from which those roots were formed.

We must continually dedicate ourselves to ensuring a system of justice that is truly blindfolded, with scales in balance. The journey toward that goal never really ends. It is a process of renewal that finds its strength in our reaffirmation of faith in its values.

The road ahead will not be easy but, then again, it never has been. And it is not by fearing the future that we have advanced so far.

At times like this, I think of the wonderfully proud heritage of great lawyers and judges with whom this country has been blessed — from well-known counselors like John Adams and Abraham Lincoln to those attorneys who labor in obscurity, securing and defending the liberties we cherish. Their acts of courage are ringing declarations of the strength of our democracy.

From judicial giants like Marshall, Brandeis, and Warren to other judges whose names we may forget but whose integrity we shall always remember, their sense of justice and fair play has affirmed our belief in the decency of the fundamental principles on which our Constitution and Bill of Rights are based.

We do honor to these great traditions when we care about justice, when we care about ethics and honesty, when we care about our craft and work to improve it, when we care about our fellow citizens and tell them the truth, even when it is a truth they may not want to hear. That is what being a lawyer and a judge is all about.

Lawyers and judges must be at the heart of a continuing dialogue with our citizens about the values of the Constitution and the

Bill of Rights. Should we cease to understand those values, they will surely be lost for we will have forgotten how priceless they truly are and how hard we once fought to secure them.

Think of how remarkable a heritage we have. It means that our government, the most powerful on this earth, can be called in to court to confess error in how it has treated its citizens and to pay damages for that mistreatment. It means that when someone is put on trial, even if that person is accused of spying against our country, he or she receives the same rights as any other citizen. It means that the rich and the powerful are as accountable before the bar of justice as the poor and the weak.

What an incredible comment these examples are on the strength of our system of justice. At the same time, what striking proof they provide of the difficult role of judges and lawyers.

So let us be about that difficult task. Let us get on with our work. But let us not forget that we are human beings first and foremost.

Our humanity informs us and instructs us in what it is to live lives of decency and dignity. As lawyers and judges, we bring a unique perspective to our humanity that, if used wisely and well, can enhance the equality of justice in our society.

That is not a task for tomorrow. It is something we must live every day. And if we live it fully — with all our intelligence, compassion, and courage — then we will have truly fulfilled the promise of justice our titles imply.

If we judges and lawyers are not to be popular, let it be because we are standing on the forefront of protecting people's rights during a time of transition. Let it be because we have the courage to represent unsympathetic individuals and make difficult rulings in order to give life and breath to our constitutional guarantees.

Let it be because we have the integrity to do justice, even though such actions may be met with criticism and disapproval. Let it be because we see our role from the perspective of its noble traditions, not from the pressured viewpoint of the moment.

Let it be because we stand up for a just society and stand firm for the rule of law.

Thank you.

Spring 1987 — 1st Year Final Exam Schedule*

DATE	COURSE	PROFESSOR	TIME	ROOM
Fri. May 8	Contracts A	Adamski	1:00 p.m.	308 A-SE
	Contracts B	Resnick	1:00 p.m.	204 SH-Z
	Contracts C	Mahon	1:00 p.m.	230 A-M 206 N-Z 238 A-M 205 N-Z
Mon. May 11	Civil Pro. A	Diamond	1:00 p.m.	308 A-SE
	Civil Pro. B	Champlain	1:00 p.m.	204 SH-Z
	Civil Pro. C	Rabinowitz	1:00 p.m.	230 A-M 206 N-Z 238 A-M 205 N-Z
Thurs. May 14	Torts A	Kessler	1:00 p.m.	308 A-SE
	Torts B	Bush	1:00 p.m.	204 SH-Z
	Torts C	Bush	1:00 p.m.	230 A-M 206 N-Z 238 A-M 205 N-Z

*Please pick up your exam number in Room 114

2nd & 3rd Year Final Exam Schedule — Spring 1987*

Mon. May 4	9 a.m.	Adv. Corp. Tax	Rm. 240	
		Const'l. Law A	308 A-L	
Wed. May 6	9 a.m.	Const'l. Law B	206 M-Z	
			230 A-I	
Thurs. May 7	9 a.m.		238 J-SH	
			205 SL-Z	
Fri. May 8	9 a.m.	Corp. Tax	Rm. 238	
		Unfair Trade	230	
Mon. May 11	9 a.m.	Crim. Pro. B	Rm. 238	
		Federal Courts	208	
Tues. May 12	9 a.m.	Environ. Law	230	
		Crim. Pro. A	Rm. 230	Class of 1987
Wed. May 13	9 a.m.	Labor Arbitr.	308	Class of 1988
		Legis. Process	204	
Thurs. May 14	9 a.m.	Wills, Tr. & Est.	Rm. 205	Class of 1987
			308 A-H	Class of 1988
Fri. May 15	9 a.m.		230 I-RE	Class of 1988
			238 RI-Z	Class of 1988
Tues. May 12	9 a.m.	Estate Plann.	206	
		Remedies	Rm. 238	
Wed. May 13	9 a.m.	Ind. Inc. Tax	205	
		Law of the Sea	206	
Thurs. May 14	9 a.m.	Land Use Reg.	230	
		Crim. Pro. B	230	
Fri. May 15	9 a.m.	Fed. Tax. Proc.	Rm. 205	
		Comm'l. Paper	308	
Tues. May 12	9 a.m.	Tax. of Partner	Rm. 308	
		Collect. Barg.	230	
Wed. May 13	9 a.m.	Patent Law	238	
		Evidence	Rm. 308	
Thurs. May 14	9 a.m.	Real Estate	230	Class of 1987
			238	Class of 1988

*Please pick up your exam number in Room 114.

STUDENTS

IF YOU NEEDED IT YESTERDAY...
YOU NEED UNITECH TODAY

UNITECH
COPY CENTER

Xerox copies 5 cents
FREE COLLATING

up to 50 sets except double-sided copying

FREE REDUCTIONS

SPECIAL RESUME PAPER AVAILABLE
LOW PRICES • HIGH QUALITY • QUANTITY DISCOUNTS
Quick copying done while you wait

- Continuous Computer Forms Copied & Reduced
- Other Services Available

Xerox
Copies **5¢** Each

198 East Meadow Ave. (Newbridge Ave.)
East Meadow, N.Y. 11554
794-1211

Opposite East Meadow Library
Hours: Mon.-Fri. 9am-5pm

We are now open Saturdays-10 to 2

Full Service Copy Center

minimum charge 50 cents

COPY CENTER • COPY CENTER • COPY CENTER • COPY CENTER • COPY CENTER

COPY CENTER • COPY CENTER • COPY CENTER • COPY CENTER • COPY CENTER

ADVERTISEMENT

COMMUNITY FORUM

ELS News

by Richard Horowitz

On March 25, ELS sponsored a symposium on Products Liability and Toxic Torts. Our panelists were Prof. Joseph, Prof. Weinberg, Prof. Resnick and Mr. Frank Shellace (a Hofstra alum). The audience consisted mostly of law students, who were treated to a first class presentation. This year's symposium was an attempt to bring the professors and the student body together on environmental issues. We feel that it was a great success and would like to thank everyone involved.

It has been a great year for ELS. Aside from organizing the symposium, organizing an alumni dinner and bringing speakers to the school we are continuing to publish the *Environmental Law Digest*. The *Digest* has

increased the number of its subscribers to over 135, including more than one-third of the law school libraries in the country, environmental groups, professors, regulatory agencies, insurance companies, manufacturers and concerned individuals. There have been efforts made by the *Digest's* editors to obtain funding from the University, rather than from the SGA. The law school administration has been helpful in this effort, but as yet the *Digest* has not received a penny from the University.

Finally, I am pleased to announce the ELS officers for the 1987-8 school year. Congratulations!!

President.....Vince Jarrett '88
Vice President.....Tony Pizza '89
Secretary/Treasurer....Monica Papola '88
Digest Editors.....Sue Dorgan '88
Cliff Petroske '89
Digest Business Managers...Terry Frey '88
Rosemary Olsen '88

Republican Law Students

Ten representatives of the Hofstra Republican Law Students attended the annual Young Republican Leadership Conference in Washington, D.C. this past March 5-8. The Conference provided a mix of educational seminars and leadership receptions. While attending the Conference, the ten Hofstra law students (Terri White, Bob Farley, Jim O'Connor, Paul Damato, Sean O'Sullivan, Steve Savoia, Stan Winderman, Ari Benjamin, and Ricky Stachowitz) had the opportunity to meet with President Ronald Reagan, Senator Robert Dole, Congressman Jack Kemp, Newt Gingrich, Trent Lott and former Secretary of State Al Haig.

The Conference provided the Law School with national exposure by allowing the Law Students to meet not only with the most influential leaders of our Federal Government,

but also with fellow Conference representatives from all over the nation. By attending the YRLC, Terri White and Bob Farley were selected as Regional Vice-Presidents of the New York State Association of Young Republicans. This Association is presently chaired by Hofstra Law Aumnus John Ciampoli.

Next year's YRLC promises to be an even bigger event due to the 1988 Presidential election. Due to the success of this year's conference, Jim O'Connor (1987-88 President of the Hofstra Republic Law Students) has promised to once again bring a delegation. All club members are welcome to attend.

The club will also be sponsoring an award's luncheon during April 1987. Honored at the luncheon will be New York State Senators John Dunne (Garden City) and Hugh T. Farley (Schenectady). All are welcome to attend, and new members are welcome to join now.

The *Hofstra Property Law Journal*, formerly the *International Property Investment Journal*, had elections for the upcoming year on February 19. The Editorial Board for Volume 1 of the *HPLJ* is:

Editor-in-Chief.....Anthony Cummings
Managing Editor of Articles.....Nathan Shafner
Managing Editor of Staff.....James O'Connor
Managing Editor of Business.....Mary Bennett
Articles Editors.....Jeffrey Bodof

Linda Boehm
Christine Spletzer

Notes & Comments Editos.....Yann Geron
Jeffrey Haber

Research Editors.....Daniel Boehnk
Helen Rosner

Topics Editor.....Lucia VanWetering

The new board members are enthusiastic and eager to begin work on the inaugural issue.

All journal members would like to extend their deepest gratitude to Lena Uljanov and this year's board for all their hard work, dedication, and encouragement during the transition from the *IPIJ* to the *HPLJ*. We would also like to thank Professor Jacob, our advisor, and the entire faculty for their devotion to maintaining a Property Journal at Hofstra Law School.

The last issue of the *IPIJ* is scheduled for release in May, and work has already begun on Volume 1 of the *HPLJ*. All faculty and students are encouraged to submit articles to the *HPLJ* for publication.

POCKET PART

is pleased to announce
the Editor-in-Chief
for 1988:

PAMELA D. FAISON

Good luck, Pamela and
Best wishes to the
1987 POCKET PART Editorial Board.

The Law Review is pleased to announce the selection of the Volume 16 Board of Editors:

Editor-in-Chief.....James Weller
Managing Editor, Staff.....James Conway
Managing Editor, Business.....Salvatore LaMonica
Articles Editor.....Michele Coleman

Ivy Leibowitz
Myra Sencer
Research Editors.....Ivy Dodes
Joanne Favaro

Phyllis Spisto
Notes & Comments.....Ann Bienstock
James Gesualdi

Kevin Natale
Ellen Sabin
Business Administrator.....Kenneth Ricken

Thanks to the diligence and hard work of our staff, Volume 13:3 will be distributed in mid-April, and Volume 15:1 will be out in June. I would also like to extend my sincerest thanks for a great year to Susan, Pam, Dina, Lee Ann, Judith, Susan, Steve, Howard, Scott, Chris, Ron and Jim—the Volume 15 Editors, and to the third-year Associate Editors and staff members—Lori, Marialana, Marianne, Robyn, Marc, Steve, John, Patrice, Matt, Phil, Leslie, Tom, Marc, Steve, Ruth, Fran, and Ron—who dispelled the notion that 3Ls are apathetic—thanks for a great job and good luck on the Bar!

Sincerely,
Marisa Marinelli
Editor-in-Chief

THE PASSWORD:

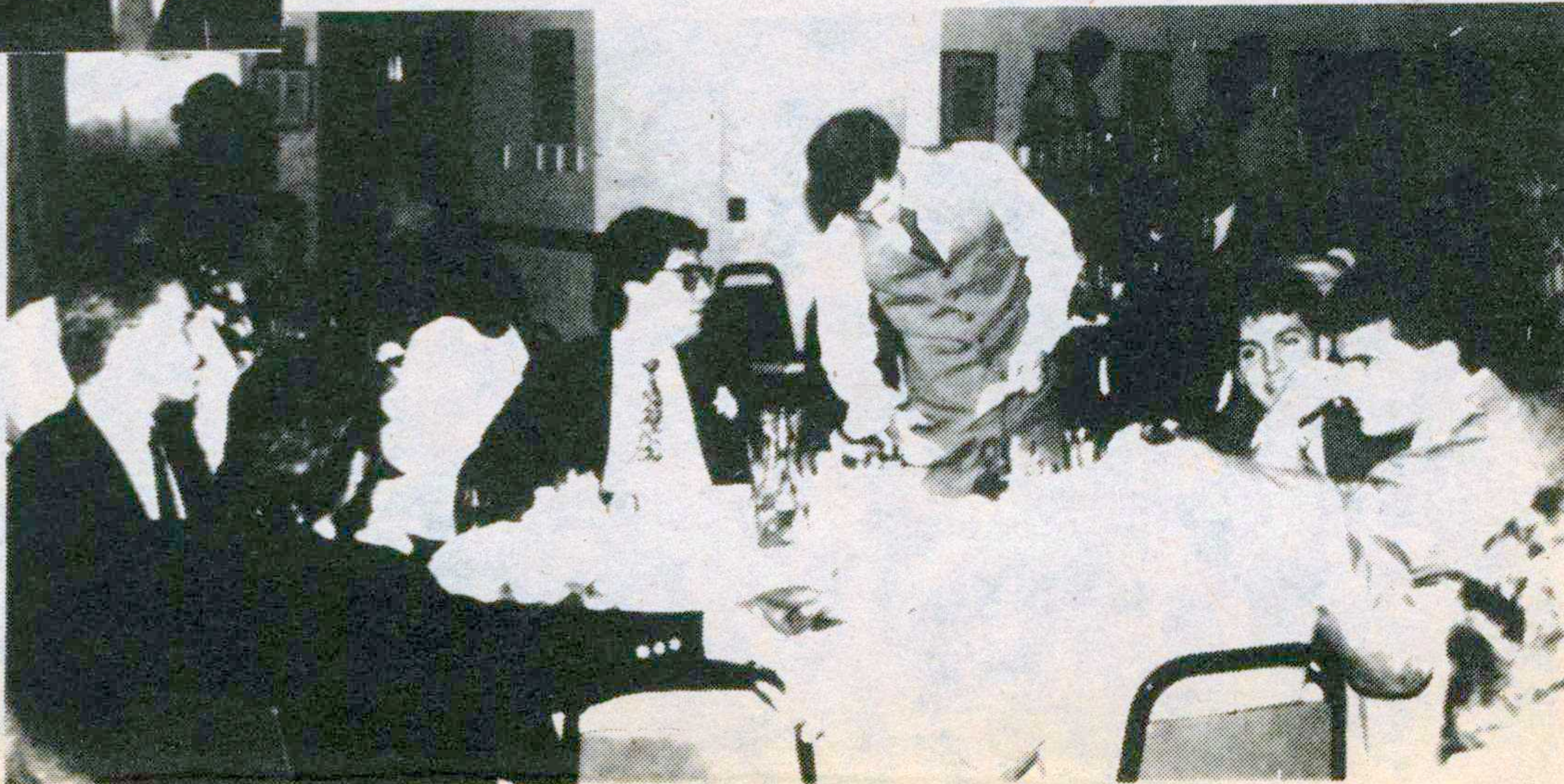


415 Seventh Avenue, Suite 62
New York, New York 10001
(212) 594-3696 (201) 623-3363

1987 Barrister's Ball



1987 Barrister's Ball



Opening Day At Shea



SPORTS

New York Basketball Wrap-Up

The Knicks ended their season recently and were a total embarrassment to the basketball rich New York area. But next season could be better since they have corrected their major mistake, General Manager Scotty Stirling. Stirling was a total failure. during 1986 there was so much talent available but the Knicks weren't able to get anyone. Some players whom the Knicks could have gotten were Dale Ellis, Jay Vincent, Clyde Drexler, Walter Berry, Gus Williams, Jerome Kershey, Ray Williams and many more. All of these players were available at minimum cost to the organization. Stirling was a lame general manager and should never have been hired. The 1987-88 Knicks need to unload many of their current players. Patrick Ewing is the only one who should be untouchable and untradeable. The return of Bernard King is also a positive factor for next year's Knicks. Despite a two-year layoff, King showed more hope in six games than Kenny Walker showed in a whole season. Gerald Hender-

son, who was an expensive acquisition, was also a key. Henderson is a tough and intelligent point guard and will be a major factor if the Knicks are to be successful. Bil Martin who was acquired late in the season should also be given a lot of consideration. He would be the ideal back up small forward. Martin is a good athlete and has a big heart which the Knicks don't have a lot of. The rest of the Knicks are expendable. Gerald Wilkins is a great scorer, but he lacks the team oriented offensive skills, and he doesn't play any defense. Trent Tucker would be a good back up, but he has the Hubie Brown stigmatism attached to him. Pat Cummings, Bill Cartwright, Rory Sparrow, and Louis Orr are all nice guys who play basketball like nice guys. They all lack intensity and should definitely not be part of next year's team. The Knicks as a team lacked physical strength and endurance. An off season weightlifting program is definitely recommended for the whole team.

ATTENTION GRADUATES!

You must empty your lockers of personal belongings by the following dates:

May grads: deadline June 2
August grads: deadline August 12

1 and 2 L's may keep property in your lockers over the summer but **MUST** re-register lockers in the fall!

Sports Briefs

The recent racist statements made by Al Campanis are not and should not be surprising. The feelings that Al Campanis has are shared by many in the sports world. This is obvious when you look at the number of minority athletes in baseball and football compared to the number of minorities in management positions in these sports. If the public and press are brilliant enough to see that there is collusion among baseball owners, they should have been able to see the racism practiced by the baseball and football industries. The reason the press and public neglected this fact is because racism is a topic Americans are uncomfortable with, so it's avoided.

Although the Mets got off to a rough start they should not worry about winning the NL East. Without getting good pitching, they have remained either in or close to first place. But what the Mets must realize is that every team that they play hates them and are going to play their hearts out to beat the Mets. This means every game will be hotly contested and no longer an easy day's work.

Once is enough!

Some things are better the second time around — taking the bar exam *isn't* one of them.

Take a good look at the Josephson/Kluwer Course and we think you will agree that there is no better assurance that you will have to take the bar exam only once.

No other course offers the king of complete integrated study system which simultaneously builds substantive knowledge and confidence. With the finest law summaries and lectures and the most comprehensive testing and feedback system in the state, you can't go wrong with Josephson/Kluwer.

WITH YOU EVERY STEP OF THE WAY

JOSEPHSON KLUWER

LEGAL EDUCATIONAL CENTERS, INC.

10 East 21st Street, Suite 1206-7, New York, NY 10010
(212) 505-2060 or (800) 421-4577

BAR/BRI STUDENTS PASS THE BAR

HOFSTRA LAW SCHOOL BAR/BRI REPS

Head Reps: Ron Lewis, Robert Baer

1987: Joel Ackerman, Janin Davitan, Steven Drelich, Faye Feintuck, Maria Izzo, Casey Jordan, Karen Murray, Steven Nathan, Philomena Reilly, Lillian Richardson, Marc Ross, Harold Rudolph

1988: Charles Canglioni, Ellen Laverne, Stuart Meisner, Dwight Pancottine

1989: Robert Harrington, Rhonda Hartmann

barbri

415 Seventh Avenue, Suite 62
New York, New York 10001
201 623-3363
212 594-3696

160 Commonwealth Ave.
Boston, Mass. 02116
617/437-1171