

# CONSCIENCE

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"Asking You to Ask Yourself"

September 1995

## Professor Regan Leaves Legacy of Excellence

by L. Kaye DeSelms

Hofstra Law Professor John J. Regan, who had distinguished himself as one of the nation's foremost authorities in elder law, died in his Garden City home September 1 of pancreatic cancer. He was 66.

Regan was the Jack and Freda Dicker Distinguished Professor of Health Care Law at Hofstra, where he served as Dean from 1978 to 1982 before choosing to devote his efforts to teaching on a full time basis. Law School Dean Stuart Rabinowitz called Regan an "excellent teacher and a great colleague," emphasizing that since joining the faculty in 1978, Regan was "very instrumental in strides that the law school has made."

Each of the many facets of Regan's life were important to him, according to his wife, Mary "Maureen" Regan, especially his work as a teacher and author.

He was also one of only two attorneys on the New York State Task Force on Life and the Law, for which he was Chair of the Committee on Health Care Decisions. Mrs. Regan said that his work on the task force from 1985 until his death was a very important part of his life and something in which he took great pride. He also found the project, which addressed legal issues in such areas as elder law, AIDS, and surrogate motherhood, to be educational and "invaluable in his teaching and in his writing." The task force, founded by former Governor Mario Cuomo, has continued to operate under

Governor George Pataki because, according to Mrs. Regan, the new Governor has also recognized the importance of its purpose.

Another significant accomplishment in Regan's career was the publication of his book, "Tax, Estate and Financial Planning for the Elderly" (Matthew Bender and Company, 1985), a guide for practicing attorneys. He was in the process of writing a supplement for this book when he became ill. Throughout the summer his daughter, Alycia, who is now a second-year law student at Columbia University School of Law, her father's alma mater, assisted him on this project. She said that it was both a wonderful personal experience and an honor to be able to work so closely with her father. The supplement, to be released next year, was 60 to 70 percent finished and will be completed by Aileen Jameson, Regan's editor at Matthew Bender and Company, according to Mrs. Regan.

Regan also published other books, including "Your Legal Rights in Later Life" (1989) and "The Aged Client and the Law" (1990), as well as numerous papers on a variety of issues.

Through a contract with the West Publishing Corporation, Regan, along with Professors Robert Brown of the University of Detroit Law School, Joan Krauskopf of Ohio State University School of Law, and Howard Eglit of Chicago Kent School of Law, had recently begun work on a casebook for elder

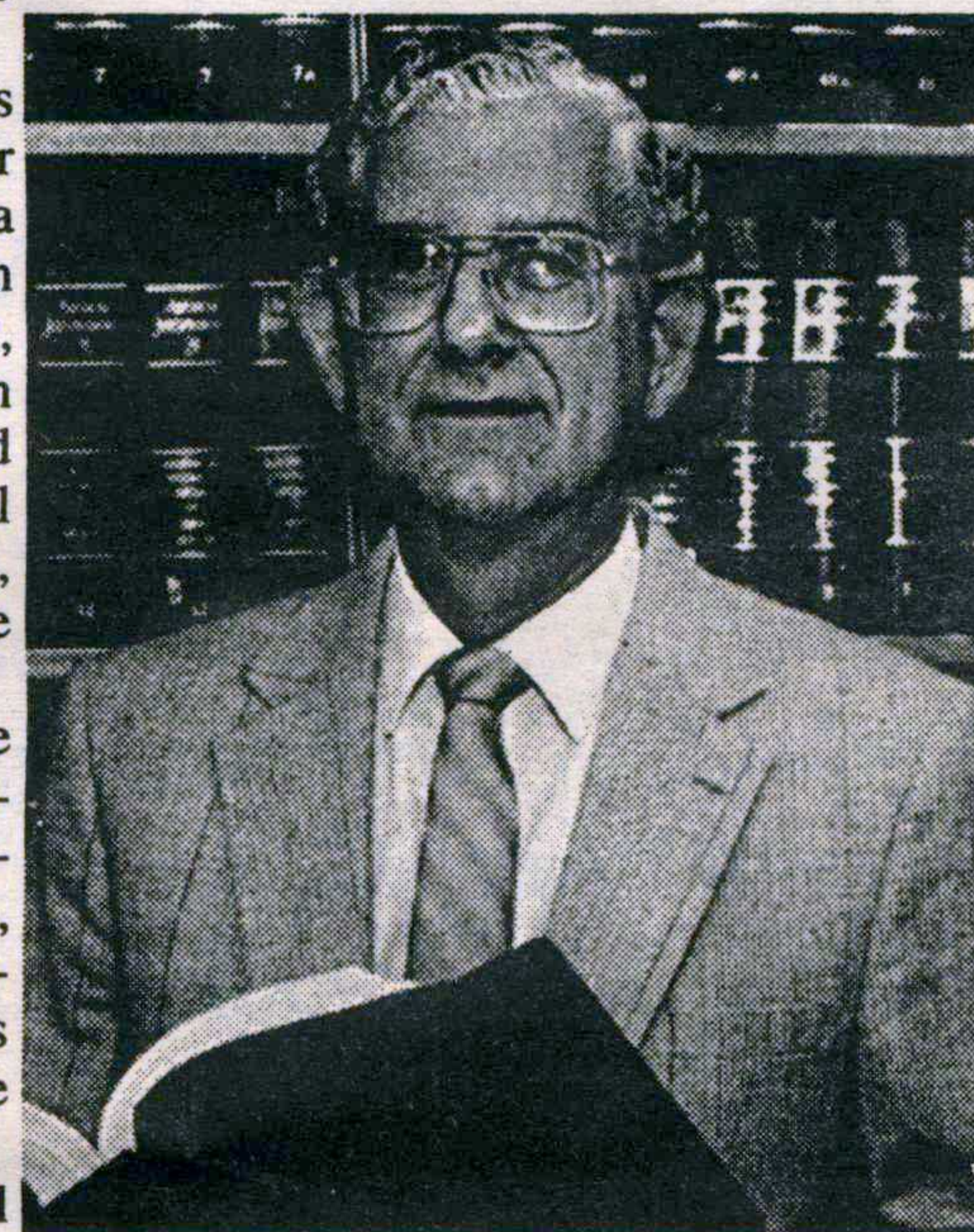
law. Brown noted that it will not be easy to fill the gap which Regan has left.

Brown and Regan first met over 20 years ago when Brown and Hofstra Law Professor Ronald Silverman (who would later be a member of the committee which chose Regan to be Dean of the Hofstra School of Law), then Syracuse Law faculty, contacted Regan in connection with a grant they had received from New York State to research the legal rights of the aging. Since then, Brown said, he and Regan have "worked together on one major project or another."

Regan's accomplishments are part of the "aura of integrity, kindness and thoughtfulness that he carried with him," Brown observed. At every event in which Regan spoke, people "marvelled at his ability to communicate clearly and thoughtfully" and at his "compassion for the human beings that are the subject" of his work, he added.

This aura seems to be what people recall most. When asked if he could provide a specific example of Regan's greatness, Hofstra Law Professor Burton Agata said that the specifics are so many that they are "embraced by my impression of his overall qualities," that he could not remember specific incidents because they fit in so well with what people expected from Regan. Brown said that he had "never heard anyone say a single bad thing about John Regan."

A story Alycia related at her father's visitation illustrates the way in which his death, in light of his worthy accomplish-



Professor John J. Regan

ments, seems to have affected everyone who knew him. The day after receiving his diagnosis, he reflected that, although he had dedicated his life to making the lives of the elderly more comfortable and enjoyable, he would not be given the chance to enjoy being elderly himself. Brown, however, noted that Regan's was "a life well led" and that, although he "did not have a chance to

see REGAN, pg. 8

## Hofstra Workers Strike Over Salary Issues

by Lawrence R. Levinson

Members of Hofstra University's union of secretaries, library personnel, and mail room workers, went on strike early in the morning of Wednesday, September 6, after discussions with University officials failed to resolve the union's grievances.

The University and representatives of the local chapter of the Office and Professional Employees International Union (O.P.E.I.U.), Local 153, had disagreed several times over salary and benefit issues before members voted to strike.

The issues in contention are those of pay raises, medical benefits, and financial inequities between Local 153 and other campus unions. In earlier meetings, union representatives had rejected University proposals for pay increase increments on the grounds that they were insufficient to keep pace with the rising costs of living. There was also disagreement on the amount members should pay for health benefits.

According to New York Newsday, earlier offers by Hofstra of 7 percent wage increases over the next three years, later raised to 10 percent in combination with insurance premium increases, were refused by union representatives as insufficient, particularly in light of the fact that O.P.E.I.U. members at Hofstra make \$22,400 on average after seven years, while starting salaries for campus blue-collar workers start at \$26,000 and can run as high as \$60,000. Union negotia-

tors were demanding a total of 19 percent wage raises over the next three years.

A September 8 memo to the Hofstra community from Charles Kalinowski, Jr., of the Local 153 Strike Communications Committee, criticized an earlier memo written by Hofstra University President James Stuart outlining the issues. Kalinowski took issue with Stuart's characterization of a 3.1 percent wage raise as average, noting that due to members' being "grossly underpaid," such a raise amounted to merely a few hundred dollars per year. Kalinowski also faulted Stuart's claim that market forces were responsible for the inequities between Local 153 and other campus unions, saying in effect that merely because such imbalances are traditional is no reason to avoid redressing them.

Another flyer distributed by strike participants during the week of September 11 indicated a belief among the members that the reluctance of the University to compromise was due to sexism: "Other Hofstra Union Workers, earn between \$6,000 and \$13,000 more than us.... Could the fact that our LOCAL 153 membership is 98% FEMALE have anything to do with this DISCREPANCY?" (emphasis in original). Other complaints listed in the flyer are that the members of the union have been required to increase payments on health insurance premiums while others on campus have not been asked to do so, and that the University has demanded that members give up their

longevity bonuses in exchange for a wage increase.

Demonstrations have been going on for the past two weeks along California Avenue, as well as at its intersection with Hempstead Turnpike, with strikers waving signs, blowing whistles, and urging drivers to honk their horns in support. A variety of reactions have been observed: certain motorists honk in support (even a police car was not above sneaking a quick beep), while others remain silent. Some drivers show their displeasure with the strike via rude gestures. The noise level has been sufficient, apparently, to irritate some residents and cause the Nassau County Police to begin ticketing any honking car.

On September 13, the University chapter of the Teamsters' Union, Local 282, indicated that it supported the strike but would not be joining Local 153 on the picket line. This is due to ongoing negotiations over its contract with the University, which expired on July 31.

As of September 15, negotiations between the University and union members were officially suspended but continuing informally by telephone, according to New York Newsday. Under New York State law, the accumulation of unemployment insurance benefits by an employee may be suspended for up to seven consecutive weeks after employment is suspended due to a strike, lockout, or other industrial disturbance which violates a collective bargain-

ing agreement in force in the place of employment, unless the disturbance ends before the seven-week period has ended.

Being unable to rely on almost 400 clerical workers has affected University day-to-day operations. Upper-level staff and faculty at the Law School have found it necessary to make their own photocopies rather than rely on absent secretaries; this has occasionally resulted in students' receiving miscopied

See STRIKE, pg. 9

### See Inside:

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Point/  
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*An Irish Blessing*  
*May the road rise to meet you.*  
*May the wind be always at your back.*  
*May the sunshine warm your face,*  
*the rain fall soft upon your fields.*

The editors and staff of Conscience would like to dedicate the September 1995 issue to the memory of Professor John J. Regan. His commitment to students and to excellence in scholarship are truly worthy of notice.

During its 1995–1996 publication year Conscience plans to implement many changes designed to improve the quality of the paper. Faculty, students, and professionals like John Regan have inspired us in this endeavor, and we can think of no more worthy tribute to his memory.

We encourage all faculty, staff, and groups at Hofstra Law to take time during this school year to reflect upon and reevaluate their own efforts. Professor Regan, as many others before him, has left behind a legacy which will live on through our ongoing diligence and commitment to excellence, the very spirit in which our school was founded. As we go on with our day-to-day business and classes, may we rise to the challenge, and may the road rise to meet us all.

## S.B.A. UPDATE

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### S.B.A. Current Events

by Britt Silver

Welcome back! This year, the SBA is trying to become more visible to the rest of the student body. This column is part of this attempt. Just a quick review of past and upcoming SBA-sponsored events:

• **Events to date:**

• **"Welcome Back" Hofstra USA Party:** This party was a huge success, with over 300 people, including some faculty, in attendance. We hope to have another party both before and after our winter break.

• **"Big Brother/Big Sister" program:** We were able to match up a large percentage of 1Ls with 2L and 3L mentors. If anyone is still interested, but never handed in a form, you can put your name, year, and number in Keith Barrett's 2L mailbox.

• **1L Elections:** An overwhelming 71% of the Class of 1998 came out to vote for their 1L representatives. To the winners—Congratulations! To those who did not win—stay involved! We need all the help we can get.

• **Upcoming Events:**

• **UN Day:** On Wednesday, September 20, from 12–2 p.m. on the patio in front of the Law School library, a number of clubs are working together to hold a food fair. All are welcome. This is the first step in an attempt, by the Student Committee on Cultural Relations, to try to inspire some harmony among different groups, as well as to raise awareness of some existing problems. If anyone wants to get involved, you can contact Wendi Barish or Gail Broder (3Ls).

• **Club Budget Applications:** All budgets are due on Friday, September 22. Any questions, contact Liba Lasher, SBA Treasurer (2L).

• **Monthly Meeting with Dean Rabinowitz:** The SBA has a committee which meets with the Dean one morning each month. The minutes are posted in the glass board between the two lounges. At the last meeting, the Dean agreed to pay for the additional costs of our six-pointed graduation caps (tamms), and to put some plants and bulletin boards in the student lounge. The next meeting is scheduled for Wednesday, September 27, 9 a.m. If anyone has any input, put a note in Britt Silver's (SBA President) 3L mailbox.

### S.B.A. Elections

by Mark Karpe

The first-year student body elected its Student Bar Association Representatives September 13–14 in one of the highest election turnouts in Hofstra Law's history. 207 of the 290 members of the Class of 1998—approximately 71 percent of the class—filled out their ballots.

Representatives chosen by Section A are Timothy McGrath and Anzelmo Graziosi,

and Section B Representatives are Elaine Sammon and Alan Sawaya.

Competition for the four first-year S.B.A. spots included five candidates from Section A and ten from Section B. Well-prepared campaign speeches and unique advertising provided an edge for the four victors.

S.B.A. would like congratulate the winners and to thank everyone who ran and who voted. S.B.A. also hopes to see you all for the April S.B.A. elections.



# HOFSTRA LAW UPDATE

## Cultural Relations Committee to Hold Food Fair LALSA Celebrates Hispanic Heritage Month

by Michael Patrick

There will be more than just pizza at the "U.N. Food Festival" during the Dean's Hour, 12-2 p.m. on Wednesday, September 20, in the Library Lounge.

The festival is being organized by the newly-formed Student Committee on Cultural Relations, and will be similar to individual club food fairs of recent years. The new Committee is the brainchild of Wendi Barish and Gail Broder, both third year students. Broder noted that "we have a culturally diverse student body at Hofstra. The food fair is a chance to celebrate our diversity, and it gives us a chance to meet each other."

The Committee has representatives from each of Law School's student organizations. Thus far, groups participating in the festival include the Asian Pacific Law Stu-

dents Association, Black Law Students Association, *Conscience*, Gaelic Law Students Society, Hofstra Law Women, International Law Students Association, Jewish Law Students Association, Latin American Law Students Association, Public Justice Foundation, Research, Education, & Advocacy to Combat Homelessness (R.E.A.C.H.), Trial Advocacy Club, and the Unemployment Action Center. Proceeds from the food fair will go toward future events to promote race relations, Barish said. Possible future events include hosting a speaker or holding a sports competition.

The cost of the festival will be three dollars. Anyone interested in preparing a dish or otherwise helping out can contact Gail Broder or Wendi Barish through their 3L mailboxes.

by Cynthia Parache

Mexican Independence Day, September 16, marked the beginning of a month-long celebration in recognition of Hispanic heritage, designated as Hispanic Heritage Month. Hofstra Law School's Latin-American Law Students' Association (LALSA) notes that, although Hispanics come from a myriad of countries, backgrounds and cultures, we do have one common ground: they speak the same language.

This event, recognized nationally, particularly in the New York metropolitan area, has been inspired by the fact that many Latin and Central American countries celebrate their independence this month. The Mexican Independence Day celebration will be followed on September 17 by Central American Independence Day, which was celebrated locally in Hempstead with parades and a festival.

Several other festivals and celebrations throughout the area will also give special recognition to Hispanic Heritage Month.

For instance, The United States Post Office commemorates the month with special issue stamps of Hispanic leaders. The New York City Public Library System will sponsor a special book section consisting of works by Hispanic authors. Additionally, The New York Metropolitan Museum of Art opened a display of pieces by the world-renowned Spanish artist GOYA September 12. (Earlier this year, however, Governor Pataki closed the Office on Hispanic Affairs.)

LALSA members will mark the month by attending the annual Hispanic National Bar Association convention, which will be held in Puerto Rico this October. The organization will also be participating in the UN Day Food Fair celebration, which takes place at the Law School Wednesday, September 20 from 12-2 p.m. LALSA notes that these are just a few of the many events that are available this special month and would like to welcome everyone to experience the richness of Hispanic culture by attending the events.

## Calendar of Events

Wednesday, September 20

12-2 - Food Fair in the 2nd Floor Library Lounge

1-2 - Phi Alpha Delta general meeting in Room 230. Membership applications and fees due. Food will be served.

1:00 - Lambda Alpha International, the "Land Club," general meeting in Room 205. Door prizes for 1Ls.

4-6 - Pro Bono Students America, The Legal Aid Society, New York University Law School, Columbia Law School and Fordham Law School present "Working with the Legal Aid Society," an opportunity to talk informally with Legal Aid Executive Director Danny Greenberg. At NYU School of Law, Greenberg Lounge, 40 Washington Square South, NYC.

6:00 - S.B.A. Meeting to introduce first-year representatives. Room 243.

Wednesday, September 27

11:30-12:30 - Hofstra University's Center for Teaching Excellence presents "Philosophical Blind Spots in Pedagogy: Informal Discussions on the Philosophical Underpinnings of Pedagogy," with Dr. Ignacio Götz, author of *Zen and the Art of Teaching*, in the Hofstra Museum Emily Lowe Gallery. For more information, contact David Cernic at 463-5612.

12:00 - *Conscience* general meeting and writing class in Room 242.

Thursday, September 28

Phi Alpha Delta Happy Hour at Bogart's.

Monday, October 2

1:00 - "First Monday"-The Public Justice Foundation and the Center for Volunteer Services in the Public Interest will co-sponsor a student-faculty discussion on the issue mandatory student pro bono services in the Moot Courtroom. Lunch will be served. For more information, contact Diane Bergner, Director of Pro Bono Services, at 463-6079 or L. Kaye DeSelms (3L).

6:00 - S.B.A. meeting in Room 243

Thursday, October 5

Phi Alpha Delta presents the 1st Annual New York Area Law School Booze Cruise with Brooklyn, Touro and Pace Law Schools. Transportation to dock. Discount for PAD members. For more information, see Samir Patel (2L).

Monday, October 9

7:30-9:00 - The Great Books Series, sponsored by Hofstra University's Philosophy Department and New College, continues with its second discussion. Anthony Dardis will lead a discussion on Wittgenstein's *Philosophical Investigations* in the Cultural Center Lecture Hall at the Axinn Library. For more information contact David Cernic at 463-5612 or Ignacio Götz at 463-5840.

Tuesday, October 10

7:30-9:00 - Hofstra University's Philosophy Department and the Hofstra Museum present "Master vs. Slave Morality," the second installment of their Enduring Questions Series. In the Hofstra Museum Emily Lowe Gallery. This will be an informal discussion between faculty and students. For more information contact David Cernic at 463-5612.

Wednesday, October 11

*Conscience* writers' deadline for October issue.

Friday, October 13

Hofstra Law School and the Nassau Academy of Law present the symposium "New Perspectives on an Old Punishment: Facing the Death Penalty in New York" at the law school. For more information, inquire in the Law School registrar's office. (See story, page 4.)

*Conscience* editors' deadline for October issue.

Friday, October 20-Sunday, October 22 The National Association for Public Interest Law (NAPIL) presents its Annual National Public Interest Career Fair and Conference, featuring speakers U.S. Supreme Court Justice Steven Breyer and White House Counsel Abner Mikva. For more information inquire at Career Services.

## Pro Bono in Full Swing

by Diane Bergner,  
Director of Pro Bono Services

The Center for Volunteer Service in the Public Interest, a program at the Law School which is dedicated to developing, promoting, and coordinating pro bono and public service activities in which law students may participate, has had an extremely busy year. While the Center has fulfilled its role in providing law students with a multitude of opportunities to engage in volunteer legal work, perhaps the most gratifying aspect of coordinating the Center's activities is the enthusiastic response of the students. This past year, over 300 students participated in the Center's activities!

Since the program's inception, students have been doing volunteer legal work with public interest organizations, government agencies, nonprofit organizations, members of the judiciary, and with private attorneys working on pro bono cases. These student

lawyers have acquired legal experience while working under the supervision of an attorney, and had the opportunity to explore different areas of the law, network, build a resume, experience the satisfaction of doing work on issues of concern, and help those in a vastly underserved client community. Some interesting placements which students undertook this past summer included: SEPA Mujer; Bronx Legal Services; Domestic Violence Project; State of NY Division of Human Rights; Mental Hygiene Legal Services; Legal Aid Society Criminal Defense Division; Federal Defender's Office; Town of North Hempstead; and National Center on Women and Family Law.

Last year, the Center introduced an itinerary of community education outreach endeavors that particularly emphasize law-

see PRO BONO, pg. 9

## LAISA Promotes Employment Skills

by L. Kaye DeSelms

Employment for its members is a primary goal for Lambda Alpha International (LAISA) this year, according to President Robin Goldberg (3L). LAISA, better known as the "Land Club," is an honorary land economics society.

The organization plans to conduct activities through which "students learn how to verbalize themselves," according to Goldberg. By acquiring this skill, she explains, they will be better prepared for interviews and other professional contact. As the "Land Club," LAISA is providing this training because "the ability to speak and to communicate and acquisition of substantive knowledge of land law is important" to students interested in this area of practice, Goldberg says. These qualities are especially important to the goal of obtaining employment.

At its first 1995-1996 meeting Wednesday, September 20, LAISA plans to use a "community builder" to demonstrate the significance of communication skills. This activity will not teach those skills but will, rather, show students how teamwork and communications skills must combine for effective communication.

Additionally, Professor Ronald Silverman will speak at the meeting.

New members are welcome at the meeting, to be held at 1:00 in Room 205. First-year students will be eligible for door prizes. (Three copies of Gilbert's for Property will be given away.)

This year's LAISA officers are: Robin Goldberg (3L), President; Mike Leibgold (2L), Vice-President; Joanna Balaskas (3L), Secretary; and Michael Brill (2L), Treasurer. Professor Silverman is their faculty advisor.



# Symposium at Hofstra To Educate on Death Penalty Litigation

by L. Kaye DeSelms

New York's new death penalty statute took effect on September 1, heightening both locally and nationally the already lively, and often heated, discussion on the issue of capital punishment. In response to this new legislation, Hofstra University School of Law and the Nassau Academy of Law of the Nassau County Bar Association have organized a symposium: "New Perspectives on an Old Punishment: Facing the Death Penalty in New York," to take place at the Law School October 13.

The purpose of the symposium, according to Conference Director and Hofstra Law Professor Eric Freedman, is to "have a wide-ranging examination of as many as possible of the numerous issues the statute will pose to the entire criminal justice system of the state of New York." It has been 32 years since a prisoner has been executed in New York and more than 20 years since this statutory choice in sentencing has been available in the state. Although no prosecution

has been made under the new statute yet, Freedman notes that the new legislation is "being actively monitored by a coalition of defense groups of which I'm a member."

In keeping with its purpose, the symposium is a non-partisan event designed to be educational and inclusive. It will also present panelists with wide-ranging views. To this end the symposium becomes a vehicle via which the Law School fulfills its own public interest mission by stimulating discussion on a form of punishment which Freedman views as presenting a "unique set of challenges." The program's intended audience includes prosecutors, defense counsel, judges, students, and professors. "Our goal here is to do everything we possibly can to educate all of these groups as to the demands that will be made upon them in the criminal justice system as a whole," he explained.

Symposium participants have been chosen from the judiciary, the government, and private organizations, and include Judge Francis X. Altimari, of the United States Court of Appeals for the Second Circuit; the Honorable John R. Dunne, a member of the Board of Directors of the Office of the Capital Defender and a former Assistant United States Attorney General for Civil Rights; Kevin M. Doyle, the Capital Defender of the New York State Office of the Capital Defender; Clive A. Stafford Smith, Director of the Louisiana Crisis Assistance Center in New Orleans; Ronald J. Tabak,

Special Counsel at Skadden, Arps, Slate, Meagher & Flom; and George H. Kendall, Assistant Counsel of the NAACP Legal Defense and Education Fund. Co-directing the event with Freedman will be Elaine Jackson Stack, Assistant Dean of the Nassau Academy of Law.

The program will begin with a detailed review of the New York statute. Although the symposium was prompted by New York state legislation, the focus of the program will be more broad, examining other states' legislation for comparison. New York is the thirty-eighth state to bring back its death penalty statute, so there is plenty of room for comparison. One

of the questions to be explored is whether New York will "become the Texas of the north," as noted in the brochure. Freedman explains that this concern has arisen because "Texas is an example of a state whose death penalty system is in a state of total collapse." The Texas system "combines a badly-written, and indeed unconstitutional, statute with an appalling paucity of resources for defense counsel and a decentralized and irresponsible system for the setting of execution dates, which combine to bring it about that people are in fact ex-

ecuted in Texas under circumstances that we would consider an appalling human rights violation if they occurred in China." He submits as an example of the inefficiency of the Texas system the case of Jesse Jacobs, who was executed despite the fact that the prosecution had announced that he was innocent—the execution proceeded despite the fact that a second defendant had been successfully prosecuted.

In other states equally unjust results can be found. Freedman notes the case of Earl Washington, Jr., a case in Virginia on which he has worked for over ten years. Although DNA eventually made it perfectly clear that—as Freedman has argued all along—the client was perfectly innocent, the governor was quite unwilling to do any more than to commute the sentence to life. Thus, Freedman comments, "Someone that had no more to do with this crime than you did is now spending life in prison." He notes that another ten years may pass before the man is released from prison.

The death penalty must be imposed fairly, Freedman asserts, "but every responsible person realizes that the pressures and challenges that the death penalty imposes at the individual level on attorneys, whether defenders or prosecutors, and on a system-wide level, are so overlooked that every possible resource has to be put into play if New York is to avoid some of the absolute disasters which have characterized the imple-

mentation of death penalty statute in other states.... That's why we consider it our responsibility to have continuing legal education on the topic." Included in those special pressures and problems are emotional and political issues. For this reason the "likelihood of breakdown increases exponentially" in death penalty litigation as compared to other areas, Freedman commented.

He also stressed his view that competent use of standard criminal law methods can make a case, while incompetent counsel only serves to hurt the client, highlighting argument in favor of the type of continuing legal education to be provided at the symposium.

In a February *Newsday* article Hofstra Law Dean Stuart Rabinowitz also emphasized the problem of competent counsel, writing that "...the death penalty falls most heavily on the poor and powerless, who often lack competent representation. The American Bar Association calls inadequate representation 'one of the principal failings of the capital punishment systems in the states today.'" He noted that although all New York counties provide defenders to indigents, many defenders do not have murder defense experience and that "no county has the specialized teams capital litigation demands."

New York's concern over these issues was examined during debate on the state legislation earlier this year when sponsors made the point that this is New York, not Mississippi. The goal in New York is to avoid the difficulties caused by the special nature of this issue. When problems do arise, Freedman commented, police, judiciary, defenders, and prosecutors are all to blame. "The adversary system requires all components to vigorously check each other—or risk breakdown."

Rabinowitz chose Freedman to lead the conference based on the latter's extensive experience in death penalty litigation. Freedman said that he fell into this area quite by accident when he volunteered for a pro bono project while an associate at Paul, Weiss, Rifkind, Wharton & Garrison in New York. Soon, he had developed an expertise "in something that proves to be an extremely stimulating opportunity to advance the public interest while extending one's legal skills to the absolute maximum." He has used this expertise to overturn capital punishment sentences, such as the Washington case (discussed above), to investigate and write on the topic, as well as to educate the legal community.

Freedman is currently Chair of the Civil Rights Committee and member of the Com-

**"...every possible resource has to be put into play if New York is to avoid some of the absolute disasters which have characterized the implementation of death penalty statute in other states"**

**"...as many as 70 percent of death sentences will be reversed as higher courts practice more careful scrutiny of procedure and other issues"**



Professor Eric M. Freedman

mittee on Representation in Capital cases, both of the Association of the Bar of New York City. Through his work with the Bar, he promotes a program for recruitment of volunteer lawyers for capital cases.

In his many capacities, he lectures extensively on death penalty issues. Most recently, in July he addressed an annual training program for judges from across the country. There, according to the New York Law Journal, he cautioned the judges that current trends could mean that as many as 70 percent of death sentences will be reversed as higher courts practice more careful scrutiny of procedure and other issues, even those not preserved by counsel, either as directed by statute or in efforts to avoid making law.

As a law professor Freedman is currently teaching a seminar on death penalty issues entitled "The Death Penalty in Contemporary America." He also teaches courses in Civil Procedure and Constitutional Law, as well as a practical course, "Pre-Trial Litigation." He is also a founding member and advisor of the Hofstra Public Justice Foundation, the Law School's public interest organization. Before coming to Hofstra, Freedman was a Law Clerk to the Honorable Irving R. Kauffman at the United States Court of Appeals for the Second Circuit. While in law school he served as the Editor of the Yale Law Journal and as a campus correspondent, law clerk, and newsroom clerk at *The New York Times*.



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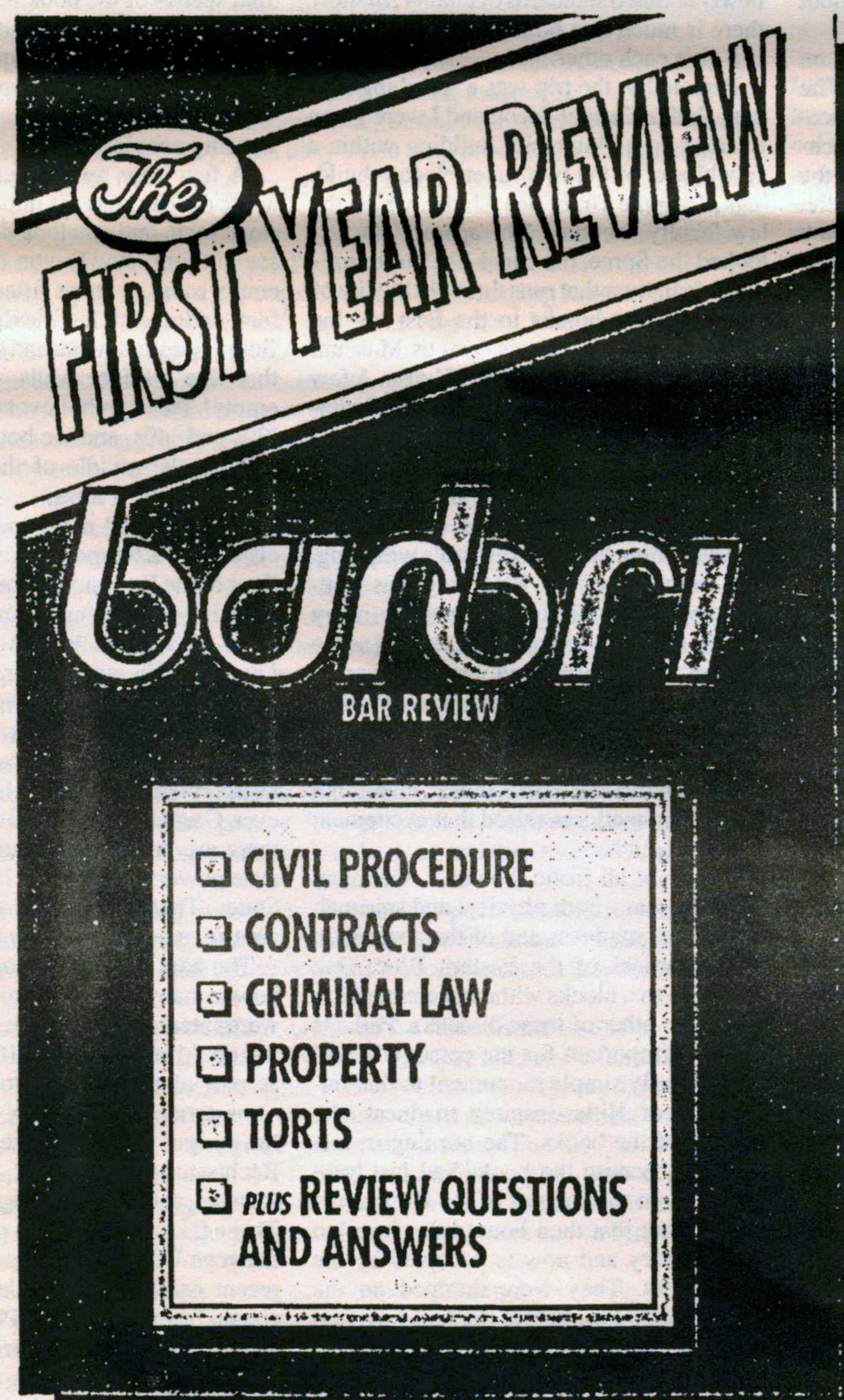
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# Jacob's Visit to Berlin Promotes International Ties for Hofstra

by Professor Bernard E. Jacob

*Foreword:* As Hofstra Law passes its quarter-century milestone and looks ahead to another twenty-five years, faculty members tell us that one of the school's goals is to expand into international endeavors. Hofstra Law Professor Bernard Jacob travelled to Germany this summer, at the invitation of University of Berlin Law School Dean Bernhard Schlink, to contribute toward that goal. He noted that the experience was not only enjoyable, but that "the possibility of student and teacher exchange has to be interesting to students" as well. He said he was surprised to see "how lively the whole opportunity is in Europe" for such exchanges.

L. Kaye DeSelms, News Editor

I ended up as a visiting lecturer to the Law Faculty of Humboldt University, the University of Berlin, this past June. The appointment began with a long dinner meeting between Dean Rabinowitz and the Dean of the Berlin Law Faculty, Professor Bernhard Schlink. Dean Adamski and Professors Hickey and Walker were also with them. A number of issues relevant to the two law schools were discussed. Among those issues was that of how law schools can make the most of the educational opportunities arising from the growing globalization of the practice of law. Out of that discussion arose a discussion that was not limited to matters of curriculum change or improvement. In fact, talk rapidly turned to people, to questions of student exchanges and of possible visits and interchanges of teachers. The immediate result was an invitation for a Hofstra professor, preferably one interested in Constitutional Law, to make a brief visit to lecture at the University of Berlin. The Dean asked me to go.

The two deans had found much to agree on. Although their histories differ, the two law schools share many similarities. Hofstra is poised to move forward based on its 25 year history. The University of Berlin is also in a sense a new institution despite the fact it is approaching its 200th birthday.

The University of Berlin has a great history, reaching back to the end of the Napoleonic era.

On its founding, it was hailed as the University of the future and set the standard for German and, to a large extent, American higher education for the next century and a half. During that period its scholars were dominant in several fields, including law. Frederick Carl Savigny, the dominant scholarly influence in the 19th century on law in German-speaking countries, was the first Dean. His colleague on the Berlin philosophical faculty was Hegel. Karl Marx came to study law, and stayed to listen to Hegel and to "turn him on his head" in Marx's own writings. Later the newly unified Germany turned to the Berlin faculty for much of the drafting of its codes. In the same years the

Brothers Grimm laid the foundations of modern linguistics there, and Theodor Mommsen was one of the founders of modern history.

After the first World War, however, the University, like the rest of Germany, had to live through the Nazi era and the physical destruction of much of Berlin in World War II (although the University buildings escaped serious damage). That era ravaged the law faculty, with many famous scholars, including legal scholars Martin Wolff, James Gosdtschmidt, Ernst Rabel, and Fritz Schulz, driven abroad or worse by anti-Semitic laws and the oppressive Nazi regime.

The cataclysmic conclusion of the war did not end the University's period of bad luck. The wounded institution was almost brought down by an accident of line-drawing at Potsdam. The same agreement that created West Berlin, for more than 40 years a symbol of European democracy, also located the University of Berlin in the Eastern or Soviet zone.

The heavy-handed occupation forces and the succeeding Communist bureaucracy led to the secession of a large number of teachers from Humboldt. With public and private backing from the West, those who had resigned from Humboldt created the Free University of Berlin which, in time, became known as the most liberal university in Germany and gained much of the reputation that previously belonged to Humboldt without any doubt.

In the meantime, the older University on the other side of the wall soldiered on. The teachers suffered from the deadening academic Marxism imposed from above. Teachers and students alike suffered from the sense of being cut off from the world of the West where all the important things in law and everything else seemed to be happening. The institution, both a part of the East German regime and oppressed by it, could not compete in international reputation with its upstart break-away in the western suburbs; they were hampered and limited by the intellectual strictures and by the unpopularity and the poverty of the East German government.

When the Berlin Wall went down in 1989 and German reunification came in 1990, there was little thought of merging the older institution into the Free University. Berlin and the new Germany needed both institutions to survive as strong centers of higher education. All the faculties of Humboldt, the "old" and the "real" University of Berlin, however, began a process of radical renewal.

The Law Faculty was affected as much as any of the other parts of the University. Many former faculty members, discredited by their links with the Communist past and no longer politically protected, left or were forced to go. New faculty members from many Universities in the West joined the Berlin faculty and the youngest and best of



Professor Jacob and Dean Bernhard Schlink stand in the main quadrangle of W. Van Humboldt University (U. Of Berlin). The main university building, located on Unter den Linden, in Berlin, is in the background. Photo by Professor Jacob.

the former faculty. The Law Faculty has thus undergone a radical period of renewal during the past five years. They are now consolidating those gains and looking to see how they can continue their growth and newly attained standards of quality. In short, there is much that both Hofstra and Berlin can give each other.

Personally, the trip was a smashing success. Judge Gangel-Jacob and I were given quarters in a University building within a few blocks of the two super-elegant buildings along the Unter den Linden which the law faculty occupies. The apartment overlooked the Spree, the canal-like but beautifully clean river that runs through the City of Berlin. A few blocks to the East lay the Museum-Insel, the city's famous Museum complex, and the State Opera House. A few blocks to the West lay the Reichstag (Parliament building), the once and future home of a democratically elected German legislature. During our stay this building, now undergoing renovation, was curtained by the silver-blue fabric of Christo's wrapping. The wrapping of the Reichstag was a remarkable event. All Berlin, and many, many tourists created a spontaneous festival as the draping and covering and wrapping neared completion. There is a special excitement about the reunified Berlin in any case. It is an exciting city, with drama, dancing, museums, art shows and music, music, music, but the Christo-madness raised that excitement to a fever pitch.

It was not all frolic, however. Germany bears the scars, both physical and spiritual, of the Nazi madness and of the decades in the wilderness of the Eastern Bloc. One cannot go two blocks without a memorial to one or the other of these disasters. Perhaps the most important for me personally was the strikingly simple monument to that initial bout of Hitler-inspired madness, the burning of the books. The burning in fact occurred because the books had just been purged from the shelves of the Kommode, the building that then housed the Prussian State Library and now is occupied by the law faculty. They were dumped on the cobblestone plaza before the building, and there the Brown Shirts had their burning. Many decent Germans then realized with a start what a monstrous regime they had installed.

Today the elegant early nineteenth-century Kommode, which was the residence of a Prussian prince before it housed the State

Library, is on its way to becoming the main building for the Law Faculty. Major renovations for this purpose were under way when we were there. The cobblestone plaza remains. Today it is the Bebel Platz. The site that speaks of the book burning is as effective as it is simple. In the center of the Plaza is a polished stone plaque that carries a prophetic line from the poet Heine: "If you start by burning books, you will end by burning people."

A few steps away is an unmarked rectangle of Plexiglas set into the ground. You stand by it, and you look down. At first you see nothing; slowly you can make out an empty room, perhaps fifteen feet by fifteen feet, underneath the Plexiglas. The room's floor is painted white and so are the shelves that line all four walls. The shelves are empty! This symbol evokes a whiff of the '30s and '40s, and we both stood thoughtfully in the middle of the largely vacant Plaza for a long time.

I then hurried away to teach one of my classes in a temporary room on the third floor of the Kommode. Some forty English-speaking students and a number of teachers came to hear me lecture about the recent *Lopez* case in our Supreme Court. My lecture was followed by a lengthy exchange. I was truly struck by how knowledgeable the students were about peculiarly American issues of Federal-state relationships. However, Germany is a federal republic also, and there are problems relating to federal and state powers there just as here in the United States. These issues, and the issues of gun control, made for a lively hour and a half.

The next day I understood a little better how so many English-speaking students who were interested in American constitutional law could be found so easily. Students must, as part of their legal education, take two semesters of the study of law in a foreign language (fremdsprachliche Rechtsstudium). French, Italian, Spanish, Russian, and Chinese programs are offered. Those taking the English track may choose between UK and U.S. law. Julia Jensen, a recent graduate of the University of Wisconsin law school and a Ph.D. candidate in Berlin, teaches the advanced American law seminar. I sat in on one of her classes, a seminar that was considering corporate gov-

*Multilingual practice is a reality for an increasing number of American and European lawyers today.*

see JACOB, pg. 15



# EDITORIAL

## Walls of Apathy Imprison Hofstra Law Students

*Editors' Note: The Editorial, usually written by the Editors-in-Chief, is being written this month by News Editor L. Kaye DeSelms. It was originally intended to be the piece for our Social Conscience feature but we feel it is an issue best addressed as an Editorial.*

Let me just warn my fellow students that only those with the ability to swallow a bitter pill should read on.

GOOD MORNING HOFSTRA LAW! Certainly, many *Conscience* readers do not require the type of wake-up call I am about to provide (some may consider this in fact a public service announcement). The alarming level of apathy and isolationism with which Hofstra Law's student body seems to be palsied, however, jarred me wide awake last year as I watched, among other things, the Public Justice Foundation (P.J.F.) scramble to organize its annual goods and services auction in the absence of fifty percent of its student board.

The particularly pervasive presentation of palsy and pococurantism in the pupils propelled me to be more proactive. Now, despite the fact that I have probably grabbed your attention with my little tangent into alliteration, I'll bet ninety-nine per cent of you will not bother to look up the term "pococurantism." (Now that I've set forth a little challenge, maybe I'll lower the odds to 98.9 percent—I just hope most of you have the ability to define via context.) Here's a thought: talk to a professor.

In my attempt to be more active I was elected President of P.J.F., as well as News Editor of *Conscience*. One of the reasons I am so active in *Conscience* is, quite honestly, that few others are. I had planned, as News Editor, to present several other articles this issue. Due to time constraints and some political machinations, unfortunately, a few of those articles will have to wait for the next issue. These things happen, so I made sure to have more articles assigned than we would be able to print.

Good planning and "double-booking" would have made things all too simple for me, the favorite butt of jokes of the powers-that-be, to get away with. Instead, in addition to the expected snafus, I learned that many of the other stories would not be submitted because the writers were just too busy. (No doubt they were as busy as the sylphs hovering about me were when the airy beings looked away for a brief moment, providing certain little gremlins an opportunity to throw wrenches into the machine of *Conscience*.)

I'm sure, too, that whatever caused these writers to be so busy was sprung upon them ever so suddenly, sneaking upon the innocent little things like a tempestuous twist of fate. As law students, they certainly had not a clue that they would be busy the week after they agreed to write for *Conscience*, nor were they at all busy when they promised to pen pieces.

I was about to cut to the chase, but allow me to continue to wax ironic for a moment more....

I certainly have no right, as News Editor, to complain. After all, my job must certainly be to author the entire news section. I guess I only ask others to contribute because I am painfully pococurante. I asked for far too much from my staff, barging into their lives and violating them as the rake's scissiors violently raped that legendary lock of beautiful hair.

Now I'll cut (pardon the pun) to the chase.

Yes, I am disappointed. I have made an extremely pointed effort to plan ahead and to implement what I hope will be improvements to both of the organizations in which I am involved. While the leadership of both seem to share my goals, I am sorry to have discovered that the student body on which we depend, our most precious resource, seems to have abandoned us in our time of need. To make this point more clear—and to show you that I am not the only person concerned with student non-concern—a friend/fellow student made a very interesting observation in the law school basement last week: he said, "There are about ten of us who run the school, and we're all here."

I am not trying to put forth the notion that ten or so of us do absolutely everything. Rather, a great many students make a little effort here and there, but not enough volunteer to fill in small gaps. A handful of us are left to pick up the pieces, to dot the 'i's and cross the 't's, not because we have more time (and in some cases not so much because we want to), but because we know that if we don't see to these details, no one else will. There are plenty of people in the school to do everything that can and, I submit, *should* be done. I do, however, want to take time to thank everyone, students and faculty, who has helped with this issue of *Conscience* as well as with other groups. The problem is that too many others are unwilling to take time to first find out what needs to be done and then to follow through by doing it.

You can blame it on the "Twenty-something Generation" phenomenon, but *that*, if you are the typical twenty-something law student, is picking up a spade and digging your own grave. (In other words, you agree with me by saying it's because you are lazy underachievers.)

What you cannot do, my fellow students, is blame the administration and the faculty. Unfortunately, that's exactly what so many of you are trying so hard to do. This is another exercise in futility. While I can certainly agree that at Hofstra, as with any institution of higher education, problems can and do exist, I will have no part in the movement that targets the faculty and administration as being at the root of all student problems. The way some students talk about "them," you'd think the faculty and administration were in cahoots, constituting a despotic military regime. From what my fellow students tell me, Dean Rabinowitz is the evil dictator leading the rest of the faculty, who act as his militia, to oppress the helpless students.

Now, if someone could actually show me, say, a photo of Dean Rabinowitz decked out in his olive drab, cigar hanging out of his mouth, pulling up in a jeep driven by a professor, ordering Deans Adamski, Pace, and Modell to rape and pillage small villages of students, THEN I might be more sympathetic. Since I figure I'll see such evidence around about the time I see a pig fly (other than at a Pink Floyd concert), I won't be holding my breath.

Many of you probably think I have either been brainwashed by the despot dean or am just a Benedict Arnold in a skirt. Wrong. I am a law student. I am paying big bucks (bigger all the time) to learn to use my noggin to logically analyze the facts and the law.

Well, folks, here are the facts: Hofstra has a faculty that, while arguably not as diverse as it could be, is nonetheless composed of men and women who are, despite what students

think, widely respected and academically accomplished.

Last week when a friend complained about an experience she had had with administration recently, I sympathized. (I noted before that I am not advocating the notion that Hofstra Law is void of error. I've had a problem or two myself.) However, when my friend began to expand her disparagement beyond a particular office, I found myself becoming quite defensive. Just because you have a problem with one office is not a reason to begin a baseless assault on the remainder of the school. Before I knew it, I had spewed forth a long list of recent accomplishments of Hofstra Law faculty. Heck, I sounded like the Hofstra Law poster child.

Perhaps the most annoying, even offensive, thing a law student can do is to make baseless accusations. Knowing that they have few facts with which to work, students wage war on faculty without so much as an attempt to find the missing information. Would these same students present a case to a judge before investigating the facts? Sadly, I feel I must ask this question.

The majority of students seems to feel that the faculty are locked away in lofty ivory towers. Here's a twist: I'm going to propose the possibility that *students* have separated themselves from the faculty by constructing glass walls. Just remember, fellas, he who lives in a glass house should not throw stones.

We're not the oppressed proletariat which must cry for peace, land, and bread. Instead, we should be using our sickles and hammers to shatter the glass walls in an effort to build relationships with the faculty. One of the best ways to accomplish this feat is to GET INVOLVED. The faculty *like* to see us producing newspapers, organizing speakers and other events, representing the unemployed and homeless, and just plain doing something. Bonus: the faculty likes to help us do these things. No, many of them are not banging on our doors to ask what they might do to help, but that's not their job (just as it isn't my job to write the entire paper). Student organizations should be organized by students, who should actively solicit faculty participation.

This year *Conscience* is going to make every effort to foster student-faculty relations. We challenge you to do the same. We plan to regularly feature a page consisting of a professor profile, a profile of a class that professor teaches, and a news story on recent activities in the subject area of the class. We also plan to do a better job of letting you know what Hofstra Law as a community—that includes you, the students—is accomplishing, especially on the international front. We also encourage those faculty who have been less active to do more, not because we subjectively believe that they should, but because we want to know them and to work more closely with them.

Let's face it: as we quickly approach attorneyhood, we're also becoming our professors' colleagues. This is grad school, guys. The same people who are lecturing to you today may well be hiring you, networking with you, and maybe even treating you like—gasp!—equals tomorrow. Do yourselves a favor: act the part.

*Note:* Previously some columns in *Conscience* have been used to wage unsupported student-centered attacks on administration and society at large. We cannot fathom what ends were intended to be served by these methods. Next month may find some columns in *Conscience* being used once again as a vehicle for expressing student grievances, a legitimate function if those grievances are presented in a constructive manner. However, *Conscience* is not an appropriate forum for what is called—to use the vernacular—"bitching."

## Conscience

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## From REGAN, pg. 1

look back...few of us can say that we have accomplished so much."

Reflecting these accomplishments and dedication to the elderly, Regan's resume also boasts receipt of the second-ever Arthur S. Flemming Award, presented in 1990 by the nation's three major elder law organizations at the Third Annual Joint Conference on Law and Aging. With this and other honors, Regan was "acknowledged as the single most important figure on what is widely known as elder law," according to Brown.

Rabinowitz noted that Regan's national reputation in health care law and elder law is illustrated by the fact that anywhere in the country that the Dean mentioned Hofstra Law, people would immediately respond with Regan's name. Silverman commented that Regan had been involved with elder law since its infancy. As a law professor at Hofstra, Regan used his expertise to teach such specialized courses as The Law and Aging, Health Law, and Bioethics and Law. He also taught courses in other areas, including Criminal Law and Constitutional Law.

Regan was "the perfect person" for Hofstra's proposed Health Law Institute, Rabinowitz said. Unfortunately, he added, that project will have to put on hold for the time being.

One of the many characteristics which so highly qualified Regan for teaching was that he was a true scholar, Rabinowitz said. The Dean cited Regan's impressive education: he earned a B.A. from Mary Immaculate College in Pennsylvania in 1951 and in 1963 received an M.A. in Political Theory from St. John's University. From Columbia Law School he received his J.D. in 1960, L.L.M. in 1971 and J.S.D. in 1977. From 1960-1962 Regan was Associate Dean of Men and a

Lecturer in Law at St. John's. He then served as Dean of the School's College of Liberal Arts and Sciences until 1968, when he became a Professor of Law there. In 1970 he left St. John's to pursue his legal education. He was a Professor at the Maryland University School of Law from 1971-1978.

Rounding out this impressive resume is Regan's membership on committees of both the American Bar Association and the New York Bar Association, as well as the leadership roles he took, not only as a lecturer, but as a witness on health and elder law issues before Congress and other national and state governmental entities. He also wrote pioneering legislation in Maryland.

In addition to scholarly qualities, Regan had a "special art, a special talent for putting together the kinds of seemingly disparate characteristics that real leaders need," Silverman observed. He added that it is rare to encounter someone in such a postured, aggressive field who has the ability to get things done, because this requires that you understand both other people and yourself. When Silverman needed advice about his own parents, he said he turned to Regan. Rabinowitz expressed similar thoughts on Regan, noting that "everyone" turned to Regan for advice. Agata added that "people would rely on him" and listen to him because "he didn't say anything unless he had something to say."

In Silverman's words, Regan "projected in his own way not just competency but a kind of passion" for his work. Since Silverman's office has been next door to Regan's for years, he has had an opportunity to observe Regan's habits closely and views him as "a very steady, conscientious worker." Regan, he said, "shouldered more than his fair share of committee burdens." He was, for example, on the committee which, in the early 1990s, reviewed the school's law review and law journals. Agata stated that Regan was noted for his ability to assume

responsibility and to finish tasks, qualities which in Agata's view probably led to his being selected for such tasks. "His own integrity stood behind that report [on the journals] and all others he made," Agata said.

In a venture such as the journal report which carried "real potential for faculty-student misunderstanding," Silverman was impressed with Regan's capacity for dealing with the competing interests and potential for offense. He was able to make tough decisions while maintaining his good demeanor. While it was necessary to make negative comments in the report on the journals, Regan also made a point to include positive feedback.

Certainly, his resolve to include this positive feedback was indicative of his dedication to students. Agata noted that "his entire professional life focused on students...he would be more than approachable; he cared." Christine Bagetakos, now a third-year student at Hofstra Law, said that she feels fortunate to have had the opportunity to be a member of his Aging and Law class last spring. She is also grateful to him for the assistance he gave her in obtaining her current job at Russo and Atlas, an elder law firm in East Meadow. The managing partner at the firm, Vincent Russo, is a member of the National Academy of Elder Law Attorneys, of which Regan was on the Board of Directors. The mutual respect between Regan and the firm is evidenced by the fact that Regan has guided several other students to law clerk positions at the firm.

The most moving example of Regan's dedication as a teacher, however, was related by his daughter at his visitation. She told of one of his first reactions upon receiving his diagnosis: he asked her to go to school to pick up his seminar papers from last semester so that he could grade them. He would not leave his job unfinished, in the interest of his students. Students who were

present said that they could not have been more touched, because they knew that he had made the ultimate effort as a teacher.

His commitment to teaching was never in question, nor was the quality of his teaching. Nicki Kranz, a 1983 Hofstra Law graduate and current Vice President and General Counsel of Cabrini Medical Center in New York, said that, although she never took a course under Regan, when she became a health care lawyer she came to know and respect him. She has hired interns who were Regan's students and has felt fortunate to have been able "to take advantage of everything he'd taught them."

Like the Professor, Mrs. Regan is also involved with students at Hofstra Law. She is a communications expert who assists students with interviewing skills through the One-On-One Videotaped Interviewing Training offered at the school's Office of Career Services. Dr. Regan will return to her position there soon, and her role may be expanding. Students and faculty characterize her much as they do her husband, as a kind, caring and helpful person.

Students at Hofstra Law are honoring Regan in a number of ways. The Student Bar Association is collecting donations, which it will match, to send to the organizations designated by Regan's family. (See Christine Bagetakos, 3L, for more information.) Donations may also be sent directly to The American Cancer Society, Long Island Division, Inc., 75 Davids Drive, Hauppauge, New York 11788; and The Don Monte Research Foundation at North Shore University Hospital, 300 Community Drive, Manhasset, New York 11030. Conscience is dedicating this issue to the memory of Regan, and the Hofstra Law Review will dedicate an issue to him as well, with a foreword written by Dean Rabinowitz. The Hofstra Public Justice Foundation is proposing a graduation award to be presented in his honor and also plans to make the first donation to the endowment.

## Island of Réunion: Who Says You Can't Live on an Active Volcano?

by Lawrence R. Levinson

*Editors' Note: This piece represents Part One of a series to appear monthly in Conscience.*

Somehow I've been bamboozled into writing another "How I Spent My Summer Vacation" piece. Just because I happened to spend two weeks in the Indian Ocean on some small island is no reason to make me lose sleep and hair over getting this article in on time.

Briefly, the story behind the trip is as follows: my mother's family has lived in l'Ile de la Réunion, a small French island about 800 kilometers east of Madagascar, since the 1700s. My mother studied at the Sorbonne in Paris, where she met my father, and they then came to live in New York City. The rest of my mother's family remained in Réunion. Earlier this year, my grandmother survived a heart attack, but her prognosis was unfavorable, so the family decided it would be best if my mother returned home for the first time in twenty-six years to visit with my grandmother. I went along partly to see my grandmother and partly because my mother wanted me to see where she'd grown up. An absolutely outrageous sum of money bought two plane tickets from New York to Paris, and from there to St. Denis, the capital of the island.

First, a little history: the Island of Réunion was formed two to three million years ago by underwater volcanic eruptions. Geological processes resulted in an island made up of two adjacent volcanic peaks. One of them, le Piton des Neiges ("Peak of Snows") ceased its activity around 20,000 years ago, while

the other, le Piton de la Fournaise ("Peak of the Furnace"), continues to erupt periodically to this day. In the sixteenth century Arabic and Portuguese explorers stumbled across the island; the latter grouped it with other islands nearby as the Mascareinhas ("Mascarenes"). The island became of interest as a port of call for vessels needing fresh water or food.

The island came under the control of the French in the early 1600s, but was deemed of little interest except as a place to deport convicts. However, when the first group of exiles got word to France of the beauty of the island and its potential for agriculture, the royal government began to take an interest. Unfortunately, so did the English, and the end result was a series of sea battles following which England conquered the island. But as part of peace negotiations, the island was returned to France, which was able to begin shipping colonists and livestock in for purposes of exploitation.

The first large-scale agriculture on the island was the cultivation of coffee near the coast, which began in the 1700s and did quite well until about 1880, when price regulations bankrupted the majority of the coffee planters. Many of them were forced to abandon their estates and move inland to start again; today their descendants live in the foothills of the island and represent one of the poorest social groups of the island. Meanwhile, the island switched briefly to the production of mocha, but this was found to be an unsatisfactory replacement for coffee. Eventually planters settled on sugar cane, which continues to be one of the island's main exports. For the most part the island remained a distant colony of France

until the twentieth century, when Axis naval blockades during the Second World War forced the islanders to rely on local cottage industries for the production of necessities previously shipped in from France. Following the war, in 1946, the island's status was changed to that of a department, allowing it to enjoy the same benefits and assume the same responsibilities as the departments of mainland France.

Today the island, despite covering only about 2,512 square kilometers, has a population of roughly 660,000; due to a recent increase in the birth rate, however, almost 40 percent of the inhabitants are under the age of 20. Most of the people live along the coast, with the remainder occupying villages in the foothills between the two volcanic peaks or inside the three caldera which ring the Piton des Neiges. The population expansion has brought with it a building boom and a variety of infrastructural projects, such as the expansion of the cold coastal road to a four-lane highway. St. Denis, the capital, is the largest French city outside mainland France.

But the population expansion has also brought corruption and inefficiency to Réunion: despite the building boom, unemployment currently hovers at close to 30 percent. Some of the modernization projects, designed by engineers brought in from Europe, leave residents wondering whether they might not have been implemented in a way more in harmony with the character of the island. Case in point: the new coastal highway. For most of the twentieth century the Route Nationale around the island was two-lane blacktop which followed the contours of the coast, heading inward along the

mouths of rivers to minimize the use of bridges. The road was supplemented by a small railroad, which by making liberal use of trestles and tunnels through the ridges which stretched down to the sea, provided transportation around the island to residents unable to afford cars.

However, "experts" brought in from the mainland in the 1970s and 1980s shut down the railway. The train and the rails were scrapped; the stations were either abandoned or sold; and the trestles were left to rust. In certain cases the tunnels were incorporated into local roads, but in most cases, including a multikilometer stretch leading into St. Denis, they were simply sealed. The experts then laid down a four- and six-lane highway around the island, but along a much straighter route than that of the old Route Nationale. The result: in places the old road is still usable where it slithers out from under the highway embankment. In others just enough of it is visible for use as rest areas or as parking lots for scenic viewpoints. The new highway also passes below steep cliffs which are much more likely to send rocks cascading down onto the road surface now that traffic along it has tripled. Thanks to maintenance and safety projects (which include closing the road at certain times of year to dynamite loose rubble, and stringing up giant nets—surplus antisubmarine nets—via the use of helicopters), and to the sheer cost of building a road which in some places is cantilevered out over the ocean, residents can now benefit from what is quite literally the most expensive stretch

see REUNION, pg. 14



### PRO BONO From 3

related education. For example, in conjunction with the New York Civil Liberties Union, Hofstra Law students participated in a pilot program in which they taught a civil rights and racial relations class at high schools on Long Island. Its initial success led to its expansion at six high schools last spring. Hofstra Law students also teamed up to work with judges and attorneys who administered the Nassau County Bar Association Mock Trial Tournament for high school students. Thirty-five law students acted as "law secretaries" for this extraordinary competition. A VITA (Volunteer Income Tax Assistance) group was also formed, which enabled law students to offer free tax help at various community locations to people who could not afford professional assistance. All of these community projects will continue this year.

Those students involved in R.E.A.C.H., a student-run organization which provides

direct advocacy for homeless persons, have been extremely busy running weekly clinics at the Interfaith Nutrition Network in Hempstead. At these clinics, students staff tables and provide information to homeless persons about public entitlement programs as well as inform the homeless about the various community resources that are available. More help is needed at these clinics—this is a good opportunity to gain "hands-on" experience. The U.A.C. continues to provide free counseling and advocacy services to jobless persons seeking unemployment benefits at hearings held before administrative law judges. Last year, more than 100 student advocates participated in the U.A.C., and there were many satisfied clients!

If you wish to become involved in the Center's activities, please see me in Room 244 (OCS) or call me at Ext. 6079. Join your fellow law students who have gained valuable legal experience and have contributed their services to the community!



Striking workers from Local 153.

Photo by Stella Bondar.

### STRIKE From pg. 1

at the Law School have found it necessary to make their own photocopies rather than rely on absent secretaries; this has occasionally resulted in students' receiving miscopied handouts. Students have been brought in to replace certain clerical staffs in order to keep offices running.

The strike has had wider ramifications for the University as well. The Ethics Conference, in the planning stage since three years ago and originally scheduled to run from September 17 to September 19, was postponed by Dean Stuart Rabinowitz to March 10 through 12, 1996. In a memo dated September 13, the Dean commented that the postponement decision was made "out of concern over logistical arrangements and

out of courtesy and respect for our guests and participants." Supreme Court Justice Ruth Bader Ginsburg had been expected to be the keynote speaker at the Conference. When *Conscience* News Editor L. Kaye DeSelms asked whether Ginsburg had elected not to come due to the strike, Toni House, spokesman for the Court, had no comment. Rabinowitz's memo did indicate, however, that the Justice had agreed to attend the rescheduled Conference.

In response to Rabinowitz's announcement, Local 153 posted its own memo, dated September 15, in which members pronounced themselves "saddened and shocked by the cancellation," adding that had the union demand for an impartial mediator been satisfied, the strike would not have taken place.

**The next *Conscience* meeting  
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## POINT/ COUNTERPOINT

by Barbara Reed

Colin Powell is charismatic. He is intelligent, even intellectual. He commands respect. He looks the part of the consummate leader, and this makes him an incredibly attractive Presidential candidate. Indeed, the full power of his attraction is evidenced by the sheer number of voters all across the ideological spectrum who have announced unblinkingly, "Well, if Powell runs, I'll vote for him."

The man presents a tempting alternative to an utterly disaffected electorate; but will he run?

Thus far, Powell has enjoyed the ultimate media honeymoon. As he flirts with a candidacy, he has (up until the week this column was written) scrupulously avoided any indication of his stance on any political issue—in fact, no one yet knows for sure what his party affiliation is. However, by the time this column runs his interview with Barbara Walters on ABC's 20/20 will have aired; sound bites from it have already run on the network news. They provide the first inkling of the beliefs that shape the man, and many are sure to be disappointed.

In fact, Powell has already drawn (expected) fire from the ultra-conservative Family Research Council, because he describes himself as pro-choice on the subject of abortion. Although he supports both private gun ownership and a moment of silence in schools, he also supports handgun regulation and opposes organized prayer in

school, neither of which will endear him to the forces of the far right. Moreover, while he supports the death penalty, he also supports affirmative action, which occupies a place of honor on the current conservative hit list.

If he declares his candidacy, he won't escape the scrutiny of the left, either. One of the first skeletons to rattle out of his closet will be the one named "Iran-Contra." During the biggest Presidential scandal since Watergate, while Powell's then-boss Caspar Weinberger occupied the hot seat, the general had occasion to testify before Congress. A congressional report describes that testimony as "misleading at best," a charge he flatly denies, but it's more than enough to instigate a feeding frenzy. It's questionable whether Powell, who by all accounts appears to be an intensely private man, will be willing to subject himself and his family to the sort of political inquisition that is part and parcel of the modern Presidential candidacy.

Nor will the Republicans pull any punches, even if Powell were to run in their own primary. Bob Dole and Phil Gramm are already brimming with animosity, as they each try to outdo the other in showing how unafraid they are of a Powell candidacy. They protest much too much, but if they seem unpleasant now, it's nothing compared to how they'll behave if he actually challenges them.

Despite his admission that it would prob-

ably be "easier" to run for President as a Republican, Powell is probably the one candidate who stands any real chance as an independent (at least the only one who could do it without the millions to make a Perot-esque attempt at buying the Oval Office).

Unfortunately, the other potential "independent" candidates are unlikely to fare so well. Ross Perot is the most obvious of these—obvious in every respect. Once again, the Texas tyrant with more dollars than sense is insinuating himself into the political landscape with all the subtlety of a sledgehammer. His United We Stand America confab several weeks ago produced the most disgusting display of obeisance that the electorate has been privileged to witness until Pat Robertson convened his own version last week. Perot loves to play the king (although Mr. Robertson's goals are admittedly loftier—he likes to play God), and the current slate of candidates and their emissaries couldn't wait to line up and pledge fealty in the hopes of becoming the king's own anointed. But the famous Perot ego, as ever, couldn't begin to contemplate such a rapid endorsement. Instead, he toyed with the

candidates for a weekend, dangling it above their heads like the proverbial carrot, and yanked it out of reach on the final day, leaving the door open to yet another "run" by the king himself. Fortunately for the voting public, Perot isn't known for his stick-to-it-iveness. If he does subject us to another Perot candidacy, we can be secure in the knowledge that as soon as the media glare becomes too hot, he'll vanish

into the air-conditioned comfort of his million-dollar version of the North Dallas Forty.

So who's left? Bill Bradley? Jesse Jackson?

Yes, Jesse's toying with another run, too, also as an independent. Jackson feels that the Democratic Party has betrayed its roots and its mission—and he's absolutely right. However, if he couldn't make it through the Democratic primary at its liberal height, he doesn't stand a chance as an independent now, with conservative shockwaves still emanating from last November. Jackson is far too politically astute not to recognize this. If he runs at all, it will be in his favored role of gadfly, pricking the inflated egos and the shriveled consciences of the major party candidates and keeping vital social issues prominent in electoral discourse.

Bill Bradley: integrity is certainly not his strong suit, although he's developed an appalling proficiency at selling out. It was bad enough when he announced that he wouldn't be running for reelection because neither party in Congress was serving the needs of the voters. That's certainly true. But the solution isn't for one of the few liberal voices simply to quit. If ever we needed that one extra voice, it's now.

However, the day after Bradley's announcement, his real motive became abun-

by Jake Gertzman

Ross Perot couldn't do it. Neither could John Anderson, George Wallace, Strom Thurmond, Henry Wallace, nor even Theodore Roosevelt. This diverse group, consisting of a billionaire, a Congressman, two governors, a former Vice President and former President, is made up of men who could not get elected President of the United States as independent or third-party candidates.

So why do all of the elite pundits think that it is inevitable that there will be at least one and maybe more independent candidates in 1996? Is there anyone out there to challenge Bill Clinton and Bob Dole, the likely major party nominees? Colin Powell, Ross Perot, Jesse Jackson, Bill Bradley, Lowell Weiker, and Pat Buchanan have all expressed interest in possibly running in 1996. All have different scenarios in which they would run, though it is highly unlikely that any one of them can be elected.

First, the man of the moment: Colin Powell has been on the covers of *Newsweek* and *Time* in the last two weeks, and "Powellmania" will continue to sweep the nation as he promotes his autobiography. But several questions have to be answered before he and Mrs. Powell start measuring drapes for the Oval Office. Is he a Republi-

can, a Democrat, or neither one nor the other? Does he have the drive to run as an independent? Is he too liberal for the conservative base of the Republican Party if he enters the primaries? Now the facts: Details of his book are dribbling out; he claims to have problems with the "far right" and "patronizing liberals;" he is pro-choice, favors capital punishment, and is wishy-washy on affirmative action and school prayer. Where is his base of support beyond the force of his personality? An old axiom in politics is this: "If you straddle the middle of the road, you're bound to get run over." Powell is attempting to buck this trend, but he faces a tough road ahead. Will the left, which agrees with him on abortion, look the other way concerning his views on the death penalty? Can the Christian Coalition support a pro-chooser? The answer to both questions is probably no. But who knows?

If I had to put money on it, Powell will not launch an independent bid. First of all, he is unlikely to win. He has stated unequivocally that he will not run as a symbolic candidate. He will only run to be elected. In a three-way race with Clinton and Dole, he comes in

third. If he were the Republican nominee, he would beat Clinton by ten points. These polls should send the General a clear message.

More importantly, Powell is a creature of the establishment, primarily the Republican end. His prominent roles in government have all come under Republican administrations (with the exception of the end of his

term as Joint Chiefs Chairman under Clinton.) What have we all been taught about not biting the hand that feeds you? Could he really look himself in the mirror on November 6, 1996 (that's the day after the election if you're too lazy to look at your calendar) if his independent candidacy sealed the reelection of the most incompetent President

since...well...Jimmy Carter? (You didn't think I could get through an entire column without a dig at our illustrious leader, did you?)

There is a better chance that Powell will run in the Republican primaries, and he has acknowledged that it would be an easier road for him. If he truly believes that the so-called "far right" is a problem, then he will run as a Republican and use his leadership to try to change things. I believe that in the end, Powell will not run. If I'm right, then the speculation will turn to whether he would

accept the GOP's Vice Presidential nomination. Right now he says he's not interested, but let's wait to see what he says if he is asked next year. If I'm wrong, we may be in for a hell of a ride over the next year.

Another hope for American politics, as anointed by the establishment, is former Democratic Senator Bill Bradley of New Jersey.

When he announced his retirement after three terms, he denounced both political parties (he neglected to mention that he had been a part of it all for eighteen years). Moreover, he did not rule out running for President, as an independent of course. As a citizen of New Jersey, I would like to give you the real story on Bill Bradley. He is an establishment liberal masquerading as a moderate. He disliked being in the minority and was in serious danger of losing his seat next year. So what is the fuss all about? I will be the first to admit that the man is brilliant,

**Could [Powell] really look himself in the mirror on November 6, 1996 if his independent candidacy sealed the reelection of the most incompetent President since...well... Jimmy Carter?**

**[Sen. Bill Bradley] is an establishment liberal masquerading as a moderate.**

See LIBERAL, pg. 14

See CONSERVATIVE, pg. 14



## ALUMNI CORNER

Michael P. Roberts '86

## Hofstra Alumnus Wins Largest Asbestos Verdict in New York History

by Tammy Feman

A look out from the veranda at Weitz and Luxenberg, one of Manhattan's leading personal injury firms, is perhaps the most breathtaking view of the seaport ships, the Brooklyn Bridge, and the Manhattan skyline. The firm's decor, made up of mahogany wood, brass-framed mirrors, green marble floors, and elegant conference rooms, is even more breathtaking. Yet the vast accomplishments of thirty-four year-old Michael P. Roberts '86, including the two highest verdicts in asbestos litigation in the country, are the most breathtaking of all.

From the start of his educational endeavors Roberts was a success. He triple-majored in Education, History, and Political Science at the University of Wisconsin. Upon his graduation in 1983, he chose to "attend Hofstra because it is the best law school on Long Island." At Hofstra, Roberts was a lawfellow for Torts and a member of the Property Law Journal. His best memories include taking Evidence and Trial Advocacy with Professor Kessler and playing intramural basketball. "I loved law school," Roberts says. After completing trial advocacy and learning to "stand on [his] feet," he knew he wanted to be a trial lawyer. Roberts felt there was "more of a future in personal injury for trial lawyers," so he began working in personal injury immediately after graduation and has been there ever since.

No day for Roberts is typical. He spends

seventy-five percent of his time on trial. "I have the most fun on trial," Roberts remarks. Weitz and Luxenberg has a staff of forty attorneys who handle cases involving products liability, slips and falls, and car accidents. Roberts' special emphasis is on union workers who worked with asbestos in ship yards, powerhouses, and construction sites. Most of his asbestos cases are against very large corporations that manufacture fiberglass like Armstrong, Keene Corp., Keasbey Co., and Owens Corning Fiberglass. In fact, Roberts favors cases where he has to challenge two or three opponents at the same time.

"Every case is different because each case is up against a different judge," Roberts says. Generally, he arrives at Federal or State Court in New York City or Long Island between ten and ten thirty in the morning. He begins by selecting the jury, a task which can take up to three months in large asbestos cases. Once the trial begins, he calls his first witness, who is usually a doctor. Throughout the trial Roberts fights hard. "Every point is important and a serious matter," he remarks. An asbestos case usually takes from three to five months.

Roberts' first big asbestos case was in 1989. The case involved a man who had worked for Consolidated Edison and Long Island Lighting Company powerhouses and had been exposed to asbestos. The man developed cancer and died at the age of 66. The jury awarded an \$11.3 million verdict,

which was the highest verdict in New York State in asbestos until last year. "I had a good feeling," said Roberts, "but I had no idea the jury would come back with that high a verdict."

Roberts' perseverance helped him soar to success after that first victory. A few highlights of his career include a 1993 verdict of \$14 million in five consolidated asbestos cases against Owens Corning Fiberglass Co., FibreBoard, Worthington Co., Rapid American Corp., and Keasbey Corp. In 1994 a jury awarded \$10.4 million against Owens Corning Fiberglass Co., and Treadwell Corp., for asbestos exposure injuries to workers at powerhouses and commercial sites. In 1995 a jury awarded \$44 million, the largest per case verdict in consolidated cases in New York State, against Owens Corning Fiberglass Co., Worthington Corp., and A. C. & S. Corp., after five men died of asbestos mesothelioma from exposure while working in shipyards and construction sites.

"At times it gets very emotional because you see so many people dying," remarked Roberts. To deal with the sadness at first, he worked closely with Perry Weitz '84. "Part of our success is because we feel the pain of what these families went through and work hard to get as much money to help them as possible," Roberts stresses. Over the years he learned to separate his emotions so that he could be a more effective lawyer.

Roberts has also litigated 240 union worker injury cases that dealt with severe

injuries, including fractured hips and ankles. He notes that "[t]hese types of cases are not as exciting as asbestos cases because there are usually only one or two defendants." Additionally, slip and fall cases usually only take about a week.

When Roberts is not in court, he spends his time at the office reviewing cases, reading his mail, and calling insurance companies to try to resolve cases amicably. Normally, however, "the firm likes to go to trial," he says.

Roberts' long range aspirations include "trying more and more substantial cases, teaching more, and getting more involved with the Bar Association." Currently, he also enjoys co-teaching the trial advocacy course at Hofstra.

His advice to future litigators is straightforward. "Don't cheat yourself and take classes just because they are easy. Find out what you are good at and what you like to do. There is no better feeling then to go to work and love it. Personal injury can be very rewarding because you help victims and underdogs."

Despite his breathtaking accomplishments, Roberts always finds time to relax with his wife and 17 month-old son. He also enjoys running and dining at East Hampton's The Palm, whose veal parmigiana is, he says, the "best known secret." Perhaps the real best secret is the secret to Roberts' success.

## SOCIAL CONSCIENCE

## What Is This Strike All About Anyway?

by Michael Kneis

People—many people—were walking up and down the street. I could tell they were people because their heads, arms and legs were visible. After staring at them for a few seconds I sensed that something wasn't quite right. It was the bodies, or more accurately, the lack of bodies—they were gone. Somehow the middle section which traditionally connects heads, arms and legs together had been removed. The torsos had been replaced by large white placards. "How curious," I thought.

I stared for several more seconds, and another amazing thing happened. Letters slowly emerged from within those sizeable pieces of cardboard, large black letters which eventually spelled out the words "STRIKE" and "LOCAL 153."

"The local must be a new bus line," I thought. "Why are you here?" I hollered. "The university is treating us unfairly. We are the stepchildren of Hofstra," several voices answered. Wild-eyed drivers zipped by and honked their horns, as if in agreement with the strikers' response. "What do you mean?" I asked. I didn't want to get too close and risk losing my body. "We are being offered an unfair wage. I have been working here for 7 years and am making \$24,000 a year. That doesn't sound bad until you compare it to workers hired to trim the bushes and cut the grass, who all start at \$32,000 a year."

This particular striker then pointed to the new lion king statue sitting in front of the

Hofstra entrance. "How much did they pay for that?" she asked. She then pointed to the new stands at the usually empty Hofstra football stadium "And that? All we are asking for is a liveable wage and to keep the benefits we already have." Another piece of striking cardboard piped up: "They are offering us a wage which barely meets the rate of inflation...they are cutting our health benefits." "They want us to pay more on health insurance premiums. A single person will have to pay \$30 a month more, and a person with a family will have to \$68 more."

I thought for a few moments and said, "It seems that they are asking you to accept a contract which will cause you to lose overall compensation." "That's right," someone said, "about \$700 a year. We will lose about \$700 a year if we accept this contract. What sense does that make?"

I knew that the Dean of the school was arguing about trying to keep tuition costs down, that we the students were the taxpayers, etc. I asked the strikers about that. "Has your tuition gone up?" was the rhetorical answer offered by the entire group. (More cars honked their horns.)

I walked away from that group of strikers and moved toward another group. This new group had heads I recognized. There was the person from the copy room who always let me sneak in and make copies. I saw the women who helped me re-register for the eighteenth time this summer (because I wasn't bright enough to decide upon the

courses I really wanted). Next I saw a library technician and remembered the time when he explained to me that cites were a way of referencing law cases and had nothing to do with a person's ability to see.

I continued walking and thinking about the strikers. As I walked into the building I noticed signs posted on the doors informing us that the much-anticipated ethics conference had been postponed to sometime in the distant and misty future. I didn't read the entire flyer. I was too busy considering the picket line and musing on their chances of success. Would they be able to exert any pressure on Hofstra's administration? Once in the building I realized that I needed a new class schedule. Turning into

the registrar's office and stepping over a tall mountain of mail, I realized that the room was as quiet as it was empty—in other words, totally void of noise and people. I decided to help myself. After a little while I was able to locate the box where the schedules were kept. Unfortunately, there were no more schedules. "Good thing I don't need a transcript for a job," I thought. Suddenly the voice of the professor for whom I work invaded my thoughts: "Make a copy of that 200 page case." I quickly dashed to the copy room to find the door closed and locked. Oh well, just another day at Hofstra. Besides, what do I have to complain about? I am not striking.



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## TURN IT UP!

# Jimmy Buffett Holds Class at Jones Beach

by Nicholas Schleifer

The editorial powers-that-be have tortured me into writing one last article (as well as giving up my soul and my firstborn). So, I figured that if I am going to do one of these articles that nobody reads, I might as well pick my favorite music personality, Jimmy Buffett. I'll start off with the new album, *Barometer Soup*. Jimmy took the inspiration for many of the songs from short stories by some of his favorite authors. One of the high points of this CD is a remarkable cover of James Taylor's "Mexico." When I first heard Taylor's version a few years back, I thought it was Jimmy singing. When I found out who actually sang the song, I thought it would be great if Jimmy covered it one day—it just sounded like the perfect Jimmy Buffett cover. On "Jimmy Dreams" we enter Jimmy's subconscious and learn what drives him to continue doing what he does. Once the song is over we realize that Jimmy is possibly the oldest Peter Pan alive today. The first single, "Bank of Bad Habits," is a celebration of all the bad habits that we collect throughout our lives. This song also begs the question of whether there is in fact an A.T.M. for bad habits. All in all this is a very good collection of tracks and rates a B+.

What summer would be complete without New York's annual parthead convention at Jones Beach, otherwise known as a Jimmy Buffett concert? The theme of this year's concert was "attending Domino College." "Domino College" is not only the title

of one of Jimmy's songs but also the biggest traveling party school in the country. It is too bad the semester is only about two hours long. At Domino College we learned the culinary art of making a "Cheeseburger in Paradise" with special Visiting Professor on guitar, 60 Minutes' Ed Bradley. Additionally, we learned geography by studying "Changes in Latitude, Changes in Attitude," Tahitian rhythms at that "One Particular Harbour," and Banking and Economics with "Bank of Bad Habits."

Since Domino College's Head Professor is also a sailor by heart, we learned sailing history from a "Son of a Son of a Sailor." We also learned of his experiences in portside dives with land sharks in "Fins." During this lesson the audience was required to participate by holding their hands above their heads in imitation of sharks' dorsal fins and following Jimmy's cues—"Fins to the left, fins to the right." Also, through Jimmy's experiences on the island of Montserrat, we learned what to do when the lava starts to flow by studying "Volcano," although Jimmy still does not know "where he's a gonna go when the volcano blows."

Domino College did not earn its reputation as a party school by just concentrating on classes: we also studied mixology (the science of mixing drinks) in "Margaritaville." When we got the drinks down, Jimmy had a special co-professor, an Elvis impersonator, come out and teach us how to "Get Drunk and Screw." As the semester ended, the entire audience graduated from Domino College to the tune of



Jimmy Buffett

"Gypsies in the Palace."

To end the graduation festivities Jimmy musically honored past professors. His rendition of Van Morrison's "Brown Eyed Girl" brought the crowd to its feet. He then paid tribute to recently-deceased professor Jerry Garcia. This was made especially poignant by Jimmy's appearing in a tie-died tank top

Photo courtesy of Margaritaville Records and singing "Uncle John's Band." His last song was a very insightful version of "Jimmy Dreams," following which he ended the night by thanking the audience for letting him do what he does best: bringing that Margaritaville spirit into everyone's heart once a year.

## DAVE'S MOVIE NOOK

### "The Usual Suspects" is not Your Usual Movie

by David Wasserman

*The Usual Suspects*

Directed by Bryan Singer  
Rated R, 106 m.

\*\*\*\*

A complex plot rife with twists and atmosphere, an assortment of edgy, unsavory characters, and a winning storytelling method combine to make "The Usual Suspects" one of the most taut and compelling crime thrillers in recent memory. This film marks the sophomore effort by director Bryan Singer, whose first outing, the 1993 film "Public Access," won the coveted Grand Jury Prize at the Sundance Film Festival. Together with writing partner Christopher McQuarrie, Singer creates an audacious, clever, and thoroughly engaging tale of five career criminals who meet in a New York City holding cell following a police lineup, where they form an uneasy union for purposes of pulling off a lucrative jewel caper.

The greatest strength of the film lies in the uniformly strong performances of its tremendously talented ensemble cast. Gabriel Byrne ("Miller's Crossing," "Little Women") is cop-turned-thief Dean Keaton, the most sophisticated and arguably the most ruthless of the group. Stephen Baldwin ("Threesome," "8 Seconds") is Michael McManus, a short-tempered firearms specialist. With McManus as his partner, Fred Fenster, played by Benicio Del Toro ("Fearless," "China Moon"), is a quirky crook from L.A. with a barely understandable speaking voice. Kevin Pollak ("Avalon,"

"A Few Good Men") is wiseguy Todd Hockney, a petty swindler and hardware expert. Finally, rounding out this motley crew of thugs, Kevin Spacey ("Outbreak," "Glengarry Glen Ross"), in what might be his finest cinematic performance to date, plays the peculiar Roger "Verbal" Kint, a New York con-man suffering from cerebral palsy.

Not unlike Quentin Tarantino's "Pulp Fiction," the narrative unfolds in a fascinating, non-sequential chronology. Much of the story is related in flashback as the aptly-named Verbal, now in custody, recounts the extraordinary events he witnessed for U.S. Customs Special Agent David Kujan, played with relish by Chazz Palminteri ("Bullets Over Broadway," "A Bronx Tale"). Apparently, Verbal is one of two survivors of a bloodbath and fiery explosion which occurred late in the evening aboard a mysterious ship harbored in the dark waters off San Pedro, California. Since the other survivor, linked to the Hungarian mob, is hospitalized and clinging to life, Kujan concentrates on interrogating the meek Verbal. The on-screen chemistry between Spacey and Palminteri is riveting. Both actors give passionate, thoughtful performances.

Perhaps the most gripping aspect of Verbal's account revolves around the near-mythical Keyser Soze, a vicious, remorseless arch-criminal who is rumored to have executed his own family just to prove a point to his enemies. Nicknamed "The Devil," Keyser Soze is the kind of criminal that criminals fear. He is an ominous legend, possibly even a pure fiction, contrived by

criminals for their own morbid amusement. It is no surprise that Keaton and his cohorts express significant uneasiness and some healthy skepticism when approached by Kobayashi, played by Pete Postlethwaite ("In the Name of the Father"), who claims to be an attorney in the exclusive employ of the infamous Keyser Soze.

As the plot thickens, we come to learn that Keaton, McManus, Fenster, Hockney and Kint have each managed unwittingly in the past to disrupt the criminal dealings of Keyser Soze, for which he now seeks recompense. Rather than destroy them outright, as might be expected, Soze chooses to utilize their

unique talents to serve his own ends. The story comes full circle, returning to the site of the doomed ship on that explosive evening.

To reveal any more of the plot intricacies would be to do the viewer a disservice. Part of the intense pleasure of watching a movie such as this, as with any well-crafted thriller, is trying to piece together the puzzle on one's own. Suffice it to say that not everything is as it may seem at first blush. With a wonderful musical score, standout performances, and a slick, twisted plot which culminates in a fiendishly surprising climax, "The Usual Suspects" proves to be a real triumph.

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**LIBERAL From pg. 10**

dantly clear. He had earlier pledged not to run against Bill Clinton in the Democratic primary. That was technically true; he wouldn't run against him in the *primary*. Unfortunately, what he had neglected to tell his colleagues or the voters was that he had no intention of pledging not to run against President Clinton—and he could get around his earlier promise by leaving the Senate and running as an independent. Democrats in general, and the President in particular, have every right to feel betrayed by this former ally.

However, if Bradley really wants a shot at the White House someday, he should take a page from George Bush's book—words like "charisma" and "leadership" don't spring to

mind at the thought of either man. However, Bush hitched his wagon to a Hollywood star, and eight years of paying Vice-Presidential dues brought him a four-year reward in the Oval Office. If Bradley can hitch his wagon to the General's stars, he might be able to ride Powell's spit-and-polish coat-tails into the White House as well.

*The real question is whether even a Colin Powell can win as an independent candidate. The answer: probably not.*

The real question is whether even a Colin Powell can win as an independent candidate. The answer: probably not. The Democrats and the GOP are too firmly entrenched. The major parties *are* machines—sprawling, bureaucratic, incestuous magnets for power and money. They have the ability not only to promote and protect their own, but to block external challenges effectively and thoroughly. Absent the sort of independent wealth that a Ross Perot has at his disposal, an independent candidate still stands little

chance of success in today's political environment. And a candidate with those financial resources has little of the apparent integrity and the electoral appeal of a Colin Powell.

The question ultimately will probably be moot, anyway. Friends of Powell say that he's interested in running, but only if he's convinced that he can win. This is one battle where he'll never find any such guarantees. At a guess, he'll enjoy stringing the media

(and the nation) along a while longer, enjoy the returns from his book deal, and ultimately choose to enjoy the privacy and lack of scrutiny that a candidacy can't afford. But in the meantime, the general provides a compelling political fantasy for an electorate starved for that nebulous thing called "leadership."

**CONSERVATIVE From pg. 10**

but I almost lost it when the media swooned over him. He really doesn't have anything to

offer as an independent, and if he truly believes that his party is off-course, then he should challenge his President to save it from defeat. He obviously doesn't have the guts. The simple fact is that his accomplishments are minimal and when he retires Washington will remember his contribution to tax reform in

1986 and his personal intelligence. However, he did make one gigantic contribution to New Jersey politics. In 1990 he narrowly defeated an unknown former local official named Christine Todd Whitman, who would be elected Governor three years later. Thanks Bill.

Ross Perot and Jesse Jackson are true wild cards. Perot still receives about the same 19% in the polls that he garnered in 1992, but no one seems to know whether or not he is going to run again. Last month, all of the major Republican candidates made their pilgrimage to his *United We Stand America* conference as they tried to woo his supporters and keep him out in 1996. One reason he might stay out is the simple fact that George Bush is not on the ballot. Even if we all take Perot at his word that he ran in 1992 to change the country, it would be foolish to discount the fact that he and Bush hate each other. I'm sure that he took great pride in ensuring Bush lost. Now he can return the favor to the rest of us by not running and making it almost impossible for Clinton to win again.

The chills that go up Republicans' spines when they hear "Perot '96" were duplicated at the White House when Jackson said last week that "[a]ll options are live [for '96']." Some Democrats in Congress feel that if Jackson ran as an independent, Clinton might lose, but the higher African-American turn-

out would help their quest to recapture Congress. The only word to describe a Jackson candidacy is "apocalypse for the Democrats." If he runs, Jackson would siphon votes from Clinton in all of the major states

that he has to win in 1996, ensuring a crushing defeat for Clinton and the entire Democratic ticket. Jackson will not run to win, because he knows it is impossible. The only reason he might do it is to send a message that the radical left cannot be ignored, and if that means that they lose the White House, so be it. The left is suspicious of Clinton, and if he caves in to the Republicans on the budget this fall, as he is likely to, they will

have no reason to make sure he is reelected. Jackson will not go to the mat for someone that he and his followers believe to be "Republican-Lite."

That leaves us with former Connecticut Governor Lowell Weiker and current Republican candidate Pat Buchanan. Buchanan, for all of his faults, is a loyal Republican and I would be shocked if he runs in the general election and does not get the nomination. The only possible way he would get it is if the party nominates someone who is pro-choice (which it won't). Weiker, a former Republican senator, defeated in 1988, actually won the Governor's race as an independent in 1990. He promptly forced a state income tax down the throats of the citizens of Connecticut. For this, the media lionized him as a politician who can make "tough choices," but the people of Connecticut voiced their anger by burning him in effigy and forcing him not to run for reelection. Sounds like a solid candidate to me.

The election is less than fourteen months away, and I will make the bold prediction that none of these men will run, precisely because the establishment media thinks that one of them will. Though the American people say they want another candidate or a third party, in the end they will have a real choice. It will be a choice between less government and the status quo; between a balanced budget and reckless unnecessary government spending. In the end, no matter how many candidates there are, the American people will make the right choice.

*[Jesse] Jackson will not go to the mat for someone that he and his followers believe to be "Republican-Lite."*

*I'm sure that [Perot] took great pride in ensuring Bush lost. Now he can return the favor to the rest of us by not running and making it almost impossible for Clinton to win again.*

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# State Department Provides Hofstra Student With Valuable Human Rights Experience

by Andrew J. Scardino

This past summer I was offered the unique opportunity to work with the U.S. State Department's Bureau of Democracy, Human Rights and Labor in Washington D.C. For the past year I have been working at an excellent position with a law firm in Garden City and have been very happy with the experience and pay I have been receiving. However, because of my interest in politics, international law, and diplomacy, I began to inquire if there were any positions available in Washington for law students who would like exposure to this field. When I learned that the State Department has a limited number of positions available for summer interns in both legal and non-law oriented positions, I decided to apply and informed my employer I may be leaving for part of the summer. After being interviewed by the FBI and sending my fingerprints to who knows where in Washington, I was told I passed my security clearance check and had a position waiting for me at the main State Department building. I found out on a Tuesday morning, informed my boss Tuesday afternoon, packed my bags Tuesday night and left early Wednesday morning. I had no idea where I would be living or exactly what I would be doing with the State Department but I really wanted to explore what it would be like to work in the area of foreign relations and knew this would be the best possible exposure I could get. I would like to extend my thanks to the Hofstra Public Justice Foundation because without their partial funding of my job at the State Department, I would not have been able to afford to go. I would also like to thank my employer for allowing me a leave of absence and my family for getting me down to Washington D.C. and setting up in a place to live on such short notice.

The Bureau of Democracy, Human Rights and Labor promotes democratic movements and institutions throughout the world, combats torture, promotes worker's rights, women's rights, strengthen U.N. human

rights mechanisms and actively supports institutions which monitor human rights abuses throughout the world.

My position with the bureau was in the Congressional Liaison's office where I had the opportunity to attend committee hearings on Capitol Hill and interact with the offices of members of the House of Representatives and the Senate. I attended hearings conducted by the House International Relations Committee as well as the Senate Committee on Intelligence and the Senate Foreign Relations Committee dealing with war crimes in the Balkans and Iraqi abuse of Kurdish peoples. I also conducted legislative research on various bills pending in the Senate and House which dealt with issues on human rights. For example, there was a bill pending titled the Torture Victim's Relief Act which basically afforded immigration priority to victims of torture as well as provide counseling and rehabilitation. I found that much of the bill really was a reiteration of the preferences given to foreign nationals seeking political asylum.

I was involved in handling clearance on U.S. policy on several issues. Whenever the State Department is asked what its stand is on any issue, the proper offices within the department must be contacted and briefed on the issue. For example, if a Senator is offering a piece of legislation to the floor he or she will often ask what the position of the administration is on that particular matter. The Congressional Liaison will then consult with the legal department, the legislative affairs department, and a host of others to determine exactly what the State Department's posture is on the matter and how best to respond to the Senate and perhaps the public. I also had the opportunity to assist the Press Secretary for the bureau on public relations matters.

I found that living and working in Washington D.C. is an excellent experience for anyone who is interested in pursuing a career in politics or with the federal government. I think it is essential for students to

spend at least some amount of time there just to get to know how Washington works, or at the very least, just to see it. I was lucky enough to work with several people who took an interest in me and explained how Washington is organized. It may be the nation's capitol but it acts very much like a small town, and small town politics is everywhere. Political alliances fall apart quickly and political reputations are formed even faster and almost never forgotten. A great deal of how far you get in Washington is who you know and whose path you have crossed. With each new administration there is a great turnover in the power structure. It is a giant revolving door. Political appointees and staffers rotate from private practice and think tanks to public office and then back again. Those who are in a position of power today are gone tomorrow and often return sometime in the future.

When I was sent to Capitol Hill for the State Department I found the atmosphere to be charged and fast paced. You almost have the feeling you are part of the changes which are being made in our government. It is actually a rush to be even remotely involved in politics on Capitol Hill. I also found that wearing a badge that says "State Department" with my picture on it sparked many interesting conversations. The worst part of my trip was learning how to deal with a large bureaucracy. I can say from personal experience that it is an almost maddening experience and not for those who are used to getting things done quickly or efficiently.

I learned a great deal this summer about diplomacy as well as bureaucracy and Washington. I also inadvertently learned about something else. That is, how little we are told about exactly what is going on in our world. This I can only blame on the news media. I was saving this for the topic of another article and really cannot go into too much detail at this point but I would at least like to introduce the premise.

When I was attending a hearing at the Senate on war crimes in Bosnia I came to the

chilling realization of how little we are informed about it even though I thought I had the whole picture. The hearing featured testimony by several victims of what can only be characterized as attempted genocide and was corroborated to a large extent by the CIA. I know we are probably the most informed society on earth. I am an avid reader of the *New York Times* and watch a great deal of CNN and like to think of myself as a pretty well informed person. Yet some of the things I learned at this hearing truly came as a shock to me and to many others who were there. We only seem to hear thirty second sound bites about what is happening in Bosnia but never a thoughtful, detailed piece about what is really going on. The human rights abuses there are rampant. This hearing brought out information that is readily available and for some reason never picked up by the media. We get a sanitized version of the news. We are never told about the civilian hospital in Sarajevo being bombed over two hundred times during visitor's hours or the mass graves found near soccer stadiums. We hear rumors about rape and torture but are never confronted with actual victims who have corroborated evidence and so it becomes easy to dismiss. Yet these people do exist. I suppose it is not interesting enough to sell newspapers or get ratings. I for one do not have any ties to Bosnia but I would like to be more informed about what is really going on there and I think many others would too.

Overall my experiences in Washington were very positive. Aside from having to move about four times because I had no prearranged housing accommodations and the 100 degree heat and high humidity it was a great experience and one I will not soon forget. I urge anyone with an interest in working for the government or in politics to spend some time in Washington, to take in the sights and get to know some people there. It is a worthwhile experience.

## JACOB From pg. 6

ernance under current American law using statutory, case, and Restatement materials. It was pretty interesting to watch the students struggle with the corporate law concepts (and not have to struggle with language).

I could go on quite a bit longer, even though I only spent a week there, but I want to get to the part that will be of particular interest to Hofstra law students. That subject is student exchange.

German University students have long had a tradition of moving around to several different universities in the course of their careers. That tradition has turned outward. The current Humboldt catalog also lists Universities in England, Ireland, Scotland, Denmark, Norway, Belgium, France, Spain, Portugal, Italy, Switzerland, and Greece. Students may, on recommendation from the Berlin faculty, attend any of these Universities for one or two semesters without further admissions formalities and with the assurance that credits earned at the foreign university will count toward their home degree. The Berlin law faculty is eager to extend that facility abroad to American law schools. They would like to add Hofstra to the list of law schools where an easy format for exchange students has been set up, and they would like to add Hempstead to the list of cities.

The idea of student exchange would, ideally, work both ways. Berlin students would

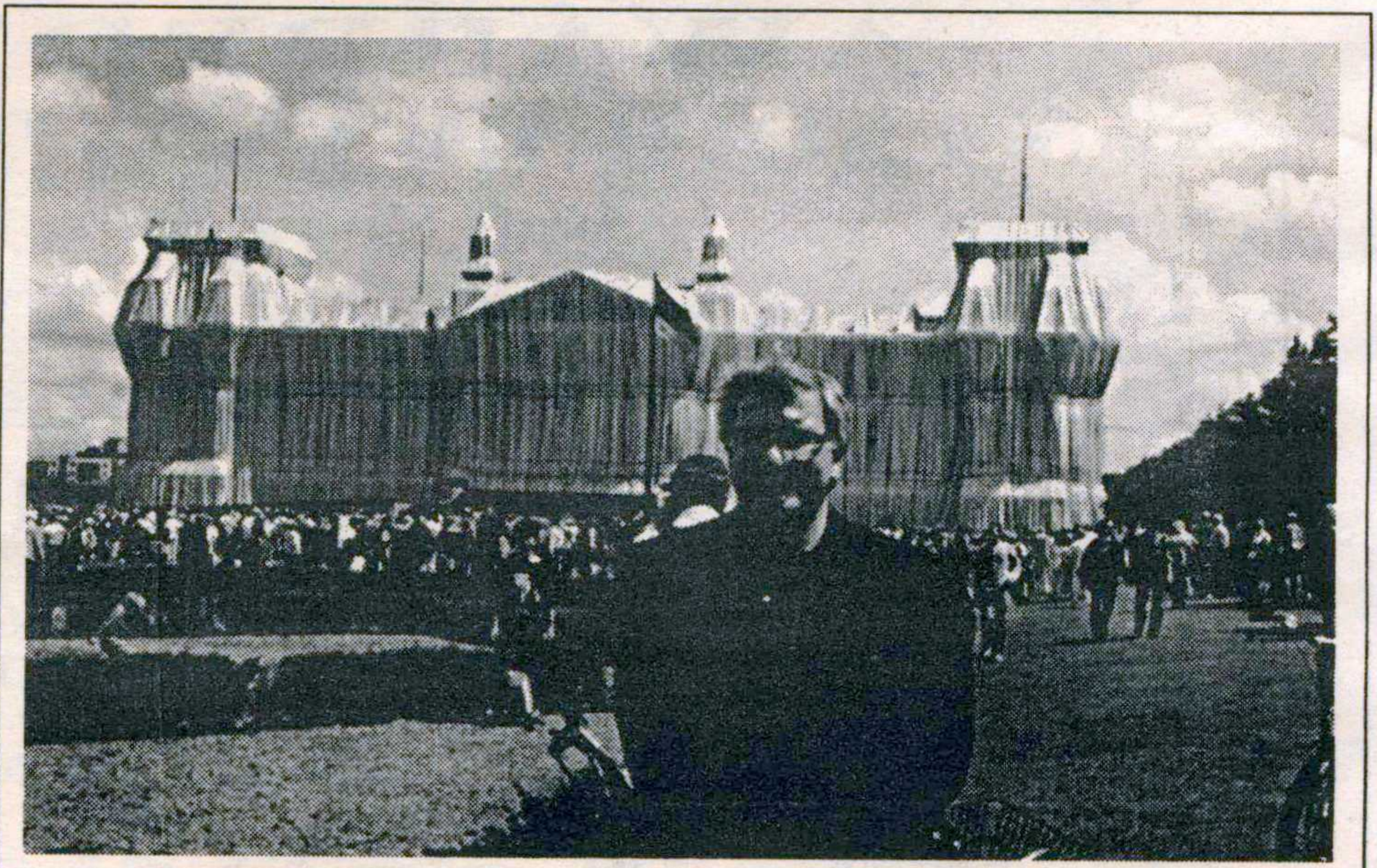
come and spend a semester here, studying American law subjects as offered in English, side by side with regular Hofstra students. Hopefully, Hofstra students will come forward to spend a semester in Berlin studying European Community and German law in German. Multilingual practice is a reality for an increasing number of American and European lawyers today. More will be involved in that practice tomorrow. The indirect influences of European Community law, of NAFTA law, and of foreign laws generally are on the increase, so that such an educational experience would have a real bearing on practice for lawyers with what we still think of as more work-a-day and bread-and-butter practice patterns.

There are many barriers to the completion of such a program. We can hope to have some Berlin exchange students pretty quickly. But we have much red tape and a lot of hard thinking about curricular matters before a full program could be installed.

We also need students who want to do this and who are willing to learn German (or French or Mandarin) to do so. I suspect the desire is present. I suspect there are more students with effective foreign language skills than most of us think.

Anyway, I myself attended an undergraduate college that had a lot of mottoes. One of them was in sonorous Latin: NULLA VIA INVIA VIRTUTI. "No way is barred to courage." That's a good motto to have, in this case and in a lot of other cases, too.

Dean Rabinowitz has been working for some years now to increase Hofstra's rela-



Christo's Reichstag, almost draped: The historic Reichstag (Parliament) in Berlin is draped in blue metallic cloth. This was the event in Germany in Summer, 1995. Photo by Judge Gangel-Jacob.

tions with foreign law schools. This effort has achieved a great deal. The Hofstra Summer Program in Nice will be going into its fourth successful year in 1996, and it is certainly one of the real achievements. In addition, Hofstra has a growing relation with the law faculty at Erasmus University in The Netherlands, including some exchanges of students and faculty. Hofstra has a "sister school" relation with the new law faculty established at Palacky University in the Czech Republic. We have an ongoing

relation with the law faculty at Moscow State University, including the federalism conference in 1992. We are beginning to explore at least some connections with the law faculties at the universities in Dundee and Edinburgh, Scotland.

I was very glad to be able to play a small part in establishing a relation with the law faculty at Humboldt, and I truly hope that we will be able to follow up and strengthen that relation over the next few years.



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