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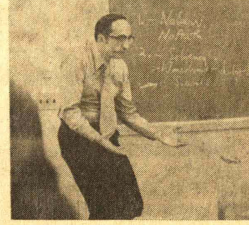
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Farrell: Motions Sustained



FARRELL'S LAW: With gazelle-like grace, Professor Richard T. Farrell concludes a pre-class conversation with students, removes his jacket in anticipation of upcoming lecture and comes out swinging as the bell rings, indicating the start of another class in New York Practice.

Justinian

Vol. XXXI - No. 4

WEDNESDAY, NOVEMBER 25, 1970

Page One

Student's Law Review Article Is Basis Of Consumer Reg

By Stuart Schwartz

A Brooklyn Law School student's Law Review article "was highly instrumental in the passage of a new consumer-protection regulation," according to Phillip Schrag of the Department of Consumer Affairs.

Mr. Schrag said the article, "Creditors Pre-Judgment Communication to Debtors Employer: An Evaluation," by Kenneth M. Block appeared in 36 Brooklyn

Law Review 95 (1969).

The City of New York Department of investigation has received numerous complaints from debtors and many of the details are documented by Mr. Block. Debtors have been threatened with loss of jobs, property and with bodily harm. New York City consumers are severely abused by creditors who pressure them into paying doubtful or disputed debts by contacting or threatening to con-

tact their employees concerning the debt prior to proving its validity. Employers not wishing to become "involved" and keeping expenses which an eventual garnishment would involve, may threaten to fire or discipline employees whose debts are reported. The United States Department of Labor estimates that from 100,000 to 300,000 workers each year lose their jobs because of garnishment.

The New York rule pertaining to invasion of a debtor's privacy is far more restrictive than the rule applied in other states because the New York courts do not recognize the common law right to privacy at all. The only right to privacy in New York is the statutory prohibition against appropriating the name or likeness of another. Thus, a debtor's opportunity for relief from harassment in New York via civil actions is extremely limited.

To combat this abuse and provide needed relief, a new regulation is being adopted by the Department of Consumer Affairs. Consumer Protection Law Regulation 4 says: "It shall be an unconscionable trade practice in the collection of a debt arising from the sale of consumer credit, for a creditor or alleged creditor or employee or agent thereof (including a collection agency or collection attorney to whom an account has been referred) to communicate or threaten to communicate with an alleged debtor's employer prior to obtaining a final judgment against the debtor, except as specifically permitted by statute."

In proposing this regulation the Commissioner found and Kenneth Block documented:

(1) that communication to consumer-debtors' employers by alleged creditors is widespread;

(2) that in many cases, the alleged debt is disputed because the consumer could interpose defenses in court;

(3) that because of the pressure from employers receiving such communications, many debtors pay doubtful debts;

(4) that responsible retail sellers regard the practice as immoral, and do not engage in it;

(5) that the association of the Bar of The City of New York has forbidden collection attorneys to engage in the practice, but that

(Continued on Page 2)

(Continued on Page 6)

Alumni Head Will Not Help With Mailing

By Sam Grafton

Justice Edward Thompson, President of the Alumni Association has refused to co-operate in the distribution of the Justinian to the Alumni. In answer to requests that the Justinian be mailed to the alumni, Judge Thompson commented that all requests pertaining to the distribution could not be unilaterally approved, but would have to be brought before the next meeting of the alumni officers on Feb. 3, 1971.

Informed sources attribute the Judge's refusal to the controversial nature of this year's Justinian and to the fact that the alumni publishes its own semi-annual magazine, *Veritas*.

The editorial board of the Justinian has decided to compile its own directory of alumni and investigate the feasibility of distribution to the alumni.

The text of the letter sent by the Justinian to Judge Thompson follows:

Dear Judge Thompson:

I write this letter to you in both your capacities as a distinguished member of the bench and President of the Brooklyn Law School Alumni Association. It is the hope of the staff of the Jus-

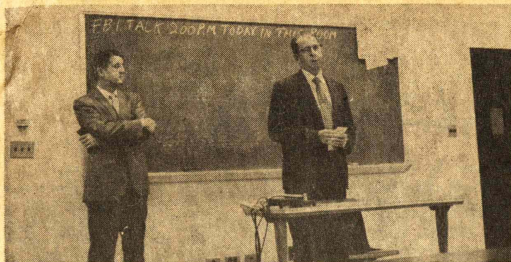


Judge Edward Thompson

tinian, the community newspaper of B.L.S., that you will allow us to include copies of the Justinian in your frequent mailings to the alumni.

The format of this year's Justinian has proven to be a complete departure from the past. We are publishing every two weeks on inexpensive paper in lieu of three or four times a year on glossy paper. We have attracted some thirty staff members instead of the usual two or three, and our staff grows with each issue. We have become, and we believe

(Continued on Page 5)



Placement Director John Ronayne introduces speaker at one of many placement talks scheduled this year for seniors.

Ronayne Promises To Act On Placement Suggestions

By Ron Einziger

Upset by student grumbling at inefficiency by the Placement Office, four Brooklyn Law School students have decided to take matters into their own hands.

The four students, Marilyn Scherer, Richard Ross, Andrew Donlevy, and James Slater, drew up a list of the complaints most frequently voiced by dissatisfied seniors and submitted it to Assistant Dean Gerard Gilbride. Dean Gilbride submitted the list to Prof. John Ronayne, director of the Placement Office, and then invited the four students to meet with himself and Prof. Ronayne to discuss the grievances.

The meeting, held on November 11, was very productive, Miss Scherer said. "There was no animosity," she commented. "Both Ronayne and Gilbride were open for suggestions."

The first suggestion the students made was that the Placement Office update its list of employment opportunities. Although Prof. Ronayne stated that the list was

brought up to date last August, many students have received letters from firms with names differing from the way they are listed by the Office. Prof. Ronayne requested that students bring the corrected names to the Office.

The Placement Office is trying to obtain a list of specialized law firms, Prof. Ronayne told the students, despite the refusal of individual bar associations to provide a listing of them.

Prof. Ronayne also promised to act on the students' suggestion that the Placement Office compile lists of job opportunities outside of the actual practice of law. There will be an attempt to get lists of universities that teach Business Law and Constitutional Law. It will also attempt to cover opportunities in the New York-New Jersey - Connecticut area, rather than just New York City.

Prof. Ronayne said that he has written to a number of federal agencies requesting that they send recruiters here, but since this is

Politics In The Law School: Educational Myths Change

The following article originally appeared in 79 Yale Law Journal 444 (Jan., 1970). Mr. Savoy is a Professor of Law at the University of California at Davis.

By Prof. Paul Savoy

The student revolts that have rocked campuses across the country have left the law schools relatively untouched. This is a social phenomenon that is not difficult to understand. Law and revolution have never made very congenial bedfellows. The observations made by De Tocqueville about the nature of the legal spirit in America are as valid today as they were when he wrote:

"Men who have more especially devoted themselves to legal pursuits derive from these occupations certain habits of order, a taste for formalities, and a kind of instinctive regard for the regular connection of ideas, which na-

turally render them very hostile to the revolutionary spirit."

In a more recent commentary upon the psychodynamics of legal education, Andrew Watson has identified among law students a greater than average need for order and security, a factor which plays a critical role in their functioning both in the academic milieu and later in their professional lives.

What is surprising, and for me, uplifting, is the dramatic, if belated, appearance of a small but articulate minority of law students who have begun to express a profound dissatisfaction with legal education that may be more pervasive than any of us have imagined. That is not to say that administrators or law professors have been unaware of certain deficiencies of contemporary legal education or have failed to undertake mea-

(Continued on Page 6)

EDITORIALS

How Will The Next Dean Be Picked?

Today more than in any other time, people have become involved to such a degree that every person has developed varied ideas about all the conditions and institutions which affect their lives. It is for this reason that the Justinian staff is opening its pages and urging all members of the BLS community to express their views on the important issue of selecting a new Dean. We urge our fellow students, faculty, Alumni, and administration to make their feelings and ideas known via the Justinian, for only when many points of view are so expressed, will this issue be given the open and free forum it deserves.

Questionnaires?

What happened to our moral commitment? Last spring our student body voted almost unanimously to close the school. We signed a statement which affirmed our moral commitment; almost each and every one of us took time off to attend the meetings.

We of the Justinian are asking for two minutes of your time to fill out a questionnaire which may prove to be the ground work for the selection of the next Dean of Brooklyn Law School. Funny — we all laugh — what a joke, but a law school is made by its students. Even though it is just a tiny piece in a chess game it could be more powerful if we abide by our commitment and stop to think of others in our community who may not be as fortunate to be graduating this June.

It is the editors' feeling that the quality of a law school is manifested in the pride of the alumni and their need to be affiliated with their alma mater. This pride can only be fostered and maintained when the relationships they have formed with the institution and the students are good. This is why we, the students, are not transients. We are not here for three years and then gone. We become the Alumni of this institution, and are therefore an integral part of the Brooklyn Law School community and should have a voice in its administration and in deciding who is to be our leader.

Since our first survey was inconclusive due to a lack of response and frauds perpetrated by several students who maliciously filled out several hundred questionnaires, we feel it necessary for accuracy to take another poll. Questionnaires will be submitted in class for this purpose. We are also asking for alumni, faculty, administration, and employee support. Questionnaires will be sent to them. We cannot overly stress the urgency of this matter and ask for your cooperation. It two minutes in a lifetime a very large moral commitment?

To The Alumni

Our association with Brooklyn Law School will not end on graduation day. It will continue for the rest of our lives in our role as alumni.

The present alumni are still concerned with what is happening here at the law school, even though they may have graduated years ago. Those who have seen the Justinian when it was distributed at recent alumni meetings have expressed a desire to receive it on a regular basis, so they can keep up with events here.

In order to accommodate them, the Justinian has requested the help of the Alumni Association. We have asked them to include the Justinian in its regular mailings to the alumni. Unaccountably, this was refused, as was permission to use any of the Association's facilities to help get the papers out to the alumni.

We are appealing to those alumni who would like to see the Justinian regularly: Write to the President of the Alumni Association, Judge Edward Thompson, and ask him to change his decision. We won't be able to communicate with you without your help.

Popular Elections

The current seven member S.B.A. Executive Board was elected by last year's delegates who, in turn, were voted into office by last year's students. Under this system the entire student body is being denied the fundamental right to directly elect the leaders of student government.

On December 9, the S.B.A. will meet to consider a constitutional amendment which, in substance, calls for direct election of the Executive Board. Unquestionably this is one of the most far-reaching and important motions to come before the House of Delegates in many years.

Justinian recommends that the delegates pass this motion, which needs a two-thirds vote of those present at the meeting. The student body should urge its representatives to vote in favor of the amendment by demanding class meetings. Clearly a truly representative Student Government is one of the best methods of effecting change in the institution.

Justinian

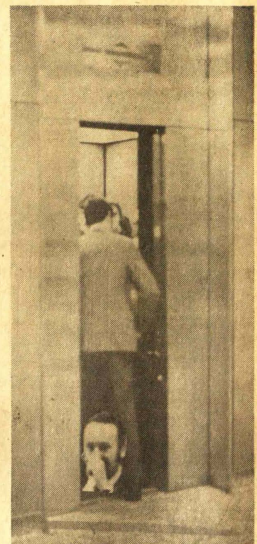
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Membership on the Editorial Board does not necessarily signify agreement with everything printed in this paper. It does signify support for the right of the JUSTINIAN to publish all articles, representing all viewpoints.

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First victim of overcrowding in the elevators.

Ronayne Acts On Complaints

(Continued from Page 1)

entirely at the discretion of the individual agency, only the IRS and the ICC have thus far responded.

He also said that he would attempt to make available a list of firms where alumni are employed, though he doubted the usefulness of such a list because alumni frequently fail to notify the school of changes in their jobs and addresses.

At the urging of the students, Prof. Ronayne has posted his office hours so that students might

know when he could be reached for individual counseling. So far this year, he has counseled over 100 students.

He agreed that in the future, all third year students would be sent letters explaining the functions of the Office and inviting them to avail themselves of its services.

Miss Scherer commented that the meeting was successful because the students came to make suggestions, not to criticize.

hours and hours of meditation
thoughts of life—reincarnation

a frog, a frog I must be
sitting on a lilly pad smoking tea

from one shell to another the
soul doth fly
comes to a frog I know not why

Trapped in a brook a pond or
stream
or trapped in a speeding subway
machine

If I had no choice & could not
be free
I'd sit on a lillypad smoking
some tea

Steven Blumenkrantz

Letter To The Editor And A Reply

Dear Editor,

Your columnist, Mr. Checkman, seems to think that the great issues of the world are somehow related to the Dean's failure to listen to SBA resolutions. The fact that we have to be in our seats at the bell has little relation to the war, pollution, or the population explosion. Mr. Checkman's reference to this in his column of November 9, 1970 is an attempt to inflame the issues, a tactic used by Spiro Agnew, a person who Mr. Checkman no doubt dislikes, as do we.

The Dean is, we feel, correct in thinking that the SBA does not represent the student body. Most of the students in this school are interested in graduation and are willing to attain that goal in accordance with the faculty's rules. Any one who was present at the election of SBA delegates can see the apathy with which such events are greeted. As far as we can see the resolutions of this body are seldom made known to the classes.

In short we think that the SBA represents itself. If it wants to represent someone else it should publish its actions and try to base them on a consensus of student opinion.

This school or any school is not a government, or a political party and never was meant to be. The current vogue of attacking a school and trying to foist it off as "the establishment" (see last spring's strike) shows a lack of perception which is alarming.

Mr. Checkman's suggestion that

this school should take a position on the Internal Revenue rule on losing tax exemptions is asking the school to assume the role of a political lobby and asking the taxpayer to finance it while doing so. Also, it is asking the school to function in a way it was never intended to function. Any student with strong political convictions can express them without the aid of the school.

The thing that I cannot understand is the feeling of the students of this school of distrust for the administration. The members of the administration have no possible gain from not being honest with the students. Why should men of integrity be dishonest with us? There is no possible reason!

Mr. Checkman shows an inability to distinguish between the possible and the ideal. He also likes to blame the evils of the world on any authority figure ready to hand.

Someone once said that politics is the art of the possible.

Robert H. Masnik
Arthur J. Nastre, Jr.

Mr. Checkman replies:

Mr. Masnik and Mr. Nastre in their letter to the Editor accuse me of attempting to "inflame the issues" here at B.L.S. In doing this, I employ, it seems, Spiro Agnew's tactics.

Of course they are entitled to their opinion, yet I feel they do an injustice to the student body when they characterize them as "inflammable."

The writers further accuse me of relating the monumental issues of the world to events at B.L.S. It seems that they fail to appreciate that what happens in B.L.S. is a microcosm of what is happening throughout the United States. When administrators repress new ideas in a law school, they are only echoing the actions of the Federal Government when it represses dissent to its policies. How they can fail to see the significance of the campus upon world issues is dismaying in light of Kent State, Jackson State, Columbia, Berkeley and the Sorbonne.

As to their dismay over the general mistrust of the Administration by the student body, I can only counsel that the writers take it upon themselves to deal with the Administration. To know them is not to love them.

The writers point out "that students with strong political conviction can express them without the aid of the school". With this I agree. One standing alone, can write letters or influence his friends. Unfortunately, people in high places do not pay attention to one voice, because one voice means one vote. I have asked only that on issues that affect the functioning of this school, and the welfare of its students, that those people entrusted as fiduciaries stand up to defend their trust.

Unfortunately, I must conclude that Messieurs Masnik and Nastre lend credence to the Nixon Administration's maxim that one is free to dissent as long as it is ineffective and relatively silent.

Something To Remember

By Carl J. Kubie

Oft, when the pitch of our voices becomes too strained, or our department less than that of gentlemen, it is meet and right to reflect upon a cherished event, statement or person, if only to interject one moment's worth of diversion. If I may, I would like to share with you one such event, for to me, it is something to remember.

The day was rather bleak and dreary, the attendance somewhat below normal. Those whose task it was to function in the simulated trial took their places in that most modern courtroom. The judge filled his seat, and it was a perfect fit. As the voir dire proceeded, each student played his part, and one could see the desire, the interest and the intensity of all those legal minds. Those very moments were a first and only beginning, never to be relived again. Later on in the voir dire, as will happen, a faux pas was made. A juror, long since marked for challenge, was pursued and allowed to spread his infectious thoughts to the other jurors. Abandoning his subdued reservation as judge, and sensing an opportunity, the judge rose to help extricate the young lawyer from what was a troublesome position. Buttoning his jacket, the judge descended from the bench, approached the juror, and assumed his actual role of lawyer and teacher of wise years. The next few climatic minutes were something to remember. Within a maximum of ten questions, the professional, the lawyer, the teacher had demolished and literally reversed any damage that might have been done by the objectionable juror. The delivery, the technique and the precision of the attack were so grand and impressive that none of the students in the clinic could resist a loud "Bravo."

For many, this instant of life is no more than wasteful sentimentality. To those, all I can offer is a general demurrer. However — to him of whom I write, this is a "thank you," and to those who were there, this is something to remember. Finally, for those to whom this is too low a pitch, I say, at least, you have been momentarily diverted.

A Mirror's Image: The Emeny Within

By Jeff Zuckerman

This article is written to only a handful of students at BLS. It will not be comprehended by 99.9% of the students here and the writer intends no such communication. It is rather a rap to a few brothers and sisters who attend BLS, and who have probably dealt with the problem to be discussed many times before. It is a reflection on our commitment, another look at what we are trying to do and what we will do; moreover, it is a return to the question of, "who are the people working against us?" It is therefore a discussion of hypocrisy.

The writer is talking about "liberals" at BLS. He is talking about those who grow their hair long and their hypocrisy even longer. He is talking about those who put on their oldest clothes before they come to school and can feel "liberal" because of it. He is talking about those, who, because they can conceive of a more liberal interpretation of a Court of Appeals ruling think they're really together people. He is talking about BLS students who have never really gone out of their way to help their brothers and sisters once in their disgusting, ego-tripping lives. He is talking about liberals who were able to derive some sort of satisfaction by voting for Goodell or Ottinger, even though they haven't done, and probably won't do, another thing about their "convictions" for another year. He is talking about people who "really hate" Nixon and Agnew but haven't done a thing to give their policies less credibility. He is talking about BLS students — all of them, save a few!

Brothers and sisters, look at the enemy within. They are more dangerous than "hard hats" could ever hope to be. Hypocrisy will always be more difficult to deal with than admitted prejudice. If our fascist leaders can call their own allies "radic-lib" or "effete snobs," then our problem is so much more difficult. We must not be fooled into believing that just because one fascist calls another fascist a "liberal," then the latter must, indeed, be working for something the former is not.

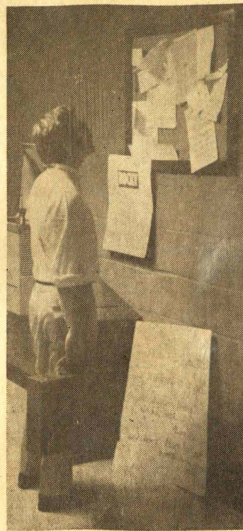
Understand, brothers and sisters, that words and token actions are politically dysfunctional. Jerry Rubin has quite simply said what I am trying to say here in two words, "Do It!" It is time to say "bullshit!" to our BLS colleagues who rap about politics, freedom, and fascism, and to people who must impress us with their "liberalism." These people are the vanguard of the Establishment. They do nothing to oppose it so they must be for it. We must ask our fellow students, "What are you doing to help your brothers and sisters who are victims of this miserable, capitalist society?" If we receive no answer, then we do indeed, have our answer. Our society will be changed by the people, and the students of BLS will be seen running for their lives when that change comes. Let us never forget the enemy within.

All power to the people.

Reflections on Election Day

The King is crowned the executive sworn in the promises forgotten and again we begin the four year cycle on which rests the nation and, as always, ends in a new coronation

Henry Schwarzberg



Basement bulletin board bursting with exciting messages.

Know Your Trustee: Abraham Lindenbaum

(Continued from Page 4)

desires not to be. He has given his life to the school."

Though committed to aiding the BLS graduate, the career he has forged for himself has affected Mr. Lindenbaum greatly and he tends to measure the students of today against the forces with which he struggled. When advised that many third year students were having difficulty in finding jobs because of a prejudice towards BLS, Mr. Lindenbaum replied that it was the student's responsibility to sell the school and cited as some of the selling points the subjects we offer, our percentage of students passing the New York State bar examination and the members of our Board of Trustees. He felt that the image and curriculum of the school was up to date and, through some electives should be offered, stressed the importance of a general background, as a young lawyer should be in a position to function in various fields. Any specialization needed, he claims, can be gained while working.

It is encouraging to speak with a trustee who displays such concern and responsibility towards his position, but the true friend that the students might have in "Bunny" Lindenbaum is not fully realized because of his reverence for past personalities and achievements and his de-emphasis of modern trends in business and education. A man with such admirable qualities would serve us even better if he would direct his focus forward.

Very Like A Mushroom

By Henry Schwarzberg

"... Long the cry has been heard, 'up with the pants and down with the petticoats,' but I say 'up with the petticoats and down with the pants, then we can see things as they really are.'"

—From an anonymous anecdote

Women's Lib has come to BLS. Yippee!

Why? What's it all about? What do the cacophonous cuties of BLS want? ... Who knows? Quién Sabe? Who cares??

One pretty young thing told me that she resented being referred to as a "pussy-cat" by a former employer. Taking two or three more good looks at her feminine face and form, and feeling a few stirrings in my familial phallus I could come to but one conclusion.

"Dear," said I, with the utmost respect and reverence, "look in the mirror, at your face, your legs, your clothes, you're adorable, you are a 'Pussy-cat'!"

Many women, ever so rightfully, claim the immorality and obtuseness of a dual standard in employment, wages, and educational opportunities. I wholeheartedly agree. Those who would perpetrate and perform such acts are indeed obtuse, if not immoral. As to the "pussy-cat" and "sex-object" syndromes, let me say:

Oh frilly femme
of guile and whims,
Oh bearer of children
and holder of husbands' heads
Oh angel of mercy
and holder of scornful wrath,

Oh omniscient mind
in beauty and softness clothed,
do not look with disdain
at us poor, forlorn males,
merely because,

we desire your tails
don't hate us and scorn us
and call us names
'cause our egos demand we
be the bearers of fame
But, look to the Greeks
and see how Lysistrata
made public policy, not by
Being Consul,

But by being wife
Not by entering the senate,
But by being soft, feminine, desirable ...
BUT ... Unattainable ...
You hold most of the world's wealth,
You hold, in your hands, your man's mental health
If you but use
what God gave you, well
you can bring us to heaven
or condemn us
to Hell.

No Help In Mailings

(Continued from Page 1)

for the first time, both current and controversial.

We of the Justinian are reaching out to the legal profession in an effort to realize and hasten the changes which must come if we are to defend justice. We hope to effect today's institution which turns out tomorrow's attorneys, judges, and legislators.

As president of the BLS Alumni Association, you are in a position to help us communicate with the alumni. For too long the alumni has been the silent majority of the BLS community. Its experience as lawyers and law students would be invaluable to the institution. The way to bring the alumni home is to send them the Justinian; of the many alumni we have contacted, every one wished to receive the Justinian.

The Justinian is and will be controversial. Controversy, after all, is the essence of communication. We shall be sensitive with our power for we fully understand how easily reputations can be jettisoned by an irresponsible press. Decisions as to content are made by group and articles are carefully screened by a faculty member for possible libels. We print the truth and what is relevant; if we make any mis-

takes we shall rectify them.

By sending out the Justinian, the Association would be guaranteed of a more attentive alumni while at the same time Justinian advertising would rise, earning additional funds for the school. We have actively solicited alumni to write, and of course, are willing to offer space to alumni activities. As to costs, we would be willing to absorb the basic set up costs of \$350 per four page issue, but additional runs should be borne by the alumni, i.e., \$1.50 per 100 copies. As to postage, when the frequent third class mailings are sent to the alumni, we could easily add the Justinian to the envelope at no additional mailing costs. We could send the Justinian out alone at a meter cost of only 13¢ per copy. We have sufficient manpower to accomplish all stuffing.

Please let us speak to our alumni.

Respectfully yours,
Sam Grafton
Editor-in-Chief

P.S. I'm available at the Justinian office until 6:00 p.m. After 6, I can be reached at 969-8825. Please feel free to call at any time as to your response to our proposal.

Myths Changing

(Continued from Page 1)

sure to remedy them. But the climate of educational reform has had about it that smug satisfaction and bland assurance that proceeds from the assumption that those who teach know what is best for those who learn. Of course, there are student representatives on many of our committees, but nobody really expects them to tell us what to teach or how to teach it, and even if they try, we outnumber them, so we can either bludgeon them into submission or simply outvote them. And while we give students representation on the Curriculum Committee and the Faculty-Student Relations Committee, we exclude them from participation in making decisions about faculty recruitment, tenure, promotion and the budget. And the sadness of it all is that they are so eternally grateful to us for our magnanimous tokenism. As one teacher has expressed it, some students "recognize their put-on for what it is and even let their rebellion break through to the surface now and then," but others have been more deeply brainwashed and can't see "what all the fuss is about because Mr. Charlie 'treats us real good.'"²

I recall what it was like being a law student. That incredible boredom of the second and third years drove me from the classroom into the sanctuary of the Law Review where I sought an intense involvement and an excitement that the rest of the law school did not offer. The major difference between me then and dissident students today, I suspect, is that I lacked the cultural maturity or whatever gift it is that enables them to see things as they really are. I had always been convinced that there might have been something wrong with me and never dreamed that I had the right to expect something more from professors whose authority I never dared to challenge.

There is not a single lawyer I know with whom I went to law school who feels that his legal education adequately prepared him for the practice of law (or anything else for that matter). My experience in one of the larger postgraduate educational institutions in America — the New York District Attorney's Office — was sobering. Trying to reconstruct an incident from interviews with witnesses; awakening to the ritualistic performance of police officers on the witness stand; plumbing the subtleties of the plea-bargaining process; learning the nuances of communication between judges and attorneys, I became suddenly aware of the unforgivable irrelevance of my legal education to what was happening in my head, in the courtroom and in the streets of our cities. The first case I tried was a numbing experi-

ence. My only consolation was that the Legal Aid lawyer who represented the defendant was as woefully untutored as I. Together, we waged a relentless battle of almost metaphysical absurdity: the implacable innocence of Charlie Brown versus the invincible ignorance of Lucy.

It would be unfair to suggest that law schools today (or at least the "better" schools) are unaware of what Dean Manning has called that "endless agenda of unfinished business" facing the legal profession. Faculty memoranda, law review articles, building dedication ceremonies and conferences such as the American Assembly on Law and the Changing Society held in 1968 and the Symposium on Issues in Legal Education sponsored last year by the Conference of Western Law Schools attest to an ongoing concern about the directions in which we are moving in legal education. But the genius of our educational institutions — to adapt an observation of a former president of the American Bar Association — it to make accommodations to shafting objectives "without profound or radical changes in fundamentals." There may be wisdom in a strategy of gradualism, but we ought at least to stop deceiving ourselves about the limits of our tolerance for experimentation. If we want to make only those changes that are certified as wise by those members of the faculty who are "marked by maturity and experience," we ought at least to end our colluding with each other in the delusion that we are engaged in real innovation. Making change on the basis of "informed" and "mature" opinion, as William Arrowsmith has said, will almost inevitably have the effect of stifling reform, if only because informed and mature opinion is "unadventurous and tyrannous as well as profoundly snobbish." And finally, let us stop conniving students into believing that they have something to say about their legal education. Students (and young professors, I might add) resent members of the faculty who invite them to say what they want but refuse to take them or their ideas seriously. Unless we begin to understand that, our efforts to establish an authentic dialogue with students or among ourselves will never move beyond the pious incantation of academic bullshit.

For myself, the only way to grow is to take risks and experiment. Good schools, like happy marriages, are not made in heaven or plotted at monthly meetings. Effective learning cannot be summoned or commanded. It is the felicitous but quite fortuitous result of encounters of teachers with students, on issues that teachers are really interested in and students give a damn about. "Within pretty wide

limits of utter triviality," Paul Goodman has suggested widely, "there can be good education that this 'general' or 'specialist,' 'liberal' or 'useful,' . . . [empirical] or 'theoretical']"

If any real learning is to go on in our schools (and I take it that is what we are all concerned about), then our first responsibility must be to the human beings who live in our academic house, not to be the Bar, or the profession, or the alumni. That means that much of our academic planning must involve not the shaping of something called the "curriculum" but the removal of blocks and resistances within the educational organism so that students are free to achieve their own levels of integration. As long as we continue to see legal education as the acquisition of marketable skills, it will never cease to be anything more than a dreary task for a future payoff.

1. For example, in her valedictory address at the Hastings Law School Commencement in June 1969, Jennie Rhine raised more than a few eyebrows when she wondered aloud if these "last three years [had] not been, to a large extent, a waste of my time." For the most part, she said, her legal education had not been "a challenging or rewarding experience," and she made it clear that she was "not alone in feeling this way," that "almost all of us come to regard law school only as an ordeal — something to be survived so that one can get on to more important things."

2. J. Farber, *The Student as Nigger*, 1967, at 2. "The saddest cases among both black slaves and student slaves are the ones who have so thoroughly internalized their masters' values that their anger is all turned inward . . . [These are the students] for whom every low grade is torture, who stammer and shake when they speak to a professor, who go through an emotional crisis every time they're called upon during class. You can recognize them easily at finals time. Their faces are festooned with fresh pimples; their bowels boil audibly across the room. If there really is a Last Judgment, the parents and teachers who created these wrecks are going to burn in hell."

Consumer Reg

(Continued from Page 1)

it nevertheless occurs both before and after reference of a debt to an attorney for collection;

(6) that the practice circumvents the procedural protections afforded debtors by the rules of civil practice and the law of income execution, in that consumers pressured by their employers or by fear of communication with their employers into paying alleged debts, effectively waive their constitutional right to a trial; and

(7) that the practice unfairly takes advantage of the ignorance and lack of education of unsophisticated debtors who do not know of their right to insist upon a trial, their constitutional and statutory right to a hearing prior to income execution, and their statutory right not to be discharged as a result of income execution.



Halt! Off limits.

As I See It

GIVE PEACE A CHANCE

By Neil B. Checkman

It seems that an apology is in order. When one writes with deep feelings one all too often offends those were never meant to be offended. In the third issue, Monday, November 9, this column wrote: "In short, the Dean seeks council from the minority of this student body, the student who just doesn't care."

In the past several days, I have been attacked by people whom I respect. I have been accused of setting myself up as a judge of people's commitments; a position I have no right to assume. As an observer my responsibility is to tell of what I see, and as I see it, but my remarks concerning lack of student care were, upon reflection, ill-advised and unfair.

For this transgression I sincerely apologize to the entire student body and to all those whom were specifically offended.

With that unpleasant task behind me, I move to the present.

Congratulations are in order to Professor John Ronayne of the Placement Office. When apprised by four members of the Senior Class as to inequities and inadequacies in placement procedures, Professor Ronayne promised to prepare short and long-term programs to improve this important facility. This column urges the entire student body to give assistance to Professor Ronayne in his most difficult job.

Unfortunately, congratulations are not owing to the S.B.A. Students have informed this column that class officers have failed to present resolutions to their classes for a vote. How can the SBA claim to represent the students when the students are not even being permitted to register their votes? The SBA is failing to earn the support of the student body, failing in its role as advocate and spokesman.

However, let us not condemn the SBA and its executive board without shouldering a portion of the blame ourselves.

When our elected officials fail to consult us, it is then our responsibility to demand the proper class meetings and in addition to demand a report following each SBA meeting. They have failed us, but we in turn have failed ourselves.

In the preceding issue of this newspaper a questionnaire was included on page eight. It was a serious attempt on the part of the SBA and Justinian to discover what the BLS community expected in its next dean. By weight of numbers, we felt that we could persuade the board of trustees to come up with a dean who would have the dual abilities to communicate with the student body, and to attract new members to the faculty by his reputation for expertise and innovation. While the response has been gratifying, it seems that some members of the student body do not seem to be able to act in accordance with their education and intelligence. A few students purloined hundreds of copies of the paper, (those copies that were to be sent to the alumni) and filled in comic remarks and a recommendation for a particular BLS professor. Why someone would invest time and effort to attempt to ruin a perfectly legitimate attempt to solicit student opinion is beyond my comprehension.

Children cannot persuade adults to act by force of argument and persuasion. If this paper cannot call for support in serious endeavors without running the risk of asinine spoofs, then maybe this paper is not worth the effort put into it.

This column suggests that the answers to our problems will not be forthcoming through formalities and red-tape. If the entire BLS community decides that changes should be made, refinements urged, and a faculty-student rapport established, then maybe, just maybe, action will be taken. This column therefore suggests that informal "rap-sessions" become the norm at BLS, where students and faculty speak to each other about shared problems. We do not need to play confrontation politics at this institution if each of us decides to show a little more respect for the other's views and places a little more trust in each other's actions.

In the words of this paper's learned censor, "Give peace a chance".

COZZOLI

"The Hero Worth Waiting For"

417 Fulton Street
ACROSS THE STREET FROM SCHOOL