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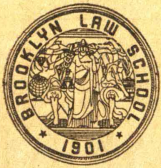
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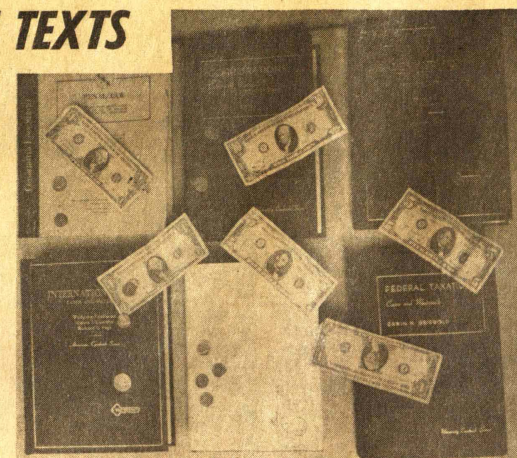
WEDNESDAY, MARCH 15, 1972

Page One

OF TEXTS COSTS RISING

The ABA, the LSD, and most law schools in the country are instituting investigations into the ever increasing and inflated costs of law school texts. For those of you who haven't felt the pinch, the purchase of law texts is creating a minor panic every semester as we dig deeper into our already depleted educational financial reserve.

It is easy to see the problems we have, and all the understanding won't alter one dime of the costs. This semester probably cost each of us a minimum of \$100 worth of books for four or five courses. Maybe you encountered the fact that your last semester's texts are worth so little that they may now be used as fuel to abate the winter cold. Have you found that you are left with texts that are outdated because the same course is now using a newer text,



and that neither Lambs nor the lower classmen will even consider buying your books?

THE COST OF GOING TO LOW SCHOOL IS FAST CLIMBING TO THE RED LINE OF ECONOMIC CATASTROPHE

Have you noticed that most of your texts are published by two or three publishing houses? This

virtual monopoly on the law book market adds to our financial dilemma. Try writing a complaint regarding the rising costs of texts to one of the publishing magazines . . . It's like writing to the White House regarding WAR.

This isn't our only Law Book Cost Problem! Our faculty contributes to our financial decay each time they require us to purchase more expensive texts, instead of ones of equal value but

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Grafton v. BLS:

The Plaintiffs Contend . . .

By LARRY HAUTMAN and ELLIOT SCHAEFFER

The following synopsis of the Grafton-Silversmith case against Brooklyn Law School is the result of a brief and informal chat between several Justinian staff members and the plaintiffs' attorney, Daniel Meyers. Meyers, a 1966 graduate of Brooklyn Law School, admitted to the Bar in March, '67, was employed two years as Assistant Corporation Counsel, City of New York, and then served two years as an anti-poverty lawyer at South Brooklyn Legal Services. He is presently a member of the firm of di Silvero, Meyers, Oberman and Steel.

Mr. Meyers first met the plaintiffs, and four other former students who had been dismissed, on February 24, 1971, about two weeks after notice of expulsion was received. Only Grafton and Silversmith ultimately decided to go through with the suit. The first

contact with the school occurred in March of '71, when Meyers wrote to the school, as the plaintiffs' attorney, and demanded the reinstatement of the plaintiffs. He pointed out that to dismiss them without a prior hearing was in violation of their due process rights. Furthermore, as there were no standards by which a student could determine what was required of him academically, the dismissal of the plaintiffs was arbitrary.

As the school did not subsequently take any affirmative action in the direction of reinstating the students, Meyers requested a formal hearing with school officials in order to put the school on notice as to the nature of his demands. The meeting was held on April 5, 1971, with a stenographer present. Representing the

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Bar Goes National — But Not N.Y.

By ROZ FLEISCHER

Few BLS graduates were among the 6000 fidgeting applicants who sat for the Uniform Bar Examination Wednesday, February 23rd since N. Y. was not a participant state.

The six hour confrontation with torts, contracts, hypothetical legal situations with 50 questions on each) the four answer boxes, one of which had to be blackened in. Students complained that too many of the four possible answers seemed correct, that there was no "best answer" or that they knew the right answer, but it wasn't there. State administered essays are given on subsequent days concerning the peculiarities of the particular state's laws.

Machine grading of the answer sheets by Educational Testing Services (those nice computers who also bring you the SAT, LSAT, etc.) means that the scores will be returned to each state within 15 days. While each state will determine what is passing, results will take appreciably less time to reach the anxious.

The new objective test was produced by the National Conference of Bar Examiners and has not

been welcomed by all. New York State refused to participate because the Board of Law Examiners would not "abdicate" its responsibility to devise a test and select those who practice law in the state. Dubious state officials elsewhere were enthusiastic after viewing the exam with its difficult technical questions. One chief state examiner felt that "if the exams continue at the caliber of this one . . . they will become a fixture."

The exam was prompted somewhat by the nation's burgeoning law school enrollment (an increase from 64,400 to 94,488 in 4 years) which overwhelms examining boards who grade 10-20 essays for each applicant (depending on the state), as well as by a recognition that today's laws are increasingly uniform and jet-age lawyers fly their own planes and no longer devote their entire career to practice in one state. Some hope the Multistate Bar exam, once passed it will enable a lawyer to practice in any state.

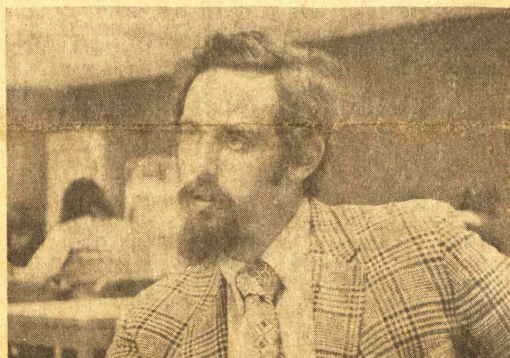
A number of law school deans expect sophisticated objective

questions to appear more now on tests which traditionally have relied on essays as the best method of measuring a student's reasoning ability, memory, and the professors efforts (or lack thereof). Brooklyn is one of the few law schools that use short answer (objective) questions on final exams and so its graduates should be better prepared to blacken in the appropriate box quickly and correctly when and if a BLS graduate spends the six hours taking the Multistate Bar.

After taking the exam, one optimist noted "the frightening thing is that there is seven years of school, thousands of dollars and months of study all riding on these tests." Another noted his preference for essay exams where you can put down what you know rather than selecting from the answers they give you, and a third noted that after marking three B's in a row he switched columns and checked a C or two.

Nineteen states participated in the exam in February including Alaska, California, Colorado, Florida, Georgia, Hawaii, Illinois, Kansas, Kentucky, Maine, Mississippi, New Jersey, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah and Wyoming. Seven more states will participate in July: Connecticut, Maryland, New Hampshire, Nevada, Oregon, Wisconsin, and Vermont.

Even though New York will probably not adopt the Multistate Bar Exam for a while, BLS students have always been comforted by the fact that BLS graduates do proportionately better on the NY Bar Exam than graduates of other law schools. In the past several years, over 90% of all BLS graduates have passed the bar exam on their first try.



Alumni Dan Meyers talking about the case against BLS.

EVALUATIONS EVALUATED

The Student Bar Association has completed complication of the Day Students Evaluation of the Faculty for the Fall '72 term. The questionnaire asked each student to evaluate their professor, 37 in all, in five gradations, from excellent to very poor, in the following areas: clear and understandable in his explanations, motivates student participation in class, is available and helpful outside of class, deals with the subject effectively, and, considering everything how would you rate the professor? Following this, there was a space left for student comments.

In evaluating the results, five points was given for Excellent, four for Good, three for Fair, two for Poor, and one for Very Poor. A weighted average of these was taken to determine the order of these ratings. The results showed nine professors with averages above 4.0, the highest being 4.9, 17 professors with averages ranging from 3.12 to 3.80, and five professors with averages below 3.0.

A complete copy of the evaluation is sent to Dean Lisle for his scrutiny. Furthermore, complete copies are also sent to the Faculty

Committee on Selection and Tenure. Lastly, a copy of a Professors individual rating is sent to him.

The primary purpose of the survey is to provide the Faculty Committee with a student voice on any professors who are being considered for tenure or reappointment; but one secondary purpose was to provide all professors with feedback from their students.

"There are many variables" considered in granting tenure, according to Professor Yonge, Chairman of the Faculty Committee on Selection and Tenure, "but student opinion is carefully regarded." He emphasized, "To my mind, it is the most important factor" but not the only one. "Generally, the comments are very revealing and usually they are pretty consistent," indicating a consensus of opinion.

Substantive issues concerning the role of the survey arise, however, in regards to tenured faculty members. While it is all but impossible to dismiss a professor with tenure, a consistently poor rating of such a professor prevents his deficient performance from going unnoticed. Moreover, his rating

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ALSO IN THIS ISSUE



- That's Professor Milton Gershenson at left photographed in 1938 reading his notes — musical notes. He was the conductor of a BLS orchestra. And that's not all that used to go on around here. See page 7.
- Jon Miller's on the scene report with McCloskey's campaign. Page 2

LSD NEWS

By HOWARD KANE

An unusual educational partnership between a law school and a private law firm has been formed joining Columbia University School of Law and Paul Weiss, Rifkind, Wharton, and Garrison.

Members of the law firm will participate on an equal basis with 2nd and 3rd year students in a three month seminar. The students will then work on projects involving litigation or legislation under the guidance of the lawyers who attended the seminar with them.

After the seminar, students and lawyers will work at the libraries of the law school and the firm, as well as in an office that the firm is providing. Students will be graded on their work.

Many law school projects that farm students out to law firms fail because a good relationship is not built up in advance between lawyers and students.

With news of the Paul Weiss-Columbia arrangement in hand, I went to see Dean Lisle for his aid and advice on instituting such a program at BLS. Within three hours of my request for an interview I was seated in his office for a relaxing and challenging 50 minutes. We talked of the feasibility of instituting a similar program involving BLS and another law firm, of the hardship of finding a professor to work on this program, and of potential student interest. The result of our discussion was that if I went out and found law firms interested in participating, polled and registered the students, and administered the program, this would be given "more" consideration and maybe BLS sanction. The Dean is definitely not against such a program, it is simply that he is not for such a program. I suggested a few modifications and alternatives, as I felt that this program would benefit participating students in their ultimate quest for employment.

The Dean also mentioned that he might be responsive when this program achieved a more formal working level.

Professor Humbach, who was also present, suggested that this be a student organized, maintained and administered program. (His approach was "power to the students"). Personally, I agree with his "power" theory but the NYC law firms will not. The law firms would like the school's name attached to a program of this nature.

Carry this newspaper article with you when you are looking for an entry into some law firm or while you are pounding the streets seeking a job. This reminds me of a joke. But I wouldn't want to make this article a laughing matter. It is too serious.

If anyone is interested in this program or has some viable program in mind, take a few moments out and see me in the SBA Office or the Justinian Office.

The SBA was approached and immediately took this program to their executive board. Rosemary Carroll, President of the SBA, thought this program warranted immediate attention and action. I am certain that the SBA will act on our behalf.

RED LIGHT ON POLLUTION!!!

The Ohio Attorney General sued two Cleveland firms for discharging wastes into the Cuyahoga River. Both suits were filed under Ohio's statute against public nuisances — a law originally intended to crack down on houses of prostitution.

ESSAY CONTEST MEANS MONEY AND . . .

ABA Section on Family law. The contest is designed to create a greater interest in family law. \$500 TOP PRIZE.

ABA Constitutional law essay program. Subject: By what means should Constitutional questions concerning the allocation of power between Congress and the President be determined?

More information wanted? There's probably an essay contest in every field of law that you're interested in — find out! SEE HOWARD KANE AT THE SBA OFFICE.

UNIVERSITY OF PITTSBURGH GRADUATE SCHOOL OF PUBLIC HEALTH HAS RECEIVED A FEDERAL GRANT to help law school graduates train for careers as legal advisors to state and local health departments and federal health agencies. LAW GRADUATES ADMITTED TO THE ONE-YEAR HEALTH LAW TRAINING PROGRAM CAN RECEIVE MONTHLY STIPENDS RANGING FROM \$300 TO \$500 WITH ADDITIONAL ALLOWANCES FOR THEIR DEPENDENTS. Further Information Available.

YLS SELECTIVE SERVICE PROJECT INVITES LAW STUDENT PARTICIPATION

The U.S. Selective Service has phased out the appeals agent which heretofore assisted registrants in their hearings and appeals. The American Bar Association's Young Lawyer Section Selective Service Project which provides advisors to Selective Service registrants will replace the government-furnished agents completely. This increases tremendously the importance and value of the YLS program as well as the need for law student volunteers to assist in that program. The ABA's Young Lawyer Section needs additional law student volunteers

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Prodding the Establishment

Claremont, New Hampshire — February 14th — the storefront office was dark and dusty with little heat, only a lone desk with a telephone, two long benches and a table filled with literature. It was possibly ironic that the office occupied part of a VFW hall, ironic because each of the twenty or so students who had come from Yale, Vassar, Smith, Amherst and other schools as well as local high school kids, were there to oppose war and the president who continues it while supporting a young Republican Congressman from California who has taken up where Eugene McCarthy left off four years ago, Congressman Paul N. "Pete" McCloskey. Yet, even the veterans of this Post would be hard-pressed not to respect the basic honesty and integrity of this particular anti-war congressman, one who had been a hero in a far worthier war, winning both the Silver Star and Navy Cross as a Marine Combat Commander in Korea.

They travelled to this very atypical state because of their conviction that perhaps the fire and excitement which was kindled four years ago (and extinguished so abruptly by a bullet in the night in the kitchen of a Los Angeles hotel) could be relit; that this fiercely independent, yet relatively conservative state



Insurgent McCloskey talking with student volunteers.

reflexively draw back at the idea of working for any election effort involving the other party, others are taking a broader and more sophisticated view which urges that this particular president be challenged at every step from now until Election Day. As the posters read: "Don't put off until November what you can do in March."

* * *

Pete McCloskey has no visions of gaining a majority vote on March 7. Yet, he does know that if he can put his message across that this war must end now, that govern-

is apparent, two striking contrasts give evidence to the different nature of this year's insurgency. First, McCarthy made what could be termed the "natural" challenge from his party's more liberal philosophical vantage point. This year, that challenge would appear to come from the Ashbrook candidacy, a conservative challenging a basically conservative president. When one further considers that the Republican Party organization within the state is tightly knit and far less volatile than its Democratic counterpart, the obstacles inherent in a liberal Republican challenge are far more obvious.

On the other hand, the largest potential voting block in the state could not even cast a vote in the 1968 primary. For the first time Independents and the newly franchised 18-21 year olds can take part in the primary. These two groups, for all practical purposes, hold the delicate balance which can spell the difference between a strong McCloskey showing, one which will thrust him into other primary states, and a mediocre vote which will probably cause him to retire back to his San Mateo Congressional district. Yet, with all the question marks, a recent Boston Globe poll indicated that at this point in time, McCloskey is well ahead of where McCarthy was four years ago and is within striking distance of a tremendous upset.

* * *

would once again give impetus to a national movement, this time in the other party. They were aware of the fact that politics in this primary state have been radically altered by the inclusion of Independent voters for the first time, voters who can exert an enormous influence if they can be reached effectively.

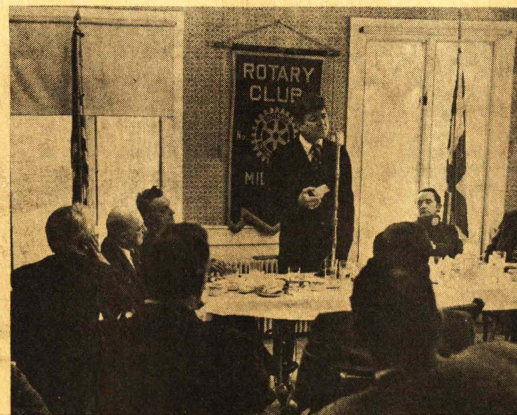
Finally, they came because of the pragmatism inherent in type of insurgency; that while the nature of the electorate is basically conservative, the issues of 1972 transcend philosophy and party; that while some students who are committed and concerned might

ment must stop disseminating half-truths and lies to cover up for inadequate policies, that the civil rights gains of the past decade cannot and will not be emasculated by an administration enamored with a "southern strategy" — his challenge will be successful to the point of forcing this president to reconsider his future courses of action. For should McCloskey garner a quarter or more of New Hampshire's Republican primary votes, the same political shock waves which were felt four years ago will resound.

While the comparison to Eugene McCarthy's campaign

The road to an insurgency's success in New Hampshire leads through icy streets and snowy walks to the door of each and every voter. The people have come to expect and welcome the quadrennial effort, opening their homes to weary canvassers and listening intently to the words and ideas. They don't say so outright, but one gathers that they are troubled and restless

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SBA News

By MARK E. ROGART

"What's all that yelling about," I said to myself as I entered the February 17th meeting of the Student Bar Association. The noise was coming from the side of the room where I usually sit, so pretending to walk to my seat was a convenient excuse for my inquisitiveness. As I approached the three or four students who were engaged in a heated discussion, I wondered what could be so important as to arouse their sensibilities. "How many times have you been at SBA meetings," shouted one protagonist. "None of your business," retorted the other. "Aren't you supposed to be representing our class and isn't one of your responsibilities as class officer to be present at all SBA meetings from start to finish?" "I'll bet you stay until the attendance is taken and then split." This confrontation concluded when one of the participants decided to go directly to the SBA Executive Board with his grievance. This incident seemed to me significant, not because of the personalities involved, but rather because of an increasing awareness on the part of students that the Student Bar Association has entered into a new stage of action rather than rhetoric and that the SBA is productive.

The first item on President Carroll's report was the possibility of changes in the curriculum for next year. The Curriculum Committee reported that the number of credits in Trusts and Conflicts might be reduced from three to two next year. There is a proposal being considered to give a course in practice during the freshman year. In addition, an enhanced program in clinical education has been suggested, presumably for credit.

Mrs. Carroll then told the delegates about the visit by Dean Fordham to determine whether the time is appropriate for Brooklyn to apply for admission to the American Association of Law Schools. One of the shortcomings, he felt, was that BLS has not affiliated with a university. As a result of his visit, contacts are being made with the New School for Social Research and Pratt Institute with the aim of offering joint studies at the schools. Dean Fordham also pointed out the need for the Faculty to publish more than they have in the past.

A movie program will start at BLS shortly featuring as its first film, "Cool Hand Luke." The films will be shown in the Moot Court Room on Friday evenings. The SBA is also sponsoring intramural basketball games on Wednesday evenings. However, as of the date of this article, not all classes have submitted the names of their "jocks." There will be a wine and cheese party on March 25th. Any students who wish to volunteer to stomp on 1,089 bushels of grapes are urged to report to the sun deck any afternoon after three. Other items discussed were student lob-

bing in Washington, a meeting on prison reform to be held in Buffalo and the Matrimonial Seminar. These items will be discussed in more detail in future articles.

On behalf of the Senior Day class, room 400, a resolution cancelling BLS rules on probation, expulsion, and general disciplinary rules was proposed. The resolution, which was passed overwhelmingly, took the form of a request to Dean Lisle for a definition of the minimum required scholastic average a student must maintain at BLS; the grounds for expulsion on an academic and scholastic basis; the grounds for expulsion on the basis of conduct considered unacceptable to the school. The responses to the above, the resolution suggested, should be set forth in writing and incorporated into the Brooklyn Law School Bulletin.

The second resolution which was voted on was submitted by Mark Fox. It proposed that the administration copy and distribute to students all outside cases to be used during the term where the said number of outside cases shall number more than ten during that semester in that course. The main reason for implementing this proposal would be to alleviate the problem of students having to wait hours and days for the use of these outside reports and sometimes having to go to classes unprepared because library books are inaccessible.

It's a common impression around BLS that no one outside the law school has ever heard of the Justinian, let alone the SBA. Well, we're all wrong. In the December 16 issue of THE OPINION, the newspaper of State University of New York at Buffalo, "SBA Reporting" appeared. It began, "Wonder of wonders, Buffalo isn't the

only dump in the world with a communications gap — SBA — reporters, students — faculty, whatever." "One reporter (meaning me, I presumed) for this version of the Flatbush Philosopher found himself accused of trying to crucify the Directors, when all he was trying to do was comment on how the SBA was viewed by the students. This reporter noted that the criticisms he had encountered were a prime example of the way rhetoric becomes the protagonist and reason the interloper during SBA meetings."

Hopefully, as I mentioned at the outset, we have entered into a new phase of SBA-student participation and we are on the road to demonstrating that action, rather than reaction predominates. Brooklyn Law School is NOT a dump.

INTERNATIONAL LAW SOCIETY

On Wednesday, March 7, 1972, the first meeting of the International Law Society was held in Room 603 at Brooklyn Law School. The ILS is endeavoring to provide for the increasing interests of students in the field of International Law and the problems of the environment, oceans, human rights, space, labor and business.

The Society will publish a semi-annual Journal which will include studies, commentaries, book reviews and recent case comments by both practitioners and students. This will afford students with great opportunity to participate in writing and research.

Membership in the ILS is voluntary and the Journal will be both student organized and student run. Anyone interested in joining the Society and/or writing for the Journal should contact either Michael Faltischeck of Mark Rogart — Room 402E. The next meeting of the Society will be held before the Spring Recess.



Justice Louis B. Heller spoke before an impressively large gathering in the moot courtroom two weeks ago on "How to try a case in the Supreme Court." His many years on the bar provided a wealth of anecdotes but there was some disappointment that there wasn't more on procedure. Ninety per cent of your cases, he told the assembled, "is won in your office," and added, "Too many lawyers today come into court unprepared." Then, reading from his book, he recounted about an unusual case in which corroborative evidence was once obtained for an adultery charge in a divorce action by measuring the periodic diminution of the weight of the contents of the wife's tube of vaginal jelly.

Faculty Passes on Curriculum Changes

On February 10, 1972, the Faculty-Student Curriculum Committee met and discussed several resolutions. These called upon the administration and faculty to consider the following changes:

- 1) Having the third year Evidence and Pleading Clinics as elective courses in that year.
- 3) Offering to evening students the same opportunity that day students have of making Insurance an elective.
- 4) Creating a mandatory first year course of not less than two credits in Civil Procedure based on the Federal Rules of Civil Procedure and reducing the credits in the present third year course in New York Practice. Current first year students could take this course in their second year.
- 5) Implementing a two-hour per semester course in Clinical Education. In this connection, Dean Gilbride appointed a subcommittee to look further into the matter. Those appointed include Professor Herrmann, Professor

Schwartz, Mr. Gary Schultze, Mr. Steven Rothenberg and chairman Professor Meehan.

- 6) Adopting an elective course of two credits in Criminal Procedure.

On Thursday, March 2nd, all of these resolutions were passed by the Faculty, and now await final decision and implementation by the administration.

A motion not passed was one suggesting that Administrative Law be offered in Summer School. The reason given was that the curriculum committee was not the proper forum at which to introduce such a motion.

Members of the Faculty-Student curriculum committee include Assistant Dean Gilbride, Chairman, Professors Maloney, Crea, Meehan, Palomino and Hauptman, and Messrs. Steve Rothenberg, Marvin Rappaport, Lawrence and Mrs. Epstein, Sam Gindi and Merrill Winer. Observers included Professors Hermann and Humbach and Messrs. Gary Schultze, Allan Friedman, Neil Simon, Kenneth Paul, Robert Parsly, Rosemary Carroll and Hester Lewis.

Women Speak Out

By CHRIS STERN

On February 24, WRVR Radio broadcast a program on women law students, and I, a 2nd-year BLS student, was one of the speakers. Bob Lefcourt, the emcee of the program, "Up Against the Law," hosted the panel, which, also included Ellen Coin and Sarah Steinbeck, both of N.Y.U. Law School.

We discussed the discrimination—both overt and insidious—that we and other women in the legal profession face. For example, I mentioned the letter that was sent by BLS to my entering class, asking for a photograph of each student "in jacket and tie." One woman dutifully sent a picture of herself in the requested attire.

At N.Y.U., a woman was told that her moot court presentation had not been forceful enough. When she explained to the professor that she wanted her style to be sincere, he said that her presentation should be stronger, but not too forceful, because then she might appear to be aggressive. We suggested that this was hardly the kind of comment that would have been given a male student's presentation.

When asked whether we thought that large numbers of women lawyers would have an impact on the legal profession, we replied that we thought it likely that certain issues would be pursued by women lawyers and clients, that might otherwise be left as is, such as alimony for husbands as well as for wives, and the equalization of the legal age for marriage. Since women's personalities vary as widely as do men's, we noted, the ratio of women interested in corporate law to those who are not would probably be similar to the ratio among men lawyers. On the other hand, because women lawyers are members of a minority group, a larger percentage of women than men lawyers may empathize with other oppressed groups, and wish to work with them.

We cited figures of the infinitesimal number of women judges in all jurisdictions. This and other practices we discussed are evidence of the discrimination that women in the legal profession face.

Lowenstein Law Lecture

Congressman Allard Lowenstein, member of the 91st Congress, will be the keynote speaker at the Law Day ceremonies planned for Brooklyn Law School on May 1st, chairman of the Law Day Committee, Martin Press, announced recently.

Although best remembered for his dump Johnson campaign in 1968 and his endorsement of Senator Eugene McCarthy as a presidential candidate, Mr. Lowenstein has had a varied and distinguished career. Originally from Newark, New Jersey, Allard Kenneth Lowenstein received his B.A. degree from the University of North Carolina, his LL.B. from Yale, and was admitted to the New York Bar in 1958 after having served two years in the United States Army.

Author of the book, *Brutal Mandate*, and a favorite with campus groups, Mr. Lowenstein has long been associated with academic life. He was a member of the Stanford faculty from 1961 until 1962, lectured at North Carolina University from 1962 to 1964, and was a faculty member at the City College of New York from 1967 to 1968. Arriving in Congress in 1969 with political credentials, Mr. Lowenstein was an alternate delegate to the Democratic National Convention in 1960 and a regular delegate in 1968.

Mr. Press plans to hold the Law Day exercises out of doors by the Borough Hall, in Cashman Plaza and added that the names of other speakers will be announced shortly.

emancipation proclamation...

The curriculum at Brooklyn is not meeting the needs of the individual law student.

Both faculty and student agree that there is a need for more varied course offerings in many areas and particularly in Criminal Law and Procedure. Both are equally aware that little room is available in the curriculum for these additional courses because 85% of the courses a student takes in order to qualify for graduation are "required" courses. Little opportunity is left for the student to specialize in a meaningful way in any areas other than Property or Business.

There are so many required courses in Property and Business that Criminal, Constitutional and Environmental Law receive little more than honorable mention. The 15% of elective courses are but a token — a carrot dangled in front of the student as a grudging reward, metered out carefully lest the student get the idea that he may significantly shape his own education.

Columbia and N.Y.U. Law Schools require three and five credits respectively of Property. BLS insists upon eight credits. This leaves no room for the Civil Procedure course which those schools require in the first year. Similarly, Business Organizations, Creditors' Rights, Negotiable Instruments, Sales and Taxation are all elective courses at other schools. Why must they all be required courses at Brooklyn?

The answers appear to be "School Policy," "It's always been this way," and "These are the courses to prepare a student for the Bar Examination," with repeated emphasis on the latter. What is overlooked is the fact that a curriculum dedicated only to preparing its students for the bar examination is analogous to a high school curriculum geared to the content of the New York State Regents Examination. The students are prepared for the examination — but for little else.

Most students at Brooklyn are between the ages of 24 and 30. Behind us is time spent in school and at jobs, and by now we have a pretty good idea about which subjects are most important for the kind of work we want to do. As adults, we expect to be given the freedom to study in those areas of law which we perceive to be most relevant for the work WE choose to pursue upon graduation. If we should elect courses which do not best serve our needs, that will be our misfortune. Freedom brings with it responsibility and we are ready for both.

It is time for the faculty and administration to lower the number of required credits in property and business courses and to place the burden of proper course selection where it has always belonged — with the student. Perhaps then we can begin to have programs that will meet the needs of the individual student rather than those preparing us in one direction only, that of meeting the needs of the business community.

papers to the people...

From past observation, it would seem that the Pentagon is not the only institution blessed with the power of document classification. Brooklyn too can claim this bounty. Though our test papers and grades are not of national importance, they are, in perspective, of equal value. Yet, they are locked up in some secret vault and viewable only by the damned, those who have received a "D" or an "F"; and only then if those particular grades have not caused the dreaded disease of the law student, academic failure (whatever that may be).

The only argument that has been raised that is of any worth against the review of test papers has been that it would be too time consuming. This is nonsense. If it is so time consuming, then there must be too many students per teacher.

If this is true, then obviously, the quality of education is lacking.

Furthermore, what argument can be raised to support a contention of "fairness" that grades need not be received until a month after the exam period? Are grades so secret that a postcard cannot be handed in with the examination so that "un-official" grades can be obtained? Is there some manipulation going on with the grades? Are some students being favored; others abused? If all this is a lie, why the delay? Why must students pay their tuition, buy their books, and do almost a third of the term's work before they receive their marks?

One can only speculate on the reasons for such action. The effects are clear. We cannot help but feel outrage, humiliation, and anger. It is the product of a breakdown in communication; and the communication is wanting due to a lack of respect. You, the administration, have the power. You must move first.

the more things change...

When Dean Lisle first became dean he met with the students, introduced himself, outlined a few of his ideas, and gave a little pep-talk. The pepping was part of an overall program to raise the image of the school by first raising its self-esteem. He threw the ball to us, the students, and said, "You have to feel pride in your school. If YOU go around apologizing for having gone to the Brooklyn Law School, well then what is anyone else to think?"

How true, we thought. After all we are just as good as anyone else and we work awfully hard and if we all believe in ourselves then everyone else will.

For a time, contagious optimism was the dominant theme but that's gone now. The mood hasn't just flopped back to a mild lack of enthusiasm for the school. It's more than that: there's a noticeable feeling of resentment.

One professor told his class last week that he'd been told by the recruiting partner for a large law firm that BLS graduates all seem to have a great inferiority complex about their school.

What's the origin of this feeling that we are not on equal footing with those who attended other law schools? Where does it come from this inadequacy complex which permeates our student body? — and there must be some thing or a pattern of things which are paralyzing any sense of pride and accomplishment which we would incur from our legal education. There must be something poisoning our spirit because, everything else aside, we do in the final analysis get a fine, solid legal education here. So the problem does not lie at the core, but some place else.

There is, in short, a malaise which drains our will to stand up straight, affecting a large majority — methodically — usually within the first but certainly by the end of the second year.

The Justinian submits that the single greatest cause of

our lack of academic self-respect is this school's grading standards.

We make our case on these several points:

Item: In one section of Creditor's Rights 40% of all grades are D's or F's, (Whether this condemns the students' ability or the professor's ability is not here an issue).

Item: In one first year section 80% of all Contracts grades were C, D or F.

Item: Property I grades were just as poor with no apparent justification.

Item: A paltry C grade can mean as high one 85 while in any other school this level of work would be recognized as a B.

Item: While a fair number of our professors have a tendency to give C's D's and Failures, a grade below a C is a rarity in any other graduate school.

Item: The administration consistently refuses to regrade papers en masse allowing such grading patterns to persist.

What is this school trying to accomplish?

With grading standards like these we are telling large numbers of hard-working, highly intelligent, extremely motivated students, "You are a borderline student." He can work harder than a comparable student who happened to choose another law school with, perhaps lower standards, know more substantive law, and write an impressive paper yet his professor deigns to give him a C. Now, go out into the world and compete with that other student from that other school showing a B or an A.

The long-range effect of a low grade curve is to limit one in the already limited job market; the immediate effect is to inhibit us, to rob us of our sense of self-esteem and accomplishment; to keep us so pre-occupied with just keeping our heads above water that we can't even deal constructively with our legal education.

The Justinian does not advocate across-the-board raising of all grades or even of lowering our grading standards. All we want is to see our effort acknowledged.

comment

EDITOR'S NOTE: This space has been left open for future comment from any individual in our legal community. Your opinions need to be heard, and have a right to be voiced. If it's worth the space, we'll print it.

By MARVIN SCHECHTER

Where fear exists, the truth is far behind. Though at first glance this statement connotes high-flung philosophy, a closer scrutiny reveals an innate practical meaning. The recent law suit instituted against this institution serves to highlight the ever-increasing fear students have of retaliation by instructors in the event they voice any criticism, be it constructive or destructive. Whether or not this belief is valid is not argued here, but, rather, the fact that the belief exists and its effect on the student community is a proper subject for discussion. Nowhere at BLS has the opinionated voice been squelched more than in the office of *Justinian*, and surprisingly enough, the blame for this situation rests solely with students as opposed to any extra-terrestrial beings.

Justinian has adopted an insidious editorial policy which follows these logical lines: we won't publish anything controversial, we won't comment on or make controversial statements regarding serious issues in our editorial column and finally we won't allow others to publish views of a controversial nature under their own names. In short, not only is the student body to be denied editorial reprieve, but the right of every student to publish his views is eliminated. To call this policy censorship would be polite; to call it despicable is more accurate. From this, one deduces a simple, sad axiom: if *Justinian* is frightened, then all the students must be frightened, even those personally willing to accept the consequences (whatever they may be).

Of greater significance, however, is *Justinian's* abandonment of journalism's most fundamental principle, i.e., to inform completely and honestly. Assuming, arguendo, that a newspaper is not a watchdog, is not a catalyst and is not an organ of opinion expression, then at the very least it has an obligation to present, in printed form, that which is news.

Yet recently it was decided by some *Justinian* staff members and the editor (not unanimously) that the results of the teacher evaluation would not be published, but, instead, there would be a three-part editorial analyzing the survey's defects, mentioning why certain instructors are retained despite consistently low ratings (without stating their names) and offering to make available to the entire student body the evaluation, by leaving a copy in *Justinian's* office. Granting that the evaluation is news and that this decision is correct, one can only bristle with contempt for the incredible hypocrisy of allowing the students to know the complete results but not printing them in the paper. If the effect is the same, then why is the method of presentation tangential? Technical feasibility is not the problem here but rather a paranoid fear paralyzing the news information process.

Nor is the evaluation the only sensitive topic this publication has bypassed. Why hasn't the paper made some statement on the re-admissions suit? Why hasn't the paper, as of this issue, raised any questions concerning the deanship of this school, particularly since the Acting Dean's temporary appointment will soon end?

Of necessity a newspaper must reflect diverse opinion. Attempts to sidestep volatile issues and to repress the views of any student are a reflection of gut cowardice as well as a desertion of basic journalistic tenets. Fear cannot be tolerated if *Justinian* is to be more than a fact-gathering news service, and unless a demand for change is forthcoming from the academic community, then this enterprise will go down the road of oblivion, unnoticed, except by those who really care.

Justinian

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BROOKLYN LAW SCHOOL

250 Joralemon Street, Brooklyn, N. Y.

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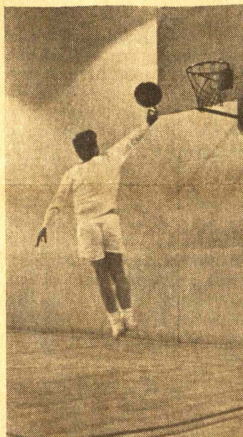
Barrister Basketball

By ABRAHAM BORENSTEIN

In the morning, before the hall bells signal my class to order, the leisurely conversation among the men is sports. With football faded into the snows of January and baseball Met to be revived by the coming of spring, baseball dominates students' hearts, and in some cases, pocketbooks, talk is of pools and spreads, and the achievement of a Toby Kimball or a Butch Nodives take on more importance than it has any right to. In the back of our collective mind reside dreams of college days when time was seemingly plentiful and free. Now, all we are left with are our individual Mittyisms to be enacted during a lull in class.

In remembrance of things past, and with only a minimal outlay for balls, whistles, timer and scorebook, the SBA organized an intramural program. It is a single elimination affair top heavy with first year students. The program sputtered at first, having faced technical problems with gym arrangements, but now it is in high gear.

At first, the SBA asked each team to select a name resulting in a slew of creative choices. Names



proved too impractical, though, and so the team I was on, the "Courts", became the number fourteen. Our team was drawn from the 600 class by geographical location, not talent. As such, we were a physically small group but even worse, doubtful of each other's unpreviewed talents.

In the third week of competition, we were chosen to play. Insecure, now that our dreams had come to fruition, we assembled at Brooklyn Tech H.S. After losing and finding ourselves in a maze of corridors and stairways, we found the elevator designated as our meeting point. While waiting for the gym director, we and our opponents eyed each other like the Jets and Sharks in the Dance at the Gym. Finally, we all crowded into a single elevator that lofted us to the empty 8th floor, and proceeded out over a snow swept roof and then back inside to the waiting gym. Only the four teams assigned to play were there. It was as if we were being told to privately act out our fantasies, and then pack up and return to reality.

The first game was a rout. The "Shirt" team was faster and better organized than their "Skin" opposition and won by a healthy margin. Our game was attended by a captive audience — the doors

(Continued on Page 8)

Reflections

By REUBEN SAMUEL



It happened! Yes it did. The grades finally arrived. The Monday after their receipt, throughout the school, could be heard the sighs of those satisfied; the groans of those in trouble; and the quiet of those unsure whether their grades related in any way to their knowledge.

Rumblings of dissatisfaction had been heard in the halls of ivy as to the lateness of the marks. The ol' standby excuse was presented as the reason "no comment."

In our beloved institution there stands a precedent, as aged as William the Conqueror, and perhaps long overdue for re-examination. Students who receive "C" grades or better have no right to examine their test papers. The reasoning: "no comment."

One imagines that much of the faculty fears that a student's questioning of grades would be solely for the purpose of exhibiting an immature temper tantrum. But what of those who received grades with which no dissatisfaction occurred. Have they no right to learn where their information was inadequate? Have these students no right to improve their knowledge? Or is it as one faculty member said, "If you're a 'C' student, you're a 'C' student!"

Embodied in that wisdom lies the subliminal attitude of our institution toward its students. I nonsense: the professors and Administration know what's best, so don't ask!

This attitude is manifested repeatedly. In a Freshman class, one professor handed out "surprise" quizzes, then had each student exchange his paper with his neighbor. After grading his neighbor's paper, the student was to sign his name to an oath of honesty at the bottom of the test paper. Shades of grammar school, what?

Or how can the school rationalize the fact that of two freshman sections (among others), one class ended with a 'C' - 'D' average and the other was 'B' - 'C'. Only two obvious differences were present: 1) the names of the students in one class began with different letters of the alphabet from the names of the students in the other and 2) each class had different professors. What does one say to the 35 or so freshmen in the 'C' - 'D' class that were placed on probation — "We're sorry but your name started with the wrong letter of the alphabet?"

In a school that instructs people in the manifestation of justice one wonders where justice is.

Seemingly, the drive of the institution is toward 100% passage of the bar examination, regardless of the value of the graduate as an attorney. Creative thinking is seemingly frowned upon.

I make a plea to the faculty and administration to step forward and indicate the error of my thinking. For, with the exposure of just and rational attitudes by the powers that be toward those subjected to their thinking, a great cloud will be lifted from the trudging students of B.L.S.

Getting It All Together

I just came back from a one semester leave of absence. It's very lonely starting B.L.S. in February. For the last four weeks, there's been no one to talk to.

"Hey Howie, how yo doing? What do you think you got in Tax?"

"Tax?"

"Yeah. Who did you have, Hauptman or Cummerford?"

"Neither really. I wasn't here last semester..."

"You kidding? I could have sworn I saw you in class. Must have been a mirage. Wait a minute! You're not waiting for grades then."

"Nope."

"Wow, What does it feel like?"

"Oh, you know. It's just like being back, only I'm not all worried about how I did on the finals."

"Finals — you didn't take finals — no wonder you look so healthy. You've probably been in Florida all semester..."

"No, actually I was working."

"Working. You don't know what work is. I almost went nuts last semester."

"You seem to be a little on edge right now."

"Christ, who isn't, waiting all this time for grades. You isn't that's who. You probably have been doing your briefs too."

"I've been keeping up to date the best I can."

"Keeping up to date. I can't handle this. I bet you've even been sleeping nights. Why you'll probably get straight A's just from not being neurotic these days."

Thank goodness the marks finally came. A few people are starting to talk to me again. When they ask me how I've done I just mumble something like, "Back on probation again." Then they stop, put a hand solemnly on my shoulder and reply, "Gee, that's too bad. Got three A's myself."

Around here, that sort of thing passes for conversation.

Howard Feller

Through The Past Darkly or: Did that ever happen here??!

By LARRY HAUPTMAN

The following items were gleaned from the yellowed pages of old Justinians, which began publishing in 1931. All 32 volumes of Justinian are bound and available in our library, in case you're ever there.

12/2/31

Responsive to the needs of the day, and true to the school's reputation as a leader and innovator in the field of legal education, Dean Richardson announced the addition to the curriculum of a course in "medico-legal jurisprudence." "The course consists of twenty lectures which will be given by Professor George Irving Swetlow as part of the post-graduate curriculum. The subject is especially designed to suggest to attorneys many possible approaches to the solution of legal problems which involve medical, chemico-physical, and psychological or psychiatric facts."

12/2/31

However, it appears that Dean Richardson had a two-sided view of legal education; and urged mastery of the mundane, as well as the recalcitrant, facets of the law: "It is usually not the student who attains the highest scholastic average who becomes the most successful lawyer, but the man who has the capacity and personality for diversified activities who attains the highest rung on the ladder of the legal profession." A well-groomed appearance and diversified social activities were enumerated as necessary elements of a well developed personality.

12/21/31

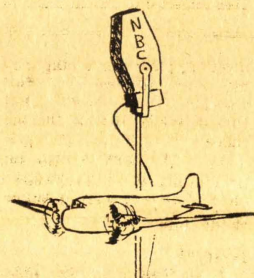
In an address opening the Practice Court of Brooklyn Law School, Robert Daru, Assistant District Attorney of New York County, and a member of the Legal Aid Committee, suggested a plan whereby the Legal Aid Society would enlist the cooperation of the law schools: "Every bar association in the country . . . has repeatedly urged its members to recognize that the duty and obligation of rendering legal aid to indigent persons devolves upon the Bar. That this duty falls upon the law schools as well . . . has often been recognized . . . Your committee believes that this Association should take steps to call the attention of the various law schools of this state the necessity and desirability of adequately treating this subject of legal aid in the law school curriculum." I wonder if people dedicated to fighting poverty 41 years from now will still have to consider themselves to be crusading reformers.

12/21/31

"The women of New York State believe that jury service is a unique and broadening experience that will bring them closer to the great surging mass which constitutes our democracy," proclaimed Ester B. Goldman in an argument advocating passage of the Women Jurors Bill. With all due respect, this department submits that Ms. Goldman's comments should have been referred not to the Legislature, but to a Freudian.

12/31/31

The Justinian reported the success of a dinner-dance held for seniors at Janssen's Mid-Town Hofbrau: "This affair concluded the pre-Christmas social calendar, and during the holidays the fraternities and



Aviation Law and Radio Law were among the "relevant" courses in demand in the 30's.

sororities will be out in full swing at their convention dances. The Junior Prom is scheduled to take place some time in February." The above, I think, speaks easily for itself.

3/21/32

The Justinian reported that the Practice Court of Brooklyn Law School was praised by Professor Harold Medina of Columbia as the finest of its kind in the country and superior principle to moot courts established at Columbia and other institutions. Do we still run this thing?

3/21/32

"The Justinian, a new venture in the field of legal periodicals, has in four issues already established for itself a recognized place among legal publications . . . It has met with unexpected response . . . from the most eminent legal authorities, jurists, and members of the bar." It's a tough act to follow. But they had law review editors, faculty, alumni and judges on their editorial board. The present Justinian is a bastardized, but democratized, version of the old Justinian — and still meets with unexpected response.

3/21/32

"The glittering Crystal Room of the Ritz-Carlton Hotel was the scene of the Annual Junior Prom . . . More than 250 couples attended this traditional affair which was hailed as a most successful and colorful event." Appearing alongside the story is a photograph of Jerome Prince, Chairman of the Committee organizing the Ball. Dean Richardson was right after all "diversified social activity" does indeed open the door to success.

3/31/32

Headline: "Boston Praises Medical Studies of Law School: Advises Other Institutions to Follow Pioneer Work of Our School." Charles A. Boston was a past president of the American Bar Association.

4/18/32

Letter to the Editor from Charles A. Boston: "I do not recall that I have seen any law school publication of the same kind (referring to the Justinian), or that seems to me calculated to stimulate the interest of the student to a similar extent."

4/18/32

Headline: "Law Review Wins High Praise in First Appearance at Banquet." Headlines are notorious for dangling prepositional phrases. But they should have tried a little bit harder with this particular one.

4/18/32

The Justinian ran a study made by Julius L. Sackman on the "Laws of Ancient Iceland." This was a pleasant change of pace, in that the great majority of essays, printed in the Justinian, touching upon some aspect of historical or comparative ju-



Professor M. (for Maestro) Gershenson with the BLS orchestra.

risprudence, were usually restricted to the field of Talmudic Law.

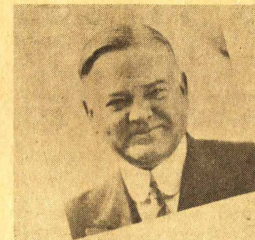
6/9/32

"Criminal acts can be ordered in the hypnotic or post-hypnotic state," declared Dr. George I. Swetlow, professor of medical jurisprudence at the Brooklyn Law School of St. Lawrence University. To

demonstrate this point to his class, Swetlow proceeded to hypnotize a student subject. Now that's what I call a legal clinic.

6/9/32

"For those three happy years we are grateful to the Dean and to the various members of the Faculty, who have always struggled with us and never against us. Like Moses they have brought us through the desert of preparation to the border of the Promised Land. They have taken us up into a high mountain, even as Moses led the chosen people to the Mount Pisgah, and time showed us the legal pathway in the world over which our



feet must wend their way." So spoke the Rev. Dr. E. C. Curran in his valedictory speech. He went on to praise "our parents," and to exhortate the "false prophets," "false preachers," and "false leaders." Dr. Curran was also noted for his radio sermons. I guess this was the heyday of radio priests.

11/15/32

A straw vote taken at BLS "was the subject of wide metropolitan comment because of its accuracy as compared to the predictions of other schools." The results of the

mencing the study of law may register now for the spring semester which begins Monday, January 30, 1933. Summer Session courses are offered for the benefit of students matriculating at mid-year who wish to shorten the time required for the study of law." The things they took for granted, would seem like manna from heaven to us now.

11/15/33

"One unanimous vote and ten re-elections featured the recent balloting for the 1932-1933 class officers of the Brooklyn Law School." The one unanimous vote was for Jerome Prince, student editor-in-chief of the Brooklyn Law Review.

12/15/32

A Justinian news item: Mussolini paid a compliment to the Italian lawyers today . . . by ascribing to them a place higher than that of the poets and philosophers who produced the Renaissance. The honor, he said, was due to the lawyers because they had revived the Roman law—Rome, he added, would have been less great if it had not been for its law." The Justinian did not comment. I searched in vain through the Justinians of 1935 and 1936 to find mention of the invasion of Ethiopia.

2/21/33

Justinian news item: "The Twentieth Amendment to the United States Constitution becomes effective October 15. This is the last short session and President Roosevelt's successor will take office January 20, 1937, instead of March 4th."

6/8/33

Headline: "Additions Made to the Graduate School: Aeronautical Law Course To Be Given." The article then stated that Dean Richardson was asked as to the possibility of a course in Radio Law: "At present there seems to be no need for such a course where as there is a definite need for its kindred subject, Aeronautical Law." Try as I may, I am unable to perceive any degree of kinship between Radio Law and Aeronautical Law, unless they both have something to do with the air.

6/8/33

It comes as no surprise that Professor Robert R. Sugarman is considered by all to be the guiding spirit behind Brooklyn Law School. The Justinian reports that he was a Varsity Cheer Leader in college.

10/16/33

The students of BLS, were not to be denied. A Justinian article griped that the reputable law schools were all offering a course in radio law.

11/16/33

In an effort to limit admissions to the practice of law and thereby "raise the standards of the legal profession," David A. Simmons, vice-president of the ABA, advocated

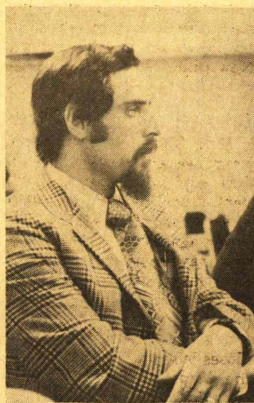
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Lawsuit

(Continued from page 1)

school were Professor Crea, appearing as chairman of the Faculty Committee on Academic Standing, and Professors Hermann and Hahl, appearing as members of that committee. The meeting resulted in over a 200 page transcript, which is now part of the complaint. The complaint, and the transcript of the hearing with the faculty committee, is a matter of public record, and is on file in the clerk's office in the Federal District Court, Eastern District of New York, under the docket number 72 Civ. 192. Mr. Meyers believes that this is the first time a students' rights issue was ever raised formally at Brooklyn, requiring the presence of an attorney and a stenographer.

At the meeting Meyers demanded the immediate readmission of the plaintiffs on the grounds that in denying the plaintiffs a "prior hearing" they had been denied their constitutional rights. Meyers stated that the committee was unprepared for this type of approach. He claims that the faculty members present expected Grafton and Silversmith to come "hat in hand begging for readmission" and pleading some special and peculiar personal problem of one sort or another. In late October or early November of 1971, the school



wrote a letter to Mr. Meyers stating that the application for readmission was denied.

Meyers outlined the essential legal concepts upon which his case will depend. Basically, he has formulated a dual due process argument. First, due process requires setting forth standards of conduct, in the absence of which there is no power to punish. This concept is primarily a development of the criminal law, having its roots in the notion that a penal statute which is not sufficiently precise in delineating the behavior intended to be prescribed, is void for vagueness. The individual, by

way of his due process rights, is thus entitled to fair notice of the standards with which he must comply. Meyers contends that the school gave no notice other than a one-sentence reference in the Law School Bulletin to the effect that the student is required to maintain a "weighted C average." By way of contrast, Mr. Meyers pointed out that other universities and law schools publish lengthy notices detailing the minimum academic standards with which the student is required to comply.

Second, even if the "weighted C average" requirement found in the bulletin satisfies the requirements of fair notice, and affords equal protection through inflexible and uniform application, the school still failed to accord due process in so far as there was no "prior hearing." The "prior hearing" argument is based on the Supreme Court's ruling that there is no distinction between so-called "rights" and "privileges" in due process cases. Thus, to revoke a privilege (i.e., welfare payments, teachers' licenses), there must be a prior hearing comporting with the minimal requirements of procedural due process. For example, a student may not be expelled from a public school without a prior hearing, because upon the revocation of a benefit conferred by the state, the state has the burden of first establishing a basis in fact for such revocation. If the

state fails in its burden of establishing such basis in fact, the revocation of the privilege will be struck down as arbitrary. Meyers contends that the requirement of a prior hearing extends to anyone acting in a quasi-public capacity.

After receiving notice that the school refused to accede to the demand for immediate readmission of the plaintiffs, Meyers filed a federal civil rights suit. The statutory ground for this action is found in 42 USC §1983.

§1983 of the U.S. Code prohibits any state from denying an individual his civil rights under color of state law. The essential problem in applying this statute to the case at hand is bringing the school within the definition of a "state" or state instrumentality.

Furthermore, the suit was made into a class action by including "all persons similarly situated" before, during, and after the complained of incident. "Persons similarly situated" was restricted in the complaint to those who were expelled and were exercising their First Amendment rights. Mr. Meyers firmly believes that there is a causative relationship between the plaintiffs' expulsion and their roles as members of the Justinian on the one hand, and their activities in the moratorium on the other. The ramifications of a successful class action suggest that other former students who have been subjected to similar practices

can file for readmission on the same basis.

The summons and complaint filed sued the law school for actual damage of \$1,000,000 and punitive damages of \$5,000,000 in case of each plaintiff. The punitive damages are based on a willful violation of, or negligence so gross as to amount to a willful violation of, the plaintiff's rights. In other words, the complained of conduct is so gross as to justify the concept of punishment.

The School has retained the firm of Cahill, Gordon, Sonnett, Reindel & Ohl, located at 80 Pine Street. Meyers described Cahill, Gordon as an old and prestigious Wall Street firm, which, to the best of his knowledge, has hired but one Brooklyn Law School graduate. He stated that he was "surprised, but not shocked," that the school has retained a firm which "has been traditionally closed to graduates of the law school."

In this type of action, the defendants have twenty days in which to either answer or make a motion to dismiss. Mr. Meyers said that a partner in Cahill, Gordon called him and requested a thirty day extension. Thus, the deadline was extended to April 5.

Meyers anticipates a motion to dismiss on one of two grounds; the defendants may allege a failure to state a cause of action, or they may argue that the federal forum

(Continued on page 8)

Past Darkly

(Continued from page 6)

that lawyers be admitted to practice provisionally for three to five years. At the end of this term, the novitiate would be required to show cause why he should be admitted to the Bar. A resolution adopted by the German Bar Association was also discussed. It provided for no admissions to the German Bar for the next three years, and then only a limited number of candidates would be admitted. The German Bar claimed that such a measure would prevent the "proletarianization" of the Bar and "radicalization" of the increasingly large number of law students to save the profession from utter "pauperization." The article stated that the ABA "would be hesitant in voicing a similar plan." But isn't the purpose behind the measure as important as the measure itself? Is an effort "to raise the standards of the legal profession" any different from an effort to prevent "proletarianization," "radicalization," and "pauperization" of the legal profession? The issue was of most importance at the time and embroiled the entire profession in a long and heated debate. The pages of the Justinian were crammed month after month with editorials, articles and reports of symposiums, conferences, lectures, and commencement speeches whose common theme invariably was "overcrowding in the Bar." The Justinian editorial policy was consistently against any systematic scheme (including overly-stringent grading of the Bar Exam) to impose some sort of numerical restriction on the men and women aspiring to become lawyers. Dean Richardson

took issue (and umbrage) with Professor Chafee of Harvard, who argued that the law student of the day was not sufficiently possessed of "culture." The Dean argued that Chafee's evaluation did not accurately reflect the educational attainments of the typical law student, and pointed out that if the minimum requirement of at least two years of college did not impart a sufficient appreciation of literature and history to the law student, nothing would.

12/18/33

In an article entitled "Aviation and Aviation Law," Harold J. Bailly, Esq., special attorney for war work in the Department of Justice, argued, "There is still room for progress in making flying safe." Bailly was apparently a master of the understatement. His greatest cause of concern was the so-called "miscellaneous flying" or the private ownership and operation of planes purchased at about \$700.

12/18/33

"When the English took over the colony of New Amsterdam in 1664, they found an organized system of courts operating under the Roman-Dutch theory of jurisprudence." The above is the first sentence of the first installment of a monumental study presenting a "chronological history of the courts of New York State from 1664 to the present day." The author of the treatise was Milton G. Gershenson.

Gershenson also made his first appearance in this issue of the Justinian as editor of the "Quizzer's Corner," the purpose of which was to familiarize students with the "Yes-No" question similar to

those propounded in bar examinations, and other tests of same type."

These two endeavors mark the beginning of a long and distinguished career in preparing New York students to pass the New York Bar Examination so as to qualify them to practice New York law in the New York Courts. However, in all fairness, it should be pointed out that the soon-to-be professor was musically, as well as didactically, inclined. Several years later, the young professor organized and conducted an orchestra composed entirely of members of the BLS community. In no time flat, the orchestra was good enough to give a live radio performance — station WNYC. To this day, students take delight at Professor Gershenson's rendition of "Best Interests of the Child" on the piccolo.

2/15/34

The Justinian reported that the calendars of the New York and Brooklyn Supreme Courts were four years behind.

4/19/34

"Before the visit of the Department of Corrections . . . the prison on Welfare Island was under the control of gangs, and not the City," stated the Hon. David Marcus, First Deputy Commissioner of the Department of Corrections at a meeting of the New York University Club of Brooklyn Law School.

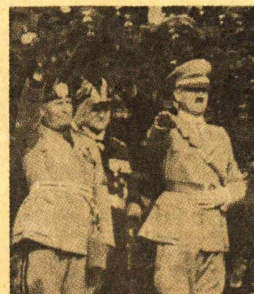
11/16/34

Dr. Franklin F. Russel advised members of the N.Y.U. Club of BLS to study Roman law. Professor Russel was a faculty member of the graduate school and taught Roman jurisprudence. The Justinian then reported that "during the business section of the

meeting, plans for a stag dinner were discussed." I feel bound to offer the opinion that this is really taking the so-called "historian's re-enactment of the past" a little bit too literally. But Collingwood's ideas of history were in vogue at the time.

11/16/34

A biography of St. Ives, Patron Saint of the legal profession, written by John H. Wigmore, Professor of Law at Northwestern University, emphasized the Patron Saint's



Mussolini, Hitler. They, too, had thoughts on the role of law in society.

devoted career to secure justice for poor people." Meanwhile, the courts of the land were embarking upon their campaign to enfeeble the Blue Eagle.

11/16/34

The Justinian's Press Box reported the following from Germany: "A suggestion that lawyers accept no fees from clients, so that money might not count in law suits, was made to the Academy of Jurisprudence by Captain Hermann Goering, Minister of Aviation and Prussian Premier. He did not explain how lawyers would live." It's interesting to note that lawyers

were among the first to be singled out in Goering's program to eliminate living altogether.

2/21/35

Minnie R. Schwartz, president of the Brooklyn Women's Bar Association, pointed to the admirable performance of women jurors in the Hauptmann trial to show that women have the physical stamina required of jurors in lengthy criminal trials. Then again, one would hardly expect a woman to fall asleep with Col. Lindberg present in the courtroom.

4/20/36

"Last year in this supposedly enlightened, advanced, civilized country there was a minimum of 12,000 murders, and an established total of 1,445,000 major crimes," declared J. Edgar Hoover, Director of the Federal Bureau of Investigations at a conference held to discuss the causes and remedies for widespread juvenile delinquency in the United States. Hoover's G-men may have been adept at rounding up the public enemies, but I would not consider him to have been the last word on the causes and prevention of juvenile delinquency. Mayor Fiorello La Guardia, who also spoke at the Conference, urged improvement of recreational facilities to keep the children off the streets.

Dude Ranch

The Student Bar Association will sponsor a weekend at Rocking Horse Ranch, April 21-23. The charge of \$50 per person will include unlimited food, evening entertainment, and indoor swimming pool.

Reservations must be placed with the Student Bar Association Office by April 5.

Basketball

(Continued from Page 5)

were locked so the participants of the first game could not leave as stipulated by tournament rules. It was a very physical contest. Our opponents jumped off to a quick lead built on team play and superior outside shooting. We trailed at the half by a 16-7 score.

The momentum shifted in the second half. Our big men became more aggressive off the boards, while our shooting became more selective. The game, in fact, became quite exciting as we strove to make up our deficit. We did not trail by more than 5 points at any point in the last 6 minutes, but never quite managed to gain the lead, losing 30-28.

Unfortunately, the contest had neither hero nor goat. Like all pick-up games, it was unevenly played and could have gone either way. But while victory eluded us, and our fantasies were shattered by the hammer of defeat, the nature of our morning banter remains unchanged. When I walked into class the next day, my neighbor greeted me by exclaiming: "Hey Abel! you got a paper? Wha'd Archibald score?" Obladee, Obladee, life goes on, blah.

Texts

(Continued from page 1)

lesser price. When you remember how many times you have entered a course and have spent thirty dollars on books and your professor — after scrawling his name on the blackboard — tells you about the book he really uses to teach you the course? What then?

How about those books you purchased to find out they were merely supplements to the course?

That is expensive decoration??? At a time that prices are skyrocketing, our professors might be advised to look at prices as well as authors! Remember spending \$15 on the law text for some course and then receiving some skimpy 125 page soft cover book? Doesn't that irk you a bit?

P.S. Statutory Supplements formerly were provided at no cost by the Consolidated Law Service. Now these Supplements cost the student an average of \$10 per book. The service was terminated because of the complaints of out of state schools who had to pay for the books.

Evaluations

(Continued from page 1)

ings might conceivably be taken into account in his future teaching assignments.

The return of forms this term was slightly lower than in previous terms. The more complete the response, of course, the more accurate the picture which may be formed. For the most part, the evaluations indicated fair and responsible consideration of an instructors performance. That is, while the comments may have shown that a professor was not liked as a "nice guy" he might nonetheless be rated highly in his handling of the subject. There is, however, no differentiation provided for in the survey between the course and the professor. In some instances it was apparent that a professor teaching an unpopular course was at a disadvantage as opposed to the same professor teaching a different course. On the other hand a professor is often given additional praise for having handled a weak course well and made it interesting or, perhaps, relevant.



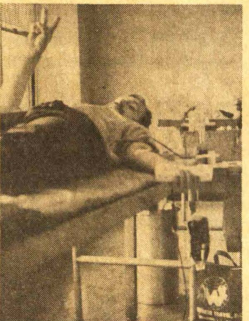
As graduation approaches the school measures everybody's head. If it's not big enough you can't graduate.

Lawsuit

(Continued from page 7)

is not available under §1983. Mr. Meyers believes that it is more likely that the later argument will be relied upon because civil rights suits are not infrequently dismissed for such lack of jurisdiction. The argument anticipated is that Brooklyn Law School is not a state instrumentality but rather a private institution. However, Mr. Meyers will reply that the school nevertheless is answerable on a federal civil rights suit because a "totality of circumstances" make the school, for the purpose of this law suit, an appendage of the state. One such circumstance in the state judiciary law which confers power on the appellate court to determine academic standards. An example of the application of this law occurred when the Court of Appeals intervened in the 1970 moratorium and ruled that no law school in the state could waive final exams as a result of the moratorium. Mr. Meyers contends that this type of intervention begins to break down the defense that the school is a private institution. Other circumstances breaking down the defense are the rules and regulations of the New York State Court of Appeals which determine the minimum academic standards required of all law schools within the state, the special state legislation which related particularly and peculiarly to the sale of the old building and the construction of the new; and the chartering of the school under New York State laws.

Meyers concluded the interview on an optimistic note. He firmly believes his case is virtually unassailable on the merits but he appears somewhat less than certain as to whether his case will ever reach the merits. However, he thinks he will prevail on the jurisdictional issue on the ground that a law school is distinguishable from a private university for the purposes of this suit.



Blood Bank Drive Was Big Success

McCloskey

(Continued from Page 2)

and that even those who continue to make rationalizations for continuing this administration ("He needs more time . . .", "He's winding it down . . .", "We must get out honorably . . .") know the rejoinders. They know all too well that four years is a very long time, a long time since they last came around knocking on doors and a long time for a president to extricate us from an involvement for which he presumably had a plan.

Yet, just by being there in Claremont one knows that McCloskey's message is striking a responsive chord. Vietnam, to McCloskey, is the most pervasive symptom of a more fundamental infection biting at the American spirit: the lack of truth and credibility in government. It smacks right in the fact of an old-fashioned, puritanical, New England ethic which these people take a fierce pride in persevering, one which has been severely exposed over the past eight years by war, the SST, Bangladesh, and so on down the list.

But the guilt which flows from such exposure has surfaced as a dynamic force in the form of their young high school aged children who have rallied to support McCloskey's effort. Their dynamism is evidenced by a continuing presence at the old VFW storefront, tireless work in the community, and a student vote at the local school in which McCloskey outpolled every candidate running in New Hampshire. Republican or Democrat, McCloskey's appeal is not very surprising: most of these kids are too young to remember when last we had a president to whom truth and honesty were an essential adjunct to the functioning of government.

* * *

Whether or not the sort of victory which will push McCloskey's effort into other states comes about, the campaign has been worth waging for what it symbolizes: the hopes and aspirations of a coming generation. If it should reach home to the older generation by March 7, there is little doubt that history will repeat itself. If not, those who made the effort with and for Pete McCloskey will have the comfort of knowing that the ultimate future belongs to those who waged it.

Jon Miller

Events

- March 17-19 — Buffalo Legal Conference
- March 23-25 — Student Lobby in Washington, D.C.
- March 23 — SBA Delegate Assembly Meeting
- March 24 — SBA Wine and Cheese
- March 24 — BALSAC Conference, University of Chicago
- April 24 — Symposium: Matrimonial Law and Family At Practice
- May 3 — Movie "On Trial." Story of Chicago Seven

Rosemary Carroll

From the desk of the President

Vigorous support of the new SBA, participation on the key committees of Curriculum, Placement, Library Speakers and Faculty-Student Relations, and a determined sense of student professionalism is required for change at BLS.

The concept of student membership on most if not all faculty committees is a prerequisite for establishing new directions. This must be a high priority of student activity.

A commitment must be demonstrated by the Administration to hire more faculty, expand services and facilities and spend more money to get BLS moving.

Further and perhaps most importantly if there is any faculty member who knows that he does not wish to get involved in student-school matters, that for him teaching is merely a job and not a commitment to training students to be professionals, and for whom the ways of the past holds an irresistible attraction, then that faculty member should resign. He is holding back the new professors and is keeping BLS from progress.

The past is not good enough in the present. And, it is debilitating irrelevancy when it is allowed to retard development of an institution with such potential as BLS. Students are de-energized by the constant up-hill fight.

The first year students have 1½ years. The structure is feeble and with the exertion of a vigorous effort it can be remolded to accommodate today's problems. It's a tough rap to be a BLS Senior. Sitting in a third year class, listening to the bitter complaints of students the most incisive one remains that posed by job interviewers, "Why'd you ever go to Brooklyn?" And, it is a truly sorry commentary on BLS that many of the students don't have an assertive response to that criticism of which they themselves are genuinely convinced.

It is true as the seniors stated: for them there has been no Placement Service. They have experienced only an out-moded and rather uninspired curriculum with few electives. They've been volunteers for three years in the Clinical Legal Services Program and received no course credit. They had no dean for a good part of their stay and a Catch-22 non-direction from the Administration. For them in the main, the Trustees were figments of someone's imagination. The Alumni Association was non-existent.

Some of this has changed this year mostly due to student push and the energy of several faculty members, especially the new members of the teaching staff. But, there is a great deal to be done.

Jefferson B. Fordham in speaking with the SBA Executive Board agreed that student efforts must be continuing for progress.

The present first year class has a great task before it if it wishes to avoid the depressing experience this year's seniors face.

LSD News

(Continued from page 2)

to participate in their Selective Service Project. The Selective Service Project is an advising and counseling program for Selective Service registrants and operates at the state level. The project was established by the YLS Committee on Protection of Civil Liberties and Civil Rights after conferring with representatives of the Selective Service System on the subject of direct Young Lawyer involvement in the nation's draft system. This program enables volunteer members of the YLS to serve as "advisors to registrants."

Law students may now assist those advisors. The advisors to registrants will assist registrants in preparation of Selective Service forms and advise them of the matters relating to their liabilities and rights under the Selective Service Act.

Law Student Division members interested in assisting the Young Lawyers in this program should send their letters stating their interest and ability, address and phone number, date of birth and law school, as soon as possible to: Mr. Frederic B. Weinstein, c/o American Bar Association, Young Lawyers Section, 1155 East 60th Street, Chicago, Ill. 60637.

STUDENTS NEEDED FOR THE ABA YOUNG LAWYERS SECTION VOLUNTEERS IN PAROLE PROJECT

Law students volunteers and law student reps are urgently needed to participate in a parole aid project. If you are interested in criminal law this program might be of benefit. I do not have more information, but if you are interested contact: Mr. Mac Miller, ABA-LSD National Parole Aid Volunteers Program, c/o Georgetown University Law Center, Institute of Criminal Law and Procedure, 600 New Jersey Ave. N.W., Washington, D.C. 20001.

UNIVERSITY OF HOUSTON INAUGURATES A NEW

SEA LAW PROGRAM

This program of Bates College of Law, University of Houston, is financed by the U.S. Sea Grant Office and is aimed at initiating a continuous and comprehensive program of courses, research and information services focusing on the legal-administrative aspects of marine and coastal resources.