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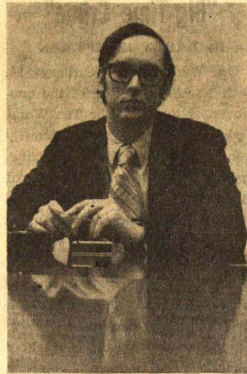
Trustees Named

Board Names Recent Graduates

Two recent graduates of Brooklyn Law School were appointed to the school's Board of Trustees at the Board's meeting of February 27. Appointed were Michael Schumaecker and Marc Adelson, both former Editors-in-Chief of the *Brooklyn Law Review*.

Both Mr. Schumaecker and Mr. Adelson graduated in 1972. Mr. Schumaecker is presently associated with the firm of Winthrop, Stimpson, Putnam and Roberts. Mr. Adelson is Law Clerk to Federal Court Judge Lee P. Gagliardi of the Southern District of New York. Both will serve one year terms and will be succeeded by new recent graduates to be appointed next year.

Dean Emeritus Prince, a member of the Board's subcommittee which recommended the appointment of Messrs. Schumaecker and Adelson, noted that he had personally known both throughout their law school careers and felt they will represent the student viewpoint well without being "Yes" men by deferring to the views of other Board members. He also noted that the selection this year of Law Review people to sit on the Board was in no way a slight to other recent graduates



New Board Member
Michael Schumaecker

who involved themselves in other activities. New selections for one and two year terms will be made annually allowing a greater opportunity to choose other graduates.

Also appointed to the Board were Mr. John Doer and Mrs. Cecily Cannan Selby. Mr. Doer is presently President of the Bedford Stuyvesant Development and Services Corporation while Mrs. Selby is National Executive Director of the Girl Scouts of America. Dean Prince noted that Mr. Doer's active community work was a prime consideration in his choice while Mrs. Selby's background in education was the leading factor motivating her choice. The addition of these four members increases the size of the Board to fourteen.

Curriculum Revision Continues

Prof. Fink Analyzes Changes

By NANCY FINK

Ms. Fink is Instructor of Law and a member of the Curriculum Committee.

Brooklyn Law School is undergoing a metamorphosis. The initial step was, of course, the physical improvement in the facilities as a result of the move from Pearl Street to the present building. A second very important aspect of this process has been and continues to be the tightening of the admissions requirements of the school which has had a decided effect on the intellectual quality of the student body. As a direct result of this increased ability of the student body has come a greater awareness of the vast potentialities of a large metropolitan law school, which until now, have perhaps not been fully explored. A third very crucial aspect of the renaissance of the Law School has been the increase in the size and diversity of the faculty. With the expanded faculty came, of course, new ideas and increased expectations regarding the future of B.L.S. Last, but far from least among the forces for change in the Law School, has been the change in the academic administration.

Contrary to prevailing opinion among the student body, the eighth floor of the



Law School is not in a state of atrophy. The need for pervasive change in the law school has been recognized during the last few years as the rumblings of students and the shifting policy of other institutions made it increasingly apparent that change was inevitable if Brooklyn was to remain a viable educational facility serving the varying needs of its students. With the increased faculty available to take some of the burden of an expanding program, the decision was made to press for a far-reaching reform of the still substantially required curriculum.

The result was perhaps even more drastic than the reformers had envisioned when the debate began early last semester. The curriculum proposal adopted by the faculty at its regular monthly meeting during the mid-semester break reflects the consensus of the faculty on the best method for Brooklyn Law School to achieve an essentially unstructured curriculum after the introductory year of basic courses without sacrificing the quality of the educational product delivered by the Institution. Opinions cer-

(Continued on Page 6)

Committee Considers New Electives

The Faculty-Student Curriculum Committee has been meeting to consider proposals for electives to be given next year. The proposals approved by the Committee will be presented to the faculty for final approval.

New electives passed by the Committee for consideration by the faculty are (as of the February 28 meetings): Land Finance, Business Planning, Economics of Regulated Industries, Legislation, Advanced Labor Law, Law of Discrimination, Appellate Advocacy, Consumer Credit, Civil Liberties, History of the Common Law, Roman Law and the Federal Rules of Criminal Procedure. Course credit for both New York Criminal Procedure and Corporate Taxation were increased from two to three.

The most heated debate at the meeting of February 28 focused on the Federal Taxation course. Professor Hauptman moved that course credit be increased from three to four. Professor Crea argued that the course credit be left alone, stating that a four credit elective Taxation course would be too much of a burden for students. Student representatives on the Committee concurred with that view and concluded that a four credit course would be too prohibitive because few students would be inclined to choose a course with such a credit burden.

Student representative Charles Segal advanced a proposal which would have divided the basic (Continued on Page 6)

Faculty Publications And A.A.L.S.

By JON MILLER

One of the problem areas cited in the report made last Spring by Jefferson Fordham, Dean of the University of Pennsylvania School of Law and a consultant who advised Brooklyn Law School's Board of Trustees with respect to its present application to the Association of American Law Schools, related to the failure on the part of BLS faculty members to publish consistently and involve themselves in scholarly endeavors. This article will study the roots and causes of this phenomenon at BLS, the faculty members and what and where they have written, the remarks made by Fordham and their relation to the school's application to AALS and the prospects for increased faculty participation in scholarly endeavors in the future.

While the Board of Trustees has not made the Fordham Report available for either student or faculty inspection, it is commonly understood that Fordham's remarks with respect to faculty publications were as follows: "While he (Fordham) generally praised the faculty for its extensive

teaching experience and its commitment to basic teaching function, he felt the school has not been in the mainstream of legal education in terms of educational developments and contributions to legal learning through productive scholarship... The school should be more a part of the larger world of legal education". However, while Fordham did go to great length in discussing this aspect of the school in his report, the failure of the faculty as a whole to publish extensively will not either be an insurmountable nor the most important hurdle in gaining admission to AALS. Other factors relating to student-faculty ratio, University affiliation and curricular changes will far outweigh this particular aspect.

Have, in fact, the faculty members of BLS been lax in the area of scholarly production? A study of bibliographies submitted last Spring prior to Fordham's visit showed that many faculty members, especially older, more tenured members of the faculty, have rather sparse publication records and that others have not published at all in their teaching careers.

On the other hand, a few members of the faculty, some very senior and others among its most junior members have published extensively and consistently.

Senior faculty members who have published regularly and recently include Dean Emeritus Prince, and Judge Glasser, Prince, the author of both a casebook and



This article is part of a series concerning BLS's application with the Association of American Law Schools. Mr. Miller discusses faculty publication and its relation to both the school's past problems and current application.

text on Evidence which are used extensively, regularly contributes an article to *Syracuse Law Review's* "Annual Survey of New York Law". Likewise, Judge Glasser has published regularly in the areas of Torts and Trusts for Brooklyn and Syracuse Law Reviews. Three of our most junior faculty members have outstanding records as legal writers. Professor Holzer published extensively in the area of civil liberties and Constitutional Law prior to coming to BLS and since September has written no less than four articles which will or have appeared in the *New York Law Journal* or the *Brooklyn Law Review*. Professor Chase has written a number of articles in the area of Poverty Law for the *New York Law Journal* and other legal periodicals and will have an article appearing in *Brooklyn Law School's* "Second Circuit Review" this coming Spring. Lastly, Professor Wein has collaborated on three articles which appeared in *Cornell Law Review* in the past few years.

On the other end of the scale, certain faculty members have not (Continued on Page 6)

Haverstick Named New Placement Director

By LAURENCE KRAMER

The Board of Trustees of Brooklyn Law School named Mr. Henry Haverstick permanent Director of Placement at its February 27 meeting. Mr. Haverstick, who began his duties on March 5, was formerly assistant Director of Placement at the NYU Graduate School of Business Administration and the Assistant Director for all Business and Industry students on the undergraduate level.

Since assuming his new position, Mr. Haverstick has been familiarizing himself with the school and the placement operation. He succeeds Mr. William Holzman who served for a month and a half as Interim Director after the resignation of Daniel Savage in December. Mr. Haverstick noted that he regarded the work done by Mr. Holzman as outstanding "considering the state of affairs he was confronted with upon his assumption of duties."

Hoping to institute long-reaching programs which will improve the placement opera-

tion at BLS, Mr. Haverstick noted that placement programs neither begin nor end with the placing of students. A program of career planning will be instituted so that the average student will be able to make an intelligent decision as to which aspect of the legal profession he would like to enter. Haverstick said that this program will include seminars conducted by outside specialists at the law school and a professional visitation program whereby students can go to specific law firms to observe the actual work operations of potential employers. He noted that he used this visitation program effectively at NYU and he felt the results were rewarding for those participating.

Another aspect of Mr. Haverstick's program will be to "pound the sidewalk" for BLS. He plans to personally visit law firms throughout the city to both familiarize himself with job openings and familiarize firms with the quality and professionalism of Brook-



Placement Director Haverstick

lyn Law graduates. Finally, Mr. Haverstick plans a bi-monthly newsletter to keep students abreast of upcoming programs and job interviews.

It should be noted in closing that this reporter first met Hank Haverstick at an A.B.A. meeting of placement directors held here in New York. It was a working meeting where schools such as Harvard and Columbia voiced their dilemmas of having students who can't make up their minds as to which of multiple job offers they should accept. Hopefully, our new Placement Director will be able to bring the same problem here to Brooklyn Law School.

Judge Weinstein Notes Court Delays

By TRUDI MARIE SCHLEFER

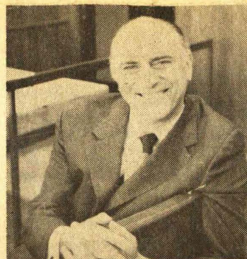
On Wednesday, February 28, 1973, Judge Jack Weinstein conducted an informal lecture and discussion at Brooklyn Law School during which he announced his candidacy for Chief Judge of the Court of Appeals of New York. The judge is currently serving on the United States District Court for the Eastern District of New York, but he does not feel that the switch would be a demotion. Although he said he found his work on the federal bench "satisfying," the judge indicated that he could best further the cause of judicial reform from the state court level.

Judge Weinstein cited depressing conditions and long pre-trial delays as examples of the breakdown of the system of justice. Needed psychiatric care is not provided in many cases and some pri-

soners worsen "beyond redemption." The lack of class actions inhibits the adequate development of consumer protection. The system of pre-trial release is in need of improvement. Correctional manpower must be reallocated for rehabilitation of those convicted.

Judge Weinstein noted that since World War II there has been a move away from the common law dispensation of matters on a case by case basis to a workable system of justice. Although the judge stated that "we're serious about equality," he said that judges and lawyers do nothing to help the judicial processes operate effectively.

Judge Weinstein commented that efficiency and the Constitution go "hand in glove" and that we must provide justice or create animosity. A police force which follows the



rules is an effective force, and the application of the proper procedure does not slow things down. Judge Weinstein stated, with respect to the state court system, that judges should follow cases all the way through to disposition and that the distinction between Supreme Court judges be done away with so they may be cross-assigned.

Judge Weinstein felt that his move to the Court of Appeals would enable him to make improvements on the operating level of justice before and during trial. He noted that the Chief Judge can effectuate change as a liaison between the executive, the legislature and the courts. The Chief Judge can exercise an influential leadership role, for example, in getting needed funds for reform.

Judge Weinstein echoed many of the thoughts of the candidates for the Court of Appeals in the Fall of last year, including the advocacy of a modified Missouri plan for the selection of judges.

Subscribe to the Justinian

Dear Alumnus,

Times have changed since last you read the *Justinian*. Gone is 375 Pearl Street, Dean Richardson, Professor Gershenson's musical troupe. But, all is not lost. We have a brand new building, brand new Dean, a revitalized curriculum and much more. We urge you to participate in the changing face of Brooklyn Law School. To do so we must be able to stay in touch with each other.

Subscribe to the *Justinian* to stay abreast of the events at school and the local legal community. Our pages will be open to your comments, criticisms and news.

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Shaw University Names Herrmann To Board

By HANNAH FLAMENBAUM

As Professor William Herrmann jovially leads his students through the practical morass of Creditors Rights and Wills, little do his students realize that he is a man of varied interests. Professor Herrmann has recently been elected to the Board of Trustees of Shaw University in North Carolina. Significantly for BLS, this marks the first time a faculty member has served in such a capacity.

Professor Herrmann has been active in the development of Shaw for several years. For his contribution and public service, the University conferred upon him the degree of Doctors of Laws in 1970. He also serves at Shaw as Adjunct Professor of Urban Science. Professor Herrmann will serve on the Board of Trustees with such notables as Terry Sanford (former governor of North Carolina and present President of Duke University), John Theobald

(former Superintendent of Schools in New York), and Isaac Hayes (composer of *Shaft* fame).

Shaw University is the oldest co-educational black university in the South. Started after the Civil War by Henry Martin Tupper, a white minister, its original purpose was to educate newly freed slaves. The present campus was purchased with money donated by the white philanthropist Eliza Shaw and has a current enrollment of about 1,500 students.

Professor Herrmann is also involved in other voluntary undertakings. He will be instrumental in starting a *Shaw University Without Walls* in Connecticut as part of Shaw's mission to help the underprivileged. He also is consultant to the Concord Baptist Church in Brooklyn, attorney for the Greater Faith Baptist Church in Stamford, Connecticut, and serves as Human Rights Commissioner in Stamford, Connecticut.



Judge Weinstein speaking from the bench.

Legal Trends

EDITOR'S NOTE: This space will be available for student and faculty articles reviewing recent developments in the law. Articles should be limited to 500 words.

Amanuensis, Ltd. v. Brown, 65 M. 2d 15, 318 N.Y.S. 2d 11 (Civil Ct., N.Y. Co., 1971), decided by Judge Leonard H. Sandler, created a warranty of habitability in New York by virtue of implication at common law and by statute. This warranty justifies a tenant in not paying rent if the dwelling is uninhabitable and arguably gives the tenant a right of action to compel a landlord to correct these conditions and a monetary recovery for being forced to live in these conditions. Judge Sandler's opinion convincingly shows that the law in the past had failed to prevent housing from decaying and that, as a result, the steps he took were necessary both to prevent housing from deteriorating and improve housing in New York City.

Amanuensis involved non-payment proceedings commenced by a landlord against several tenants who resided in a multiple dwelling. Several defenses were interposed by the tenants, the important one for consideration here being that the landlord breached the warranty of habitability which they argued was implied at common law and by the provisions of the New York Multiple Dwelling Law. The premises involved were in a very poor condition. Not directly stated in the opinion but known to the authors were the fact that rats, roaches, and other vermin infestation were prevalent throughout the premises. Also, the physical structure of the building had decayed considerably and young children were in danger of being subjected to lead poisoning from peeling paint.

Although recognizing that the Court of Appeals had (1) been very hostile to a tenants enforcing the provisions of the Multiple Dwelling Law, mainly those provisions which provided for decent housing, and that that Court held that these provisions could only be enforced by code enforcement agencies such as buildings or health departments and (2) held time and time again that no warranty of habitability existed at common law and that the tenant's only remedy when the premises were uninhabitable was to vacate them, i.e., the defense of constructive eviction, Judge Sandler held that those authorities were decided over thirty (30) years ago and that they are presently out-moded due to the severely decayed housing conditions existing today.

As to the exclusive enforcement of the provisions of the Multiple Dwelling Law by code enforcement agencies, Judge Sandler held that it was totally ineffective. In the instant case, although the list of violations compiled by the code enforcement agencies was lengthy, nothing was ever done by those agencies to correct them.

Judge Sandler held that in order to correct the violations and to effectively enforce the provisions of the Multiple Dwelling Law, the affected tenants also had to be given the right to enforce them. The traditional remedy at common law that gave the tenant a right to vacate a premises when it was uninhabitable was no remedy at all since there was nowhere for the tenant to go since housing was relatively unavailable. As a result, Judge Sandler created a common law implied warranty of habitability.

Judge Sandler cited to an important case, *Javins v. First Nat'l Realty Corp.*, 428 F. 2d 1071 (D.C. Cir., 1970), as authority for its holding since the housing situation in the District of Columbia is almost a carbon copy of that in New York City.

It is questionable whether the warranty of habitability is firmly established in New York (see *Golden v. Gray*, 68 M. 2d 679, 327 N.Y.S. 2d 458 (Sup. Ct. Monroe Co., 1971), and *Graham v. Wisenburn*, 30 A.D. 2d 334, 334 N.Y.S. 2d 81 (3rd Dept., 1972), both cases decided after *Amanuensis*), but *Amanuensis* has started a definite trend which encourages its application (see 34 N.Y. Jur. 438). Throughout the nation the warranty of habitability has become firmly established in many states (see authorities collected in 40 A.L.R. 3d 646). It is hoped by the authors that the movement in that direction will continue and all jurisdictions, including New York, will firmly establish the warranty of habitability as part of their law.

Prof. Oscar Chase and Mitch Alter

SBA Meeting

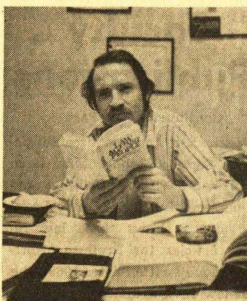
By HERBERT TEPPER

On February 20, the Student Bar Association class delegates voted on various proposals of interest to the student body. One issue was Brooklyn Law School's monetary allocation to this summer's Law Student Division Convention being held in Washington, D.C. LSD representative Howard Kane impressed upon the delegates the necessity of attaining adequate representation for our four-hundred LSD members at Brooklyn Law School. BLS, in the past, has sent two representatives to such conventions and Mr. Kane deemed a third representative necessary. SBA President Mitch Alter, concurring with the Executive Board, felt that the appropriation of three hundred and fifty dollars was as far as the SBA could go in funding the convention.

After heated debate, the delegates voted to increase the appropriation to five hundred and seventy dollars and increase our representation to three students.

The second matter before the delegates was the school production of "Libel and Slander." The students producing the show requested an additional loan of two hundred dollars to print tickets and acquire sound equipment. By a unanimous vote, the additional loan was appropriated.

Lastly, a letter was read from a representative of Governor Nelson Rockefeller noting that executive clemency was granted to Jeffrey Smith. Mr. Smith had been arrested on a drug charge in 1967 and BLS donated fifty dollars for his defense.



Chase Pursues Poverty Law

By JOHN DI BELLA

Professor Oscar Chase exemplifies a recent trend of law schools throughout the United States to acquire the teaching services of individuals who are sincerely concerned about the problems, both legally and socially, that engulf our underprivileged citizens.

Prof. Chase began his work in 1960 after graduating from Yale Law School. After graduation, he worked in voter registration and education projects run by SNCC in Mississippi and provided legal counselling at the Lower West Side Community Corporation. In 1967, he received the Reginald Herber Smith Fellowship which initially trained him in poverty law at the University of Pennsylvania Law School. The fellowship also involved neighborhood legal services. After finishing at Penn, he returned to New York to accept the post of Assistant General Counsel and Director of Law Reform for Community Action for Legal Services, Inc. Professor Chase then decided to continue his objective of assisting the poor in a more indirect but more potentially productive way by teaching at Brooklyn Law.

Professor Chase noted that lawyers are the only people in society who have a knowledge of the legal system and, therefore, the power to manipulate that system, directing its energies and powers to more productive endeavors among the poor. He said that the present law student is a product of a decade of controversy, a person more sensitive to the needs of all the people of our community. Today's law students seem more desirous of change in the law than any other generation of law graduates. He readily admits that the traditional means of education may not be applicable and beneficial for the modern lawyer. He enthusiastically supports clinical education as the tool that law schools will ultimately rely on to produce lawyers for the future needs of the people. All other professions demand clinical education as a prerequisite for graduation and the law profession is a bizarre exception to that general rule. Only with practical experience can one achieve the expertise and adeptness necessary to properly represent one's client.

Professor Chase presently is teaching two electives, *Federal Practice* and *Poverty Law*. He hopes to introduce electives more attuned to his special interests such as, *Criminal Law and Civil Rights* and *Juvenile Rights*. He is confident of success but realizes that the complex problems of life are such that there are no answers but only solutions to problems, no right or wrong solutions but many

Mitch Alter

From The Desk Of The President

Ed NOTE: Mr. Alter is President of the Student Bar Association

I

A recent press release announced Brooklyn Law School's Board of Trustees' decision to have four new members appointed to it. Two of the positions are permanent, the other two are recent graduates who will sit for a one year term. The decision as to whom the persons would be surprised me as well as many others. Although the Trustees' decision to have two recent graduates on the Board was a good idea since they can give the Trustees a better idea as to what is happening at BLS than most administrators can. The SBA, an organization made up of every student in this law school, was never informed as to whom the prospective candidates were, the method by which they were to be selected, and never given a meaningful chance to participate in the selection process. It was only through an offhand comment made by Dean Lisle that I knew the Trustees were *even* making a selection.

The function of the BLS Board of Trustees is to act in a fiduciary capacity in the best interests of the school. Over and over again until blue in the face, I have stated that one of the means by which the Trustees should act to accomplish their task is to involve students in the decision making process. The student body is just as interested in the best interests of BLS as are the Board of Trustees. Again the student body is cruelly presented with a *fait accompli*. We are not meaningfully involved in the decision making process and, in fact, we are rarely consulted. For those few who are Trust buffs, a beneficiary of a trust is normally entitled to an accounting and the student body, as the ultimate beneficiaries of the BLS Board of Trustees' wisdom, does not even get that. I can only hope that the Trustees in the future will consult the student body, will listen to what we have to say, and act accordingly.

In my article that will appear in the next issue of the *Justinian*, there will be a discussion of the actual decision of our Trustees and its implications.

II

A comment made recently to me by Dean Lisle is worth noting. The Dean stated that some of the faculty did not want to have the names of the instructors who were to teach the new electives listed beforehand. In other words, when a student desired to take an elective, that student would not know who was to teach the course. This statement is incredible in itself. In the first place, this author does not know of any law school in the entire country that engages in this practice. Moreover, a student who desires to specialize in a particular field and takes courses to meet that desire has the right to know who is going to teach the course because of the overwhelming importance in being taught by the best qualified specialists in the field. I urge the Dean and the faculty not to engage in this practice. For not only is it contrary to the weight of precedent, it is also contrary to a student's right to be taught by the best-qualified professor in that student's chosen field.

III

As this issue is going out to the Alumni of BLS, I would like to take the opportunity to thank the Alumni Association for its \$2,000.00 contribution to the SBA Loan Fund. This contribution will make it easier for students to meet their financial needs. At the same time I urge that more funds be donated. There are many applications for student loans that cannot be accepted for lack of funds. I know that concerned alumni will help to alleviate the plight of the impoverished BLS Student. Mr. William Holzman, Executive Director of the Alumni Association, is also to be thanked for the assistance rendered by him and his staff in assisting with the SBA Party held on March 9, 1973. Without their assistance, the party would have never been the success it was. I can only hope that these enlightened and cooperative efforts of the Alumni Association will continue in the future.

solutions. Professor Chase would just one of those solutions, and like his students and all those at hopefully correct the errors that the BLS community to look for our predecessors have committed.

Curriculum Committee

(Continued from Page 1)

taxation course into a three credit Federal Income Taxation course and a two credit Estate and Gift Taxation course. Professor Cornford, an observer at the meeting and member of the Taxation Department at BLS, proposed that a four credit course be given over a two semester period. In frustration, Professor Fink, commenting on what she thought was "the real dilemma", questioned why people are made to suffer through a course like the present three credit Taxation course. To this remark Professor Hauptman, another member of the Taxation Department, replied, "Sure I'm suffering...," a remark which immediately broke up the room of committee members and observers.

After numerous modifications and counter-proposals, a vote was

taken. All of the proposals were voted down and the original three credit course was retained.

The final business before the Committee was adjournment. The Chairman sought adjournment *sine die*. Steve Spilky, student member, sought a commitment to reconvene in three weeks. Finally, the Committee voted to adjourn, not to reconvene "unless the Chairman feels there is good cause". After the meeting Professor Meehan, Committee Chairman, informed the *Justinian* that no new proposal for further electives would be sufficient "cause" to reconvene the Committee.

Student member, Gerard Dunbar, took a different point of view when questioned about the possibility of further meetings this semester. Mr. Dunbar stated: "If students bring business sufficient to call a meeting before the student members of the Committee, we will ask Professor Meehan to call such a meeting. That includes new electives."



Professor David Schwartz reading a proposal at Curriculum meeting.

Curriculum Analysis

(Continued from Page 1)

tainly differ on the reasons behind the curriculum revision; probably no two members of the faculty will express identical reasons for their votes in favor of the change. The following represents a synthesis of some of the more pervasive ideas which permeated the debates over the proposed changes and will give the reader some insight into the motivation of the faculty on this issue which is of such great concern to the student body.

At the outset, it should be observed that the basic commitment of Brooklyn Law School to the preparation of men and women for the practice of law in a world of ever expanding opportunities for individuals skilled as legal technicians remains unchanged. Added to this, however, is a recognition that this alone is inadequate to the needs of the individual, the bar and the community which he will serve. We are committed to the proposition that the education of lawyers requires, in addition to a working knowledge of basic legal principles and techniques, an understanding of the law as a tool of social change and, at the same time, as the most important weapon in the fight to preserve our society and the constitutional system of government which fostered it. It is apparent then that legal education must be broad enough and flexible enough to encompass these different dimensions of the law, enabling the student to become not

only a competent practitioner, but also a community leader and a representative of the Anglo-American legal tradition as its institutions are challenged, in a turbulent and uncertain world of social and economic re-evaluation. We must prepare the legal community of the future to meet the magnitude of the problems which will confront them in the closing years of the twentieth century and in the dawn of the twenty-first.

We are abandoning the more traditional and parochial approach to legal education which devoted itself primarily to preparation of students for bar examinations. In so doing we adopt, not a more palatable curriculum, but rather, it is hoped, a more challenging and dynamic one which will stimulate intellectual excursions into the law which have, perhaps, been stifled to some extent under the old required program of basic courses. It is our expectation that the expanded choices being made available to the student will allow him sufficient latitude in fashioning his program to enable him to satisfy his individual career expectations while still exposing him to a broad selection of fundamental courses thought to be necessary in the training of any lawyer, whatever his career choice may be. In so doing, we bring Brooklyn Law School into the mainstream of current American legal education. This, we believe, will help us to achieve our proper place in the Law School community and will enable our graduates to attain recognition of their legal skills in accordance with their true abilities, untainted by charges of provincialism.

Faculty Publications

(Continued from Page 1)

published to any noticeable degree. Some of those who have published have not published anything recently. The *Index to Legal Periodicals* shows three law review articles for Professor Hoffmann, none written after 1965. The last law review article written by Professor Herrmann appeared in 1963. Professor Younge has only one article listed on his bibliography, an article published in the *Panjab University (India) Law Review*. The article by Professor Farrell in the most recent *Brooklyn Law Review* appears to be his first. Professor Crea's last law review article appeared in 1964. Finally, Professors Halb's *Nightengale's* and *Palomino's* names could not be found in the *Index to Legal Periodicals* going back to 1963.

Dean Lisle, when asked about the relatively poor showing of the faculty, noted several interrelated problems which have, in the past, placed BLS faculty members in a seemingly less advantageous setting for active publishing when compared to faculty members at other schools. Up until four to five years ago, BLS faculty members were required to teach course loads of up to twelve hours per semester of large lecture classes. Some of the senior faculty members at the school have taught as many as fourteen courses in their teaching careers because the restricted curriculum and faculty size did not allow for specialization. (Now the number of hours taught per professor has decreased to an average of 7½ hours with no faculty member teaching more than 10. Also, an increased number of seminar and elective courses has tended to decrease the burden of overwhelming teaching hours.) Although the hindrances of the past have recently dissipated with a larger faculty and new curriculum, there has yet been no concomitant increase in scholarly production by senior faculty members who had to undergo these burdens. Bibliographies seem to show that the reverse is true — that they have retired from the area of scholarly publication.

Scholarly production has always been considered one of many criteria for judging the caliber of a particular faculty member. Many have sharply criticized the "Publish or Perish" debates which raged throughout the 1960's at Universities throughout the country noting that too much emphasis can be placed on publishing merely for the sake of publishing to enhance the reputation of a particular school or individual with little regard for the qualitative aspect of whether a particular article was worth writing or well written. At BLS prior to two months ago, no objective standards were set forth for granting particular faculty members tenure and thus, no one knew what role, if any, scholarly production played

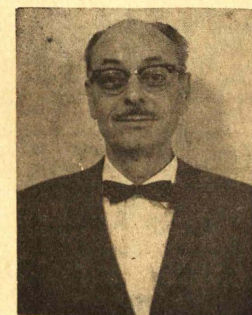
in that very important process. While a tenure committee has been in existence to advise the Dean, it was only two months ago that the faculty recommended and Board of Trustees approved objective criteria which will be used in the future to grant or deny tenure. One of the criteria is:

(2) Contributions of legal writing and research that evidence useful insights into the nature of an important legal problem; or, alternatively, professional contributions to the Law School, the profession or the community, both local and national.

Thus, even under the new system, a faculty member may be granted tenure without any publishing by fulfilling the service requirement as outlined. Evidently, though, a good deal more attention is being given to scholarly production as shown by the newer faculty members mentioned above.

In an effort to ascertain what individual faculty members thought about publishing with respect to the role of a law professor and faculty member at BLS, this reporter spoke with two faculty members, one senior and one junior, to solicit their views. Professor Milton Gershenson has had a long and distinguished career here at BLS, starting his teaching career over thirty years ago. Professor Henry Holzer was an active practicing attorney here in New York before joining our faculty this year. Both men have published extensively although Professor Gershenson has been less productive in more recent years.

Professor Gershenson pointed out that many areas of law have been "overpublished" and for him, publication took a distant back seat to being a good classroom

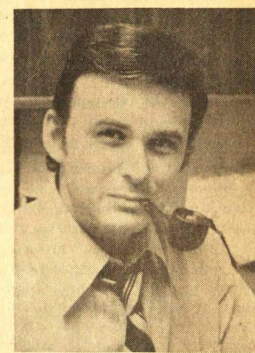


Professor Milton Gershenson

teacher. He noted that the legal publishing business did not blossom until the concept of national law schools was developed in the early 1900's. Faculty members at national schools could draw upon a much greater body of law and legal material and thereby publish more. As for the criticisms made in the Fordham Report, Professor Gershenson noted that Fordham was using the "Publish or Perish" standards advocated by many national schools when evaluating BLS, and given those standards, he felt the Report was fair in its criticism. It is not, he noted, the standard he would apply. "There are so many motives for writing... it is merely an

easy objective manifestation of scholarship. A teacher demonstrates his merit in part by being able to expose his ideas to print. It is one criterion, but not an essential criterion."

Professor Holzer agreed that writing alone was not the essential criterion in evaluating a faculty member's capability but noted that "most people who don't write are people who don't have anything to say". He noted that anyone purporting to call himself a legal teacher and scholar ought to have ideas which he wants to express to the legal community "on a fairly regular basis", the best means of expressing ideas to the legal community at large be-



Professor Henry Holzer

ing through publication. Beyond the scholarly aspects of legal publication, Professor Holzer indicated that writing was an important adjunct to actual practice, noting that two cases he brought before the New York Court of Appeals changed the law of criminal procedure. Thus, to him, writing is one of three major aspects of being a teacher-lawyer (the other two being teaching and actual appellate practice). "I can't conceive of anyone in teaching who wouldn't be interested in these things". Regarding the Fordham Report, Professor Holzer indicated that if Fordham meant writing merely for the sake of writing, then his criticisms were based on the wrong criterion.

As noted above, faculty publication, by itself, will not be the major factor in determining whether BLS is successful with its application to AALS. Publication is merely one measure of a faculty member's ability. For some of those who have not published, contributions to the law and the legal community have, in fact, been made through active involvement in worthy community affairs. Others, though, have done neither. Since, however, newer faculty members seem to be more and more of the type who both publish and involve themselves, the prospects for BLS, as Dean Fordham suggested, becoming "more a part of the larger world of legal education" seem bright indeed.

Notice

There will be a Justinian Staff meeting Monday, March 19, at 5:30 in the office. All interested in joining the paper should attend.

LSD NEWS

By HOWARD KANE

Mr. Kane is Law Student Division delegate.

The Law Student Division of The American Bar Association is the largest national Law Student organization with members at every law school in the country. In conformity with the Division policy of providing a service to the law student, the Student Bar Association, the profession, and a voice for the law student, a conference is held annually in each circuit. At this conference, to be held April 7 and 8 in New York City, all LSD representatives from law schools in New York, Connecticut and Vermont (2nd circuit) will meet to present local law school news, views, resolutions, and to exchange information at a forum set up for that purpose. All LSD members at BLS are invited to participate in the forums, the seminars, and the general meetings. More information will be provided on this meeting very shortly.

At the recent ABA meeting, held in Cleveland, Ohio, the ABA House of Delegates met to consider resolutions presented by representatives of State Bar Associations, sections of the ABA, National Conference of uniform law, etc. The House of Delegates is composed of representatives from virtually every legal association and organization in the nation.

New Standards for Approval of Law Schools

The first item on the agenda was the new standards for approval of law schools submitted by the section on Legal Education and Admission to the Bar. There was heated debate on this resolution. The LSD delegates, Ron Stiles from Univ. of Missouri at Kansas City and myself, voiced our approval of the new standards and strongly opposed amendments to delete the policy statements on academic freedom, tenure, and pay equity. We also spoke against the attempt by the Arizona State Bar Association to mandate the requiring of a course for credit for all student candidates for a professional degree — instruction in the duties and responsibilities of the legal profession. This requirement was not adopted. The Idaho State delegate proposed the deletion of the following:

§ 405 (a) "The compensation paid faculty members should be sufficient to attract and retain persons of high ability and should be reasonably related to the prevailing compensation of comparably qualified private practitioners . . ."

(d) "The law school shall have an established and announced policy with respect to academic freedom and tenure . . ."

The LSD delegates opposed this deletion vehemently and our view prevailed. The ABA adopted these standards with the Idaho or Arizona amendments.

Exclusionary Rule of Evidence Re-enforced

The section of Criminal Law of the ABA recommended to the House of Delegates the adoption of a resolution OPPOSING Senate Bill No. 2657, 92nd Congress, 1st Session, as amended, entitled a bill "To amend title 18 U.S.C. to define and admit the exclusionary rule of evidence in federal criminal proceedings."

Senate Bill No. 2657 was introduced by Senator Lloyd Bentsen, of Texas. The proposed change:

18 USC 3050 Definition and Limitation of the Exclusionary Rule.

(a) Evidence shall not be excluded from any federal criminal proceeding solely because that evidence was obtained in violation of the fourth amendment of the constitution, unless the court finds, as a matter of law, that such violation was substantial."

The position taken by the criminal law section was a direct result of the Law Student Division's liaison to that section. The question as to whether the section would oppose this Bill was debated in a council meeting and when voted upon, the tie-breaking vote was cast by Roger Keithley, the LSD liaison.

Explanation of Position

Bluntly put, Senate Bill 2657, introduced by Senator Bentsen of Texas, is a legislative proposal to do away with the exclusionary rule of evidence.

Although the Bill purports to preserve the exclusionary rule of evidence in cases where there is a "substantial" violation of the search and seizure provisions of the Fourth Amendment, the six criteria set forth in the Bill for determination of substantiality will provide any judge with a basis for admitting practically all illegally seized evidence.

Ron Stiles and I took a position that any modification of the exclusionary rule is a question solely for the decision of the Supreme Court of the United States, and that the ABA should oppose any effort by Congress to legislate Constitutional criteria for the admissibility of illegally seized evidence when the Supreme Court, as of now, has permitted no such legislative tinkering with Fourth Amendment protections.

The ABA House of Delegates passed the resolution and is now using its influence to oppose this Senate Bill.

LSD Recommends Amicus Curiae Brief

At the Cleveland meeting of the LSD Board of Governors, 12th Circuit Governor Al Sims (Alaska, Idaho, Montana, Oregon, Washington) proposed that the LSD request the ABA to file an Amicus Curiae Brief supporting Lil Iverson, an indigent plaintiff appellant, in her motion to appeal in forma pauperis and to have the state of

Squib Notes

AALS

In our last issue it was noted that an AALS provision required that each full time faculty member at member law schools have a permanent office in the law school facility. Because of office space limitations at BLS, the size of the full time faculty (and thus, the student-faculty ratio) has been affected in the past. A feasibility study conducted recently indicated that no further expansion of the building could practically be made.

Since four or five new faculty members are expected to be hired for next school year, new office space must be created within the

present structure. Dean Lisle noted that rooms presently used for other purposes would have to be turned into office space. While further expansion of the basement under the Plaza will be undertaken, the Dean pointed out that this space has already been allocated to future library expansion. The fact that no expansion will take place also affects groups such as the Student Bar Association, *Justinian* and Moot Court Society that had hoped to gain new office space.

A.B.A.

The American Bar Association reported that enrollment of fresh-

man students at A.B.A. law schools dropped 2.9% this academic year although there was an increase of 7.7% in overall enrollment. This decrease did not apply to women students as the number of freshman women increased 27.3% from 3,326 last year to 5,508 this year. The total number of women law students jumped over 35%. Brooklyn Law School had an increase of 25% in its entering class. The percentage of women in the freshman class jumped to 18% this year as opposed to 10% in the two previous years.

BEN NEIMAN

The students and faculty of Brooklyn Law School mourn the passing of a fellow student and honored friend, Ben Neiman, who was recently the victim of an auto accident.

Ben held a Bachelor Degree from Yeshiva University and was a second year day student in room 602. In addition to being one of the founders and supporters of the Brooklyn Law School Jewish Student Union, Ben was a participant in the J.S.U.'s daily Mincha Minyan. During this past summer, Ben worked as a court aid in the Kings County Criminal Court.

Ben is fondly remembered for his insight into the philosophical side of various problems and his extensive knowledge of a wide range of Jewish philosophical thought.

An appropriate letter will be sent on behalf of the Law School by Dean Lisle to Ben's family in Cleveland, Ohio.

A memorial fund has been established in Ben's honor. All students and faculty interested in contributing please contact Louis Davidowitz in room 600 day.

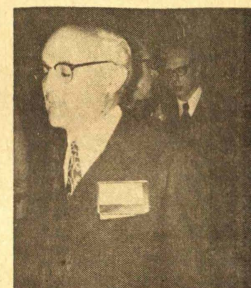
GOOD THEATER

'Libel and Slander' ushers in the second bi-annual theatrical season at BLS. Scheduled for mid-April, the play will be presented in the Jerome Prince Moot Court Room.

The play, a farce based upon the idiosyncrasies and frailties of faculty and students, will be held on April 12, 13, 14, at 8:30 p.m. Originally financed by a \$700 loan from the SBA, the profits will be given to the Student Scholarship Fund.

Written and produced by John Avellino and Robert Lorenc, 'Libel and Slander' is a musical look at three years of experiences at BLS. Although the characters bear a unique resemblance to the faculty and administration, non-BLS members will readily be able to recognize and identify traits and experiences possessed by people everywhere.

CORRECTION



Who is this man? There is no doubt but that he is related to the late Justice Cardozo. We cheerfully note that the Justice was his "Uncle Benjamin".



The annual S.B.A. Blood Bank program was held March 6 in the lounge. Students who still wish to contribute should contact Dave Bernson, Blood Bank Chairman, Room 600 Day.

Washington provide court costs of approximately five hundred dollars in her case against the Marine Bancorporation. The issue is whether or not an indigent is entitled to free transcripts in a civil proceeding. Mr. Sims' request was granted.

Local News

At the recent SBA meeting the SBA delegates voted to fund the Law Student Division-SBA Delegates. Each year the LSD delegates attend a local fall conference, a local spring conference (with other N.Y. area law schools) and the ABA-Law Student Division annual meeting. This year, the annual meeting will be held in Washington D.C. the first week in August. BLS will send 3 representatives enabling us full participation in all Division seminars, meetings, and programs. The fall and spring conferences are usually paid for by the Law Student Division, thereby avoiding any drain on the SBA funds.

Liaison Positions Open

The LSD president Patrick Hays is now accepting applications for national liaison positions. As I noted in this column earlier this year, the LSD liaison is perhaps the most vital and important figure in the division. It is through his or her efforts that the general membership is informed of section activities. The liaison coordinates all activities of law students within the sections. Most of the liaison positions are funded. This means that all travel, hotel and food expenses are paid by the individual section. Some sections that will have position openings are: Criminal Law, Taxation, Real Property, Probate and Trust Law, Administrative Law, and many more. A full list can be found on the back of an LSD application form — in the SBA office. If any student, day or evening, is interested, please contact Jon Steiger D-402, David Segal D-702 or myself D-602. We will need a resume and a letter specifying your preference.

BLS Student Appointed to Head State Committee

Howard Bochnik, Day-602, was appointed Chairman of the Local Government Law Section's New York Committee to prepare a report on the self-rule situation. Howard has been an LSD member since 1971 and has indicated his interest in participating in the national legal community by volunteering his expertise and energy. The ABA sections welcome student input. The opportunity to meet with and work alongside experts in all areas of the law through the liaison program might be the key to securing a job upon graduation. For example: The LSD liaison to the Criminal Law Section has accepted a job with a Justice of the Colorado Supreme Court, who is also chairman of that section).

Appointments will be made by April 30th and will take effect around June 30th.

Brooklyn House Suit

(Continued from Page 4)

jury promptly, do not bring cases to trial quickly, or within the time prescribed by law. In particular, the Probation Department takes three to four months to complete pre-pleading and pre-sentencing investigations. The lengthy delays in plaintiffs' cases impair plaintiffs' preparations of their respective defenses and violate their right to speedy trials under the Sixth and Fourteenth Amendments.

3) Defendant Gold and defendants Justice, respectively, recommend against and deny plaintiffs reasonable bail or release on their own recognizance when called for, in violation of the Eighth and Fourteenth Amendments.

4) Defendants cause plaintiffs to be incarcerated anywhere from six months to two years without having been convicted of any crime or having any civil judgment entered against them. This constitutes cruel and unusual punishment and denial of equal protection, and denial of due process.

5) The practice of refusing to allow plaintiffs to file motions pro se deprives plaintiffs of their rights to access to the courts and to adequate counsel, in violation of the Fifth, Sixth, and Fourteenth Amendments.

6) The department of corrections often fails to produce plaintiffs in court when ordered by defendant justices to do so and frequently shuttles plaintiffs from jail to the courthouse unnecessarily. Producing plaintiffs presence in the courtroom at each stage of the proceedings in their respective cases is pervasive, in violations of the Sixth, Eighth and Fourteenth Amendments.

7) On information and belief, plaintiffs are frequently intimidated, threatened, harassed and coerced in open court into pleading guilty rather than standing trial in violation of the Fifth, Sixth and Fourteenth Amendments.

On February 13, at 2:00 P.M. Judge Judd convened a hearing on a motion to dismiss by defendants for lack of jurisdiction and failure to state a cause of action. The hearing on the motion was held in the Supreme Court, criminal term, adjoining the Brooklyn House, in order that several of the inmates, who are named plaintiffs, would be able to be present and offer testimony for the judge's consideration. Thirty spectators were admitted to the proceedings, which is capacity.

Responding to the Inmate's amended complaint, counsel for the defendants argued that the federal court lacked jurisdiction since remedies asked for would require the court to take on the task of administrator, not properly the function of the federal courts. More specifically, it was claimed that federal jurisdiction is always possible by way of federal habeas corpus, which might answer the complaints of the inmates on an individual basis. Complaints might then be registered, such as for lack of adequate legal representation, refusal to entertain pro se motions, or the coercive tactics of plea bargaining. Finally, with regard to the argument that a pre-trial detention of over six months constituted "cruel and unusual punishment," defendants argued that no precedent existed for such a claim.

Essentially, the argument centered upon the issue of whether or not a class action was appropriate under the circumstances. The defendants stressed the fact that each petitioner, and all those to be included in the class action, had a very singular case, quite distinct from each other. It would simply be inappropriate to declare, as a matter of law, that such a class existed. Danny Alterman, one of the attorneys for the inmates, pointed out that each individual of the class might still pursue his own remedies; that a class action by no means precluded other forms of relief. Furthermore, plaintiffs claimed that a class action would procedurally facilitate an adequate inquiry into the substantive complaints of most inmates.

The three attorneys for the inmates, Danny Alterman, Steve Lattimer and Jim Reif each argued in turn. Lattimer described the journey of an average inmate from arraignment to trial, a period of time perhaps lasting more than two years. He touched upon the numerous inequities which manifest themselves as a direct result of the criminal justice system in Brooklyn: e.g. excessive bail, Legal Aid's massive caseload with no one attorney taking responsibility for an individual's case, coercive tactics of plea bargaining, court appearance scheduling, an disordinate periods of time spent behind bars prior to trial. It was further claimed that the Supreme Court has set down guidelines concerning speedy trials; that Judge Judd would not necessarily be called upon to make new law.

Perhaps the most important exchange occurred between the judge and Jim Reif, who previously argued in the "Chicago 7" appeal. The judge, echoing the defense's allegation that Petitioner's massive, broad-based attack upon the entire criminal justice system in Brooklyn doesn't lend itself to any practical remedies on the part of the federal courts ("I never make threats, which I cannot carry out"), was met by Reif's response:

I find that a strange argument, your Honor, that the greater the injustices, the grosser the violations of constitutionally protected rights of the individual, the less willing or able the federal courts will be to intervene.

There was no retort from the judge.

Finally, with a few brief remarks from two of the inmates, the Judge denied the motion to dismiss, holding that petitioners had stated a cause of action, and that the court would exercise jurisdiction.

Diane Dickstein-Vichinsky
Steven Lember

Grading Committee Initiates Proposal

The Student Bar Association Committee on Grading has announced that a comprehensive questionnaire designed to elicit opinion on the grading system will be distributed to the student body during the next few days. This questionnaire is part of a general study of student and faculty opinion, and of current practices of other law schools. The student poll portion of this study will attempt to identify and define problem areas.

The scheduled introduction of an almost totally elective curriculum in the second, third (and fourth) years will create an additional strain. Students may feel caught between opting for courses which they hope will increase class standing or choosing courses based on career goals.

The Committee was established

in response to apparent student dissatisfaction with the current grading and examination system. Membership consists of Rob Iannucci, Chairman, Gerry Dunbar, Baila Celedonia, Herb Tepper, Howard Kopel, Myron Frank, George Donahue, Brenda Brown, and Marc Bergman.

The activities of this Committee are not to be confused with the current administration proposal to broaden the numerical grading scale. Rather, a thorough re-examination of the entire grading system, including the assumptions upon which it is based, will be made.

The faculty and administration have both expressed their willingness to cooperate with the student committee. Professors Hahl, Ronayne, and Farrell assisted in preparing the student poll.

Notice

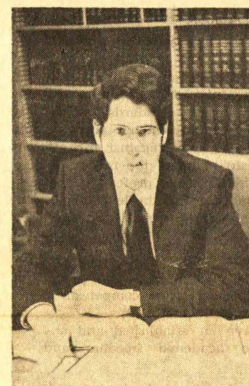
VOLUNTEERS

Volunteers are needed to assist in preparing tax returns, free of charge, for the poor. Interested students should see Chelly Barasch in the SBA office or room 601, Seat 4 or write to Community Tax Aid, Inc., P.O. Box 1040, New York, N.Y. 10025.

SBA MOVIES

March 15-16 — *On the Waterfront* with Marlon Brando, Rod Steiger, Eva Marie Saint *The Wild One* with Marlon Brando, Lee Marvin.

March 29-30 — *Bonnie and Clyde* with Warren Beatty, Faye Dunaway.



Mark Adelson, newly appointed member to the BLS Board of Trustees.

Thompson

(Continued from Page 2)

they must be elsewhere. Thompson told the insurance companies, "Send me six lawyers and a man with a checkbook."

Within six months on the new system, 15,000 old cases were disposed of. The arrangement has eliminated much work for the clerical staff. Twenty two judges have been loaned to the Supreme Court, where they will hear 40% of the civil cases and many criminal cases.

Thompson looks at the courts and sees an enormously improved situation. Thanks in large measure to his own work.

Speakers' Schedule

Wednesday, March 14, 3:15

Judge Leonard Yoselson, Civil Court of the City of N.Y.

One of the "ten best" judges. He is a proponent of court reform, and experienced in the area of Landlord-Tenant Law. (Biographical data not available at this time)

Wednesday, March 21, 3:15

Henry Rothblatt, Attorney, Specializes in Criminal Law

Author of 11 books, 5 of which he co-authored with F. Lee Bailey. Most recently in the news as counsel for the defendants in the Watergate case. Chief Civilian Defense Counsel for 8 Green Berets charged with murdering a double agent in Vietnam, and for Col. Oran Henderson in the last of the My Lai trials. Flamboyant, controversial and expert.

Wednesday, April 4, 3:15

James J. Fishman, Executive Director, The Council of New York Law Associates.

A non-partisan volunteer organization conceived, created and operated entirely by young lawyers choosing to utilize their energies and talents

Wine and Cheese Party

Not quite like the old days when student Jerome Prince was Social Chairman and class parties were held at the Waldorf, but the S.B.A. had a "wine and cheese" party this past Friday night. Highlights of the festivities are pictured herewith.

