

# The Justinian

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## The Justinian

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# Justinian

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WEDNESDAY, NOVEMBER 14, 1973

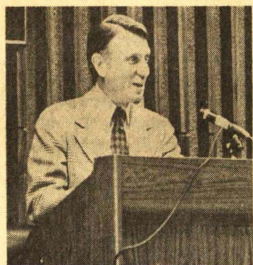
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## CRIMINAL JUSTICE SEMINAR

By Jay Breakstone and David Sprafkin

On Saturday, October 13th, Brooklyn Law School and The Academy of Police Science, Inc., jointly presented a seminar on the crisis in criminal justice. Welcoming the academy members and BLS students, Dean Lisle sketched the role that BLS is assuming in the Criminal Law process. He described the courses and clinical programs now open to students. Out of an understanding of the present system, the dean said, would "hopefully develop a positive action program."

The morning's first speaker, former police commissioner Patrick Murphy focused on the problems presently confronting the police and some possible solutions to those problems. He cited the need for better education for police, especially, at the level of "the officer in the street" as it is in this role that "the most important decisions are made, as he exercises his discretion." Commissioner Murphy called for a re-balancing of the funding of the criminal justice system. Presently, 70% of the budget allowance goes to the police with the remaining 30% earmarked for the courts, the prosecutors and the post-conviction facilities. He proposed that a greater percentage go to the courts and prosecutors. Acknowledging the outcry to increase the number of police, rather than



Judge Burton Roberts

break, followed by an address given by Vincent L. Broderick Esq., another former NYC Police Commissioner. Dealing with some proposed solutions to the present crisis, Mr. Broderick suggested the elimination of the grand jury for all but investigatory purposes. The state courts should follow the lead of the federal courts in allowing the judge to examine the prospective jurors. Cases should remain with the same judge for their duration, and cases handled by legal aid, should have the same lawyer from start to finish. Regarding plea bargaining, all the promises and bargains made prior to the plea should be included as a part of the record. Appeals should be permitted to be taken at the time of conviction, rather than after sentencing. Finally, Mr. Broderick encouraged the elimination of the harsh penalties which discourage guilty pleas, give the judges great discretion, and making juries less willing to grant guilty verdicts.

With the seminar running a bit late, Special Narcotics Prosecutor Frank J. Rogers delivered an informative over-view of the new developments in his area of specialization. Beginning with an ex-

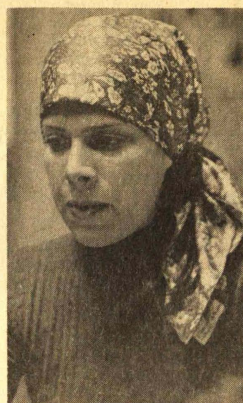
## Legal Aid Adopts New Look

By Ken Raphael

Last July, the New York City court system was dealt a damaging blow due to a massive walk-out by Legal Aid Society lawyers. The attorneys, representing all indigent defendants except homicides and cases of convicts, were protesting conditions they believed seriously hindered their ability to defend their clients. In many respects the strike led to improvements of the undesirable conditions found within the court structure.

According to Karen Faraguna, President of The Association of Legal Aid Attorneys of the City of New York, the strike was basically designed to bring about change in every single aspect of the system. The Association, acting as the collective bargaining agent for the Society's staff lawyers, cited a number of areas in which they hoped to effect change. They sought a limit on the number of cases handled by each attorney. They asked for better library resources, more office space, better investigatory procedures and adequate interview facilities. In addition, they sought a much deserved pay raise.

Perhaps the most important issue raised was continuity of representation. At the time of the strike, representation was accomplished on a piecemeal basis in assembly line fashion. The client saw a different lawyer at each proceeding. Each attorney was assigned to a small part of the process. One attorney would handle only arraignments, another would handle pleadings and the various segments of the criminal process were subdivided in this manner. Each lawyer passed the client on



Ms. Faraguna

to the next step in the process and merely went through the motions of representation. As each lawyer passed on a client, he also passed on the responsibility to defend that client. Under these conditions, according to Ms. Faraguna, attorneys would lose any motivation for ingenuity and the clients would wind up at the end of the process with an inadequate defense.

One of the concessions granted to the Society's Association was "horizontal continuity." This in turn has led to a new system in which one lawyer follows his client through all proceedings at one particular court level. An experimental program in "vertical continuity," which uses teams of lawyers following one client through all court levels, has also been instituted. These programs

have been designed to eliminate the assembly line program.

As a result of the new contract, which expires on June 30, 1975, there are numerical limits on case loads. An individual attorney, however, or a Legal Aid Office, may petition for a reduction if he feels that his load is too great. A grievance committee has been established for this purpose.

Library resources have also been improving. In the past, they have been "simply ridiculous," according to Ms. Faraguna. The year she worked in Manhattan Circuit Court the entire library consisted of "one book." While she agreed that these facilities were improving, she also felt that it would be a while before research materials would be of great value to the staff lawyers.

In the past, office space has been severely limited. As a result of the new contract, management has agreed to supply 150 sq. ft. of office space per attorney by July of 1974.

Currently, lawyer-client interviews are conducted in a "bullpen." Ms. Faraguna described these pens as approximately five by eight feet. "Ten to fifteen people are competing with each other at one time, so it becomes a matter of who can shout the loudest. It's impossible to establish any kind of relationship." The new contract provides for private interviews. "This," said Ms. Faraguna, "will involve major physical renovations of the court." If these revisions are not undertaken by November, the Society has promised to file suit against the State and The Board of Corrections.

The Association sought a 20% (Continued on Page 4)



Vincent Broderick, Prof. Ronayne and Leo Loughrey

more courts and prosecutors, Mr. Murphy questioned the assumed inverse relationship between the number of police on patrol and the rate of crime. Pointing to a study currently underway in Kansas City, Mo., Mr. Murphy substantiated the claim that there is a questionable correlation between the number of patrols and the incidents of crime.

Taking a general swipe at the malfunctioning present, Mr. Murphy urged greater coordination between the police and the courts; hopefully they will be able to agree upon and establish common goals. He encouraged the legislature to consider the realities of the present situation before passing more new laws making crimes out of social or health problems.

There was a mid-morning coffee

planation of the new Special Narcotics Part of the Supreme Court, Rogers presented a convincing case for increased coordination between Federal and State narcotics prosecutors. The teamwork now enjoyed in that sense has enabled Rogers to chalk up an 82% conviction record in the new court. Coordination extends to jurisdiction as well as investigation, a case being tried where it has the greatest chance for conviction.

Mr. Rogers said that the number of narcotics arrests has improved. He attributed this to increased funding for narcotics operations. Last year's figure of 1 1/4 million dollars has been increased two-fold this year, ranking New York as the number one city in

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## BLS Faculty Attend AALS Conference

By John DiBella

The Association of American Law Schools sponsored a Law Teaching Clinic Program at Boulder, Colorado during this past summer. Professors Comerford, Fink, and Trager represented Brooklyn Law School. The program, opened to law professors with less than five years of teaching experience, was directed to improvements in legal education through an extensive examination and evaluation of the teaching-learning process and an analysis of classroom teaching.

The program was divided into different subject matter sessions with distinguished speakers leading the discussion groups. One such session focused upon the psychological dynamics of legal education with Dr. Andrew Watson of Michigan Law School as the speaker. Dr. Watson informed the participants that there exists a multilevel interaction in a classroom environment; One level be-

ing the instruction of the law with appropriate discussion and dialogue between teacher and student and the second level being the psychological and emotional interpersonal transaction in student and teacher relationships. This second level is by far the most crucial aspect in educational training and the most unperceived and overlooked aspect in teaching. Dr. Watson concluded that hostility between students and professors has a serious affect on the classroom environment and the educational experience, and the hostility must be quickly perceived by the professor and steps taken to alleviate, circumvent or utilize it for the benefit of the class.

Alleviation of hostility calls for the professor to perceive himself as others perceive him. To perceive that certain techniques and habits are catalysts in creating hostile environments where the learning process is brought to an abrupt halt. Some examples be-

ing, "the hidden ball game" where a professor promotes continuing obscurity and mystery over a case or principal of law. Ultimately, the student and the professor are turned off to each other and boredom and hostility takes the place of intellectual curiosity. Open criticism, humiliation and rejection by a teacher towards a student not only discourages that student from future participation but also his classmates who come to his defense. Reading statutes verbatim as the essence of a course tends to drive the students into a stupor. As with all bad habits, there are corrective techniques, which Dr. Watson demonstrated, such as walking around the room, personal contact and debate among the students, and a new approach to teaching outside the traditional case method.

Professor Fink was enthusiastic about the session and felt that for the first time she perceived the

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## Letters

Dean William Hambrecht  
Brooklyn Law School  
250 Joralemon Street  
Brooklyn, New York

Dear Dean Hambrecht:

Upon receiving the tentative Spring elective schedule for the evening division, I was once again delighted to see that there is a great selection of courses given now on the elective basis, so that students have the opportunity to choose courses which may interest them.

Unfortunately, the scheduling of these courses seems to leave much to be desired. I can only believe that the scheduling of 25 evening division courses, with only five of them beginning before 7:50 p.m., must have been an oversight. I am certain that you are well aware of the great pressures on evening students such as myself, arising from the fact that we come to school directly from an 8 hour work day. We appreciate a great selection of courses, we also appreciate some time left for ourselves to rest.

This is not to say that I object to attending a class at 7:50 p.m., or being in school until 9:35 p.m. Indeed, where it is necessary for the courses which I wish to take, which any student wishes to take, this is what we do. However, in looking at the schedule as it relates for instance, to Monday and Tuesday evenings, there are no courses which begin before 7:50

p.m. It seems to me that when there are problems in scheduling and conflicts between professors and not enough class rooms that it may very well be necessary to have courses scheduled so late in the evening. However, where there are no conflicts as in the situation on Monday and Tuesday evenings there is no apparent reason for this.

I might further point out that while there seems to be an adequate selection of courses, that by so limiting the time of evening at which they are given, one is precluded from having as wide a choice of courses as possible.

I understand that it may be inconvenient for many members of the faculty to be in school for evening classes, however, this is certainly no less inconvenient for the dedicated evening division students who through some manner or means have managed to plow through for all these years. I understand that it may be possible for evening division students to take one or two day session courses, however, this is many times impractical or impossible and may result in substantial loss of earnings for those students, which may in the long run prevent them from attending class at all.

I hope that at some point before final registration for the Spring semester, that there may be some action taken by the Administration in order to rectify the problem which exists.

Thank you for your kind attentiveness in this matter.

Very truly yours,

Joel H. Bernstein,  
Third year  
evening division

#### CORRECTION



This is the real Prof. Karmel

## Italian Group

The denial of substantial funds to the infant but growing Italian-American Law Students Association can only serve to decay the social climate here. This is a denial of funds to the only group in the school that is not exclusive, the only group (other than S.B.A., to which admission is by election) that proposes to offer benefits to all students who would like to partake. It is the only group to significantly represent a substantial segment of the student body yet remain open to all.

There are few groups in the school that boast as many members at such an early stage of organization.

We have been told that our budget is not specific enough. How specific can a budget be when you are trying to move an organization from formative stages to actual operation.

Moreover, unlike other groups, IALSA is not seeking, at least at this point, affiliation with a national organization, such as the Columbia Society.

We do not believe student money ought to be used to subsidize our trips to conventions. We only solicit other organizations for information and advice.

This is truly an organization for BLS students of any persuasion, interested in dealing with the significant Italian element in the locale and in the Legal Community. We want to foster contacts with the Italian Legal Community for the benefit of all.

We are not trying to fractionalize, if this were the case we would restrict our membership.

Every other organization in this school requires some qualification or condition for membership . . . Not IALSA. We chose to be an organization for any or all BLS students who are searching for a friendly niche in the community. We want to be the first group here to try and make life here a little more bearable, preferably comfortable.

To this end we think its about time some student money is used for students. I believe our program is to be outlined in this issue; we'd like you to join; we'd like you to come to our meetings and support us. But, we can't operate on nothing. And so far SBA has sought to deny us our right to exist.

Victor Fusco

## Clark Addresses LSD Roundtable

By Kenneth Raphael

Former Attorney General Ramsey Clark called on the House of Representatives to commence an investigation into the advisability of impeaching President Nixon in a speech delivered on October 27. Speaking before the Law Student Division's Second Circuit Fall Roundtable, Mr. Clark told the assembled delegates, "The duty of the Congress is abundantly clear. Where there is such smoke, not to look for fire is a breach of that duty." In the interests of justice, he said that the House must insist on a complete examination of every fact relating to the possibility that, "treason, bribery or high crimes and misdemeanors have been committed by any member of the executive branch, notwithstanding the President of the United States."

Mr. Clark noted that anyone watching government activities recently must be concerned with Congress' failure to do its duty. "There is only one way it can accurately perform its function, that is, to create a large staff to investigate the issues." He suggested that the staff might turn out to be larger than the one which served under former Special Prosecutor Archibald Cox, but stressed that, "if it costs a few million dollars, we can well afford it — we can't afford anything less."

Turning his remarks to the members of the Senate, the former Attorney General said that it was essential that they remain neutral until they are the trier of fact. In an obvious reference to the inflammatory statements made by certain members of the Senate he said, "They must maintain objectivity . . . you must have patience, tolerance and wait your turn to do your duty. You would not want to appear before a jury

if they have stated their belief in your guilt before the trial."

Mr. Clark directed a large portion of his remarks towards the conduct of the Executive branch, particularly the President. "Executive privilege is a privilege, not a duty. After all, we were intended to be an open society." The former Attorney General noted that Nixon's claim that the disclosure of the Watergate tapes would be a violation of confidentiality was sheer nonsense. "Nothing is more violative of confidentiality than the fact that the tapes were made," he said.

Mr. Clark also stated that the claims of executive privilege were a hindrance to justice. "The judiciary can't perform its duty unless it can scrutinize all the relevant material." To him, it was inconceivable that the executive would refuse to disclose any evidence relevant to a federal crime. In the light of the tapes controversy, he believes that the only way to ensure Presidential cooperation is to threaten Mr. Nixon with contempt of court. "The very functioning of the third branch of government depends on its contempt power," stated Mr. Clark. He feels that if Mr. Nixon refuses to fully cooperate with the courts, he is obviously in contempt. "We are a government of laws, not men," he said.

The former Attorney General stated that the President exceeded the spirit of his authority when he fired Mr. Cox, and posed the question, "Should the law maker become the law enforcer?" It was not Mr. Cox's duty, he said, to usurp the executive function, but rather to enforce the legislative function.

Mr. Clark urged that we stay within the letter and spirit of the Constitution. "Why have constitutions if at the moment of crisis we pay it no heed?" As Oliver Wendell Holmes said, the Constitution is a "living document." Mr. Clark believes we as a nation must apply its spirit. In conclusion he questioned, "The Constitution is good and will survive — but will we survive?"

## Client Counseling Competition

By Marianne K. O'Brien  
Assistant Director Law Student Division

The 1974 Client Counseling Competition of the Law Student Division of the American Bar Association will take place in February, 1974. Last year 25 schools participated; this year, with your cooperation, it is hoped that many more will enter the competition.

The Client Counseling Competition developed as a legal teaching technique. In some ways it is analogous to Moot Court, except that the skill tested is counseling rather than appellate argument. At a time when interest in both clinical tools in legal education and procedure is growing, this competition fills a real need. The competition tries to simulate a real law firm consultation as closely as possible. A typical client problem is selected and a person acting the role of the client is briefed on his or her part. Before the day of the actual competition students, who work in pairs, receive a very brief memo concerning the problem. This data is equivalent to what a secretary might be told when a client calls to make an appointment. The students are asked to prepare a preliminary memorandum based on the problem as it is the understood.

The actual competition consists of an hour, with the first 45 minutes devoted to an interview with the client during which the students are expected to elicit the rest of the relevant information, propose a solution or outline, and what further research would be necessary. Then the students can use the last quarter of the hour to confer between themselves and verbally prepare a post interview memorandum. This memorandum can be used to explain to the judges why the students handled the interview as they did.

All American Bar Association approved law schools are invited to enter a pair of students in the competition. Application forms and a twenty-five dollar (\$25.00) entry fee per school should be received by the Law Student Division by November 19, 1973. These forms and more information about the Client Counseling Competition are available from the Law Student Division upon request. A book containing 17 Client Counseling problems with analyses of the problems is available from the Law Student Division at a cost of three dollars (\$3.00). Three copies of this book are sent free to all schools which enter the Competition.

In order for a school to enter, its Dean must approve and a faculty member must be willing to serve as advisor. Each school may select its entrants in any way it chooses. After the deadline date for applications, the exact location of the Regional Competitions will be announced. There will probably be about nine regions. It is expected that the Regional Competitions will take place on February 3rd and that the National will take place two or three weeks later.

The travel and lodging costs incurred because of participation in the Competition cannot be reimbursed. There will be an award of one hundred dollars (\$100.00) to the winning team in each Regional Competition. The National winning team will receive three hundred dollars (\$300.00) and the National runner-up team will receive one hundred and fifty dollars (\$150.00).

Please do not hesitate to request any further information about the Competition.

## Moot Court

To the Editor,

As members of this year's National Moot Court Team, we would like to thank those students who came down to watch the competition, for their time and good wishes. The Brooklyn delegation far outnumbered those of other participating schools and contributed substantially to our morale and performance. We thank them for helping us reach the regional semi-finals and we hope to be present next year to lend our support to the 1974 team. Once again, many thanks to those who attended.

Sincerely,

Diane R. Eissin  
Wayne I. Bader  
Paul Immerman



# New Clinical Program With U.S. Attorney

By Prof. David G. Trager

After consultation with the United States Attorney for the Eastern District of New York and his Executive Assistant, we have developed a proposed Clinical Course to be offered for the first time in the Spring Term, 1974. The program has been approved by the Committee on Clinical Education. Preliminary soundings of students indicate a strong interest in having the proposed program.

A Clinical Program in cooperation with the United States Attorney's office would be especially desirable because it would offer students the opportunity to participate in federal litigation; it would provide a learning experience in an area of law in which more and more of our graduates will be involved and it also would give them the opportunity to get in on the ground floor for future jobs with the federal government. The following are some of the details of the proposed program upon which the United States Attorney's office and I have agreed.

## For Credit

**First:** The maximum number of students in the program will be 15. Approximately 10 will work in the criminal division and 5 in the civil division. The reason for this numerical limitation is twofold. It is the maximum number of students that the United States Attorney's office believes it can effectively use. Also, there is a limitation on the amount of time that I can devote to the program consistent with my other obligations. Fifteen is the maximum number that I feel I can effectively supervise.

**Second:** Students will receive two points of credit per term. A participant in the program would be expected to work a minimum of eight hours per week in the Eastern district, in addition to the required two hour classroom participation discussed in paragraph "Fourth" below.

## Assignments

**Third:** The program would operate in the following manner. Based upon my experience as an assistant United States Attorney with the office's Summer Volunteer Program, I believe that clinical programs are of value to the students only when they are assigned to work for a particularly well-qualified assistant on a one-to-one basis. The Eastern District and I are in agreement that this should be the primary means of organizing the program. Nevertheless, the program would contemplate a certain flexibility to meet sudden emergencies in the office, which require reassignment of the student.

The assistant for whom such students work would be informed that if the student is to receive credit, the student must be working on worthwhile projects. Consequently, before a student will be assigned to work with an assistant, the assistant would be required to submit to me a brief memorandum describing how he proposes to use the time of the student. If during the term a major project arises requiring reassignment of the student, the

student would be required to keep me informed of any such change. It is expected that a principal part of the student's work will be legal research and writing, although there will be ample opportunity to sit in on trials and witness interviews and other trial preparation.

## Seminar

**Fourth:** Students and participants would be required to attend the weekly seminar in the United States Attorney's office where significant legal problems are discussed on a regular basis. I would also attend that meeting and thereafter meet with the students by themselves to review their work and any problems that have arisen. There would also be a discussion of federal practice in general.

**Fifth:** The student will be required to inform me periodically either orally or in writing what he is doing and present any problems that have arisen. If I feel that the objectives of the program are not being achieved, I would speak to the assistant involved. If that proves ineffective in correcting the situation, the student would be reassigned to another assistant. Similarly, if the assistant is having any serious problems with the student, (i.e. not doing or incapable of doing the work expected), the assistant would be expected to contact me concerning the problem so that remedial steps can be taken. In any event, I would meet periodically with the assistants individually to evaluate each student's participation.

**Sixth:** The student would be required at the end of the semester to submit a written summary of what he has done as well as samples of his work. I will use these reports as a vehicle to evaluate the student's performance and the program's effectiveness.

**Seventh:** Not all of the details for choosing students for the program have been worked out. So far, we have agreed on the following: All students who are interested would be invited to submit their applications through me. I would then pass on the applications with my recommendation. The final choices, of course, would be joint ones. Any student who has not taken Federal Criminal Procedure or an equivalent shall not be assigned to the Criminal Division since, from the United States Attorney's office point of view, the student with no background in criminal procedure would be of no assistance to them. In trying to pick students, grades may be a factor, but motivation and enthusiasm will be considered more important.

**Eighth:** For the present, no requirement will be imposed that the student participate in the course for more than one term. This may have to be changed, but as there is a maximum of 15 participants, I should like to give as many students as possible the opportunity to engage in the program. Thirty-five students have already contacted me.

**Ninth:** As an inducement to the students, the office has agreed that any students performing satisfactorily would normally be offered a place in the office's Summer Volunteer Program.

# Closer Look- Prof. Allan

By Marc Kasner and Marc Richter

Most people when inquiring into the background of a new law professor are curious to know what are his teaching qualifications. Professor Allan did his undergraduate work at N.Y.U. After spending a few months working at a television station, he became an associate director for CBS from January 1954 until 1959. He began his legal studies in 1959 when he entered NYU's School of Law with the expectation of returning to CBS as an executive producer. Instead he chose to practice law and wound up as an assistant District Attorney in Frank Hogan's office in the Frauds Division. From there he moved into private practice as a partner in a small



Prof. Allan

firm handling cases for harness horsemen and people in the entertainment field. His last position before coming to Brooklyn Law to teach, was as senior litigating associate for Kelly, Drye, Worren, Clark, Carr and Ellis, which is regarded as a major Wall Street-Park Avenue law firm. He handled much of the litigation involving big corporations such as Chrysler.

Many people would say that such an impressive career more than qualifies Richard Allan to teach at Brooklyn Law School. However, even as law students of only three weeks, we know that experience such as Professor Allan's is not necessary for a successful career as a law professor. What qualifies him to teach and to teach well, is the fact that he has given up such a successful career.

Richard Allan is forty two years old and considers himself to have been very successful and lucky so far in his life. He feels that he has already taken so much from that "his time for giving now." He has taken a substantial cut in salary to teach at Brooklyn Law School and yet if he gets half as enthusiastic in the classroom as he does talking about teaching, his lectures should not be missed. Professor Allan hopes that because of the type of practice he had, he will be able to "bring an exciting, interesting and introspective approach to students through his experiences."

As far as the professor is concerned, he is in favor of the progressive changes that have occurred in this institution with regard to the liberalized selection of courses. He feels that a law student should be treated as an attorney as soon as he enters school and that a student should be self disciplined, and that the students and teacher together should work as a team.

# From the Desk of the President

By Bruce Balter

After reading through this paper I'm sure you will realize that the programs we had hoped to institute when we sought office have come to fruition. We look back with pride at getting so many students of diverse backgrounds and interests to pool their resources and work together. For example, I have suggested to the Italian Law Students Association to seek out possible clinical work in certain poverty areas in the borough. The JSU together with the Committee On Law and Public Affairs will sponsor a clinical program which will allow BLS students to represent clients at administrative hearings.

It had been our hope that the SBA would take a representative view of government. This would require the recognition of the views of all the diverse groups, considered in the overall context of the needs of four 1200 students. However, we feel that the SBA as it now exists has chosen a rather Edmund Burkean view of delegated government, whereby a mere 30 to 40 students may speak for the entire student body.

Since Mr. Jack Lebewohl, (the SBA Treasurer), and myself are responsible for endorsing the SBA funds, we feel that we can no longer legitimize any programs that the SBA as it is now made up would institute. We feel our responsibility is to represent the student's interest, concerning matters related to this institution, and not to take stands on political matters not involving the school. It is for this reason and the constant opposition we had experienced from remnants of last year's administration. Who have refused to recognize anyone not from their own group now that we are terminating our stay in office. This sentiment is jointly felt by several members of the Executive Board, including Mr. Howard Kopel, Parliamentarian; Mr. Arnold Saphirstein, Business Manager.

We have insured that the transition in government should be an orderly one. We urge the student body to be watchdogs of the policies of an organization that should supposedly listen to the views of all students and not those of the most outspoken.

## Justice Seminar

(Continued from Page 1)

such allocations. Los Angeles is number two with only \$80,000.

The remainder of the lecture was concerned with the State's tough new narcotic legislation. Mr. Rogers praised the clarity of the new act, in the sense that it enabled a violator to fully realize the minimum and maximum penalties for his offense hopefully with the idea to dissuade him from his course. An important note was introduced when Mr. Rogers explained the "Predicate Felony" clause of the act. This clause provides for increased penalties to a violator who has been found guilty of any crime in any jurisdiction that carries a maximum penalty of one year. Further discussion centered on the various ins-and-outs of the felony class descriptions.

Special Prosecutor Rogers concluded his presentation by stating that the criminal narcotics problem has peaked in New York City. Sending the seminar's participants off to lunch on an optimistic note, Mr. Rogers noted that the availability of money was increasing, implying further successes in the field.

The afternoon session began with Henry Rothblatt, Esquire, who represented the defense attorney's viewpoint. He humorously characterized the rise of the criminal bar from the day when its members were scorned, as those who associated with society's dregs to today, when "thanks to Gideon," they have been elevated to the status of Constitutional lawyers. Describing the criminal process as a "two-way street," Mr. Rothblatt chastised the police for being too suspicious of the criminal bar and encouraged greater cooperation between the two. Among his suggestions for

reform of the present system were: a "complete revolution in the prosecution and defense of criminal cases," which, incidentally, would result in great economic savings. Also, the prosecutor's office should maintain a skeleton organization to do the necessary administrative work, as in the British system; the D.A. would call upon the experienced members of the criminal bar to both prosecute and defend criminal cases. Again looking to the British system, Mr. Rothblatt suggested that judges be appointed from among the seasoned trial lawyers.

The seminar's concluding speaker was the Honorable Burton Roberts, Justice of the NY Supreme Court. He focused on the court present plight as a "political football," simply because it had no way to fight back. He referred especially to those attacks in the media regarding court inadequacies and the widespread use of "plea bargaining." The fact is that the courts are grossly underfinanced, they are using inadequate facilities and they are understaffed. But, it is also grossly unfair to dump all the blame in the Court's lap, as the major problem is the lack of proper technique in arrest and arraignment procedures. Regarding plea bargaining, Justice Roberts defended the practice by insisting that it was necessary to insure the safety of the community and to dispose of cases quickly. Stating that plea bargaining contributed to the court's flexibility, he emphasized that the punishment must fit the crime but also the individual. In conclusion, Justice Roberts reiterated the necessity for an independent fair judiciary, one which would not necessarily be popular but would be just.



## Legal Aid

(Continued from Page 1)

pay increase from management. They settled for approximately 17%. A lawyer in his first year now receives \$12,500, while an attorney in his sixth year receives \$20,500. Salaries are now on a par with government agencies.

The Society of Legal Aid has been in existence for approximately one hundred years. The Association, currently representing 550 lawyers, was created as recently as 1967. It was recognized as the staff attorney's bargaining division in 1969. It was not until 1973 that it argued the meat of the contract. The Association president noted that "the strike was really devastating. The court situation was incredible." Ms. Faraguna went on to say that it is excruciating to work in the Society as the court system presently operates. In her view it must be completely reformed.

### Vertical Continuity

As noted, representation in the past has been a haphazard process at best. Horizontal continuity was the first step in improved representation. Formerly, attorneys were divided into groups according to their level of experience. Attorneys with less than one year of experience (about half of the current staff) were assigned to the Criminal Court. Lawyers with one or more years were assigned to the Supreme Court. Within their assigned groups, each attorney rarely saw a client more than once. With the advent of horizontal continuity, one lawyer handles all aspects of a client's case at his particular court level. He loses control of the case only when his client moves up in the court structure. Therefore, a client sees no more than one lawyer for a misdemeanor and two lawyers for a felony under horizontal continuity. Vertical continuity carries this concept one step further. If this program is approved, it will mean that a client will see only one lawyer throughout the pre-

trial and trial proceedings in all courts.

Currently, vertical continuity is in the experimental stage. Sixty staff lawyers have been assigned to groups, each group broken down to provide a proportionate number of lawyers with different levels of experience. This will accomplish a number of goals. The newer attorneys will be able to draw on the experience of the older staff members. Each member of the group will be familiar with the client. The newer attorneys will handle the lower court proceedings and the more experienced lawyers the more demanding proceedings at the higher court levels. This will give a now unknown continuity of representation. The newer lawyers will learn by observing and the seasoned lawyers will have complete knowledge of how a particular client has been handled. The system will require the more experienced Supreme Court lawyers to return to arraignments. They are not altogether ecstatic about this; however, the new system makes it much more bearable than it was when the older lawyers were in the lower procedural processors.

The program is currently under evaluation by the Criminal Justice Coordinating Council. The teams are using various techniques in an effort to determine which provides the most effective representation. If the CJCC so recommends, the society will turn to vertical continuity in all cases. Moreover, the Association has been assured that if the program is recommended and no City funds are made available the Society will terminate its contract with the City.

The program is not without problems. Lawyers have been held in contempt for refusing to handle a case because it belongs to a colleague under the new system of continuity. Without the cooperation of the judges, the program might fail. It is hoped that help from the judiciary will be forthcoming. The new system is a step in the direction of adequate representation for indigents.

### CURRICULA QUIZ

Each of the statements listed below can be filled in by using the name of a law school course listed in the columns below.

EXAMPLE: The issues concerned in shiny leather are reflected in — Patent Law.

- Raceways owned by ex-prisoners are .....  
 "Eat lots of ruffage" is a .....  
 South Carolina and South Dakota are .....  
 As a law prof., Howard Cosell might say "Good morning ..... fans."  
 Archie Bunker's law is all in the .....  
 At 4:00 p.m., the correct Englishman has .....  
 Messages on National government bulletin boards are hung with .....  
 In an emergency, many taxicab drivers feel the need to be well versed in .....  
 Wives would consider "Lipstick on your collar" as .....  
 Confucius says "Uncle fool around 'cause ....."  
 Violins used as currency would be .....  
 A secret message transmitted through a television advertisement for army surplus clothing is .....  
 During their law school days, most students become personally acquainted with .....  
 A law against such non-words as "ahem", "Uh", "er", and "um" might be called an .....  
 Non-believers who make generous contributions to religious organizations might consider such donations to be .....  
 The Indians who exchanged the island of Manhattan for some beads claim .....

### Choices

1. Family law
2. Evidence
3. Urban law
4. Insurance
5. Uniform Commercial Code
6. Contracts
7. Torts
8. Antitrust
9. Estates
10. Negotiable Instruments
11. Unfair Trade Practices
12. Labor Law
13. Constitutional Law
14. Property
15. Federal Tax
16. Poverty Law

## AALS — Faculty

(Continued from Page 1)

emotional factors in her classroom. She realizes now that the emotional factors were always present but now she sees them and attempts to deal with them as they arise. Professor Trager honestly stated that he ignored the hostility and boredom but now he confronts the problem with the techniques he learned in the Clinical Program and he feels that he is getting positive results. Professor Comerford also stated that the awareness of the hostility and a concentrated effort to eliminate that hostility will ultimately make the classroom session a true educational experience, one which we all should strive for at Brooklyn Law School.

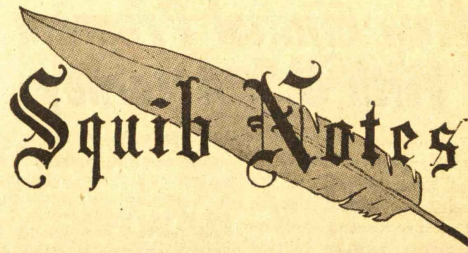
A general session was also held to discuss the Carrington Report. The AALS study on legal education. The report became controversial with its novel proposal for a two year law school. The Carrington Report stated that law schools have over emphasized substantive law and neglected the essential skills necessary to effectively practice law. The emphasis on a case method approach demonstrates this current obsession with substantive law rather than a functional approach to legal education. The skills advocated by the report cover such areas as negotiations, counseling, interviewing, and legal writing. The law student must be acquainted with analysis, legal research in substantive law expression of the law, culminating in its actual implementation. Surprisingly, many of the participants agreed that law students are not properly prepared for the tasks that await them upon graduation. That law students are usually only legal research machines, which as Professor Holzer explained during the faculty meeting, are more of a liability than an asset to the firm. Clinical programs are beneficial but not the whole answer to the problem. A Re-ordering of priorities, techniques, and objectives in education are called for.

Topics also on the agenda at the Clinic program were, teacher evaluations, policies of retention and advancement, the uncertain future of tenure, and the "publish or perish" syndrome. Unfortunately, the faculty meeting was abruptly ended, and Professors Comerford, Fink, and Trager could not discuss these crucial issues with their colleagues.

ED. NOTE: Professor Trager, realizing the importance of the program, wishes to discuss all the aspects and concepts of the Clinical Program with the students in general. If there is such a desire by the students Professors Trager, Fink and Comerford will organize such a discussion panel. You can go to the Justinian to sign your name on the petition.

### ED. NOTE

Hank Haverstick, Director of the Office of Placement and Career Planning has worked long and hard to bring the Government Symposium to BLS. Let's get out this Saturday and support his programs, they're for your benefit!



## Gov.'t Symposium at BLS

The Annual Government Agency Symposium will be held on Saturday, November 17, 1973. This year it will be co-sponsored by the Brooklyn Law School Office of Placement and Career Planning and the Federal Executive Board of New York.

The Symposium is designed to provide a forum for law students and discuss general employment opportunities in government, on the federal, state and city levels with representatives of approximately thirty executive departments and independent agencies. Each representative will disseminate information regarding: the organizational areas and nature of legal work performed by the agency; the typical assignments, responsibilities, training and opportunities for specialization and advancement of the newly hired attorney; the projected career and summer job hiring needs; and the entrance qualifications and application procedure.

There will be a brief general session devoted to presenting the aspects of government employ-

ment of attorneys that are common to all agencies. This will be followed by a series of panel discussions. During the afternoon, agency representatives will be assigned to classrooms to conduct personal meetings with interested students. While some agencies may prefer to conduct brief job interviews with students, others will hold general information and question-and-answer sessions.

Although most agencies do not have summer hiring programs for first year law students, first year students are nonetheless encouraged to attend the Symposium. It will provide an excellent opportunity to become acquainted with legal employment opportunities in the Federal, New York State and New York City Government. Students should bring resumes.

DATE: Saturday, November 17, 1973

TIME: 9:30 a.m. to 4:30 p.m.  
 PLACE: Brooklyn Law School  
 250 Joralemon Street  
 Brooklyn, New York 11201

## Family Law Contest

Junior and senior-year law students have until April 15 to enter the 1974 Howard C. Schwab Memorial Award Essay Contest in the field of family law.

The contest is sponsored by the American Bar Association's Family Law Section in cooperation with the Toledo and Ohio Bar associations.

Contestants may write on any aspect of family law. Suggested length is about 3,000 words. Essays that have been, or are, scheduled to be published are ineligible for consideration.

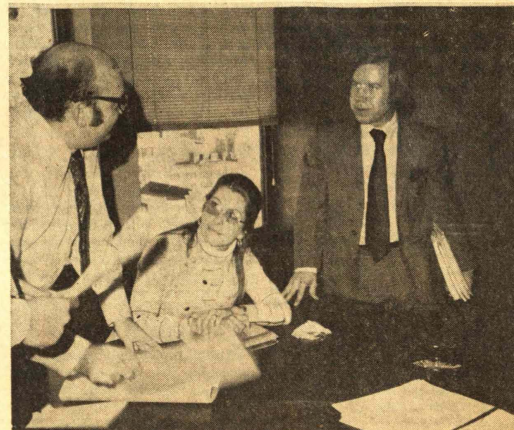
First, second and third-place winners will receive cash awards of \$500, \$300 and \$200, respectively. The winners will be announced and the prizes awarded during the Family Law Section's 1974 annual meeting next August in Honolulu.

The contest is intended to

create a greater interest in the field of family law among U.S. law students, particularly members of the ABA Law Student Division. All junior and senior-year students enrolled in ABA-approved law schools are eligible, except employees of the American, Ohio or Toledo Bar associations.

The contest is named for the late Howard C. Schwab, chairman-elect of the ABA Family Law Section at the time of his death in 1969. He was a past president of the Toledo Bar Association and past chairman of the Ohio State Bar Association's Family Law Committee.

Law students who wish to enter entry form from: Howard C. Schwab Memorial Award Essay Contest, Section of Family Law, American Bar Association, 1155 East 60th St., Chicago, Ill. 60637.



Prof. Trager, Fink, Comerford