The Justinian

Volume 1974
Issue 1 *March*

Article 1

1974

The Justinian

Justinian

"... a function of free speech under our system of government is to invite dispute. It may indeed best serve its high purpose when it induces a condition of unrest, creates dissatisfaction with conditions as they are, or even stirs people to anger."
Mr. Justice Douglas

Volume XXXIV - No. 7 | FRIDAY, MARCH 8, 1974 | Page One

The Numbers Dilemma: BLS & The Job Market

By Bob Heinemann

People enter law school from completely diverse backgrounds but have one common and very practical goal — to get a good legal job. Today, the emphasis seems to be on getting **any** legal job. Mr. Haverstick, the Director of Placement at BLS, spoke candidly of the tight job market which he expects to be with us "through 1980." One statistic alone highlights the seriousness of the problem. Last year the nation's 147 law schools graduated 30,000 potential lawyers and cast them upon a job market of 14,500 new legal positions.

Mr. Haverstick suggested the only two possible solutions to this imbalance; expand job opportunities and start rolling back the number of law school admissions. But he observed that traditional forms of employment opportunity in government will not increase and any real gains must come from the legal service areas and O.E.O. However, the Nixon Administration has "slashed the O.E.O. budget," and a decreasing budget is not conducive to new job openings. In the area of law school admissions, BLS has already started to cut back, and Dean Lisle expects to pare down the student population here to 1,000 over the next two years.

Over the past year the Placement Office has been undergoing a major reorganization. Mr. Haverstick, who became director last March, had some harsh words for his predecessor, Mr. Savage. When Mr. Haverstick began work he found the Placement Office in a "state of disarray," with no organization, no files, and the total sum of student information crammed into "a cardboard box on the floor." Since then he claims to have been "building an office from start."

For the first time, the Placement Office has been given a formal operating budget which is "quite adequate," but no exact

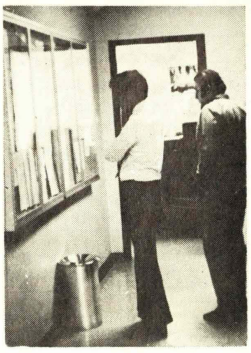


figure was disclosed. Three areas have been improved as a result: the physical facilities, systems and procedures of operation, and programming, such as the recent Government Agency Symposium. Registration services, formerly non-existent, now include permanent, coded files on any student who takes the time to fill out the necessary forms. After each student has registered with the Placement Office, he is required to have a personal interview to focus on his individual needs. In this area, Mr. Haverstick complained of the lack of privacy he had experienced in conducting these interviews in the past, and proudly pointed out his recently acquired office partition

(Continued on Page 4)

PINS: Outcasts of Justice

By John O'Reilly

"Court May Have Freed Slaying Suspect, 16", read the headline on the front page of the **New York Times** on December 6, 1973. The story described the suspect as Ellery Coleman, of **In Re Ellery C.** In that landmark decision, the Court of Appeals ruled that children found to be "persons in need of supervision" (PINS) may not be commingled with delinquent children in a state training school, as it was a violation of the PINS' constitutional rights. The case was remitted to the Family Court for the purpose of placing him in a suitable environment. Ellery Coleman was on probation until he was arrested on charges of murder, robbery, and possession of a dangerous weapon.

The **Times** story and Ellery Coleman's arrest raise many questions concerning PINS children. Who are they? How do they come to be classified as "persons in need of supervision." What happens to them? Why was Ellery Coleman released on probation? Many questions, few satisfying answers.

The New York State Family Court Act define a PINS child as one who before his 16th birthday is an habitual truant, incorrigible, ungovernable or beyond the control of his parents and other lawful authority. When the Court finds that a child has exhibited the behavior described, it must also find that the child is in need of supervision and treatment if an order of probation or placement is to be made. The Court then is expected to order an appropriate disposition in the light of the child's need for treatment and supervision.

The PINS children differ from juvenile delinquents in two principle aspects. A delinquent is a child, between his 7th and 16th birthdays, who is found to have committed an act that is a crime when done by an adult; the PINS petition contains to accusations of any crimes having been committed. In a delinquency case, a child must be found in need of supervision, treatment or confinement; there is no mention of confining children in the PINS statute, Family Court Act Section 712.

It was on the basis of these two distinctions that the Court of Appeals decided **In Re Ellery C.** Writing the dissenting opinion in the Appellate Division, which, by a three to two vote, affirmed the lower court order directing that Ellery C. be placed in a state training school because this was the only "suitable environment" available, Justice Shapiro explained why PINS children should not be confined with delin-

quents. The PINS category was added to the Family Court Act in 1962 to avoid use of the word "delinquency" and the stigmatism attached to it and to permit the Family Courts to use appropriate resources in dealing with children who exhibited non-criminal behavior, but were nonetheless incorrigible. The Legislative deliberately omitted the word "confinement," which involves grave interference with personal liberty, because confinement is justified only by urgent reasons, such as a crime having been committed. In addition, committment of PINS children, permitted by the Legislature at first because no other facilities existed, was seriously overburdening the already crowded state training schools. Furthermore, children were being sent to "criminal training centers," not places to enhance their welfare. Clearly, the statute was not intended to confine infants with juvenile delinquents in a prison confinement.

For the bulk of the children brought before the court on PINS petitions, the dispositions are dismissal, probation or placement with public or private agencies. Probation seemingly solves nothing — the child is neither treated nor well-supervised. The Family Court in New York City was authorized, prior to the **Ellery C.** decision, to utilize four categories of placement facilities for both PINS and delinquent children: the state training schools operated by the Division for Youth and referred to as Title III facilities; a wide range of urban homes, group homes, foster homes, and work camps, also operated by the Division for Youth and known as Title II facilities; voluntary agency programs that are privately operated, under charter from the State Board of Social Welfare, and funded 90% to 95% by the City and State; temporary shelters operated by the New York City Department of Social Services.

Close examination of public and private programs, their required standards, and the impact of the **Ellery C.** decision on the placement of the children will explain why some contend that the most serious problem a PINS child has is a parent who turns to a quasi-criminal justice system for help in coping with his or her child.

The direct result of the Court of Appeals decision on the PINS children is their increased placement with the Commission of Social Services. The hope is that the Commissioner will be able to obtain volunteer placement for the child. In fact, however, many children remain in the temporary shelters administered by the Department of Social Services for months and sometimes years. Moreover, it is not clear whether the Court of Appeals ban on commingling confined PINS and delinquent children will be extended to such commingling in detention or in other public and private facilities.

Children stay in the temporary shelters because both the voluntary agencies and the Division for Youth Title II programs are highly selective in the children whom they will accept. In a survey conducted by the Office of Children's Services of the Judical Conference of the State of New York, several reasons were rendered for rejecting a child — and the reasons described the PINS child. Both the public and private agencies expect children to be able to fit into their school programs and have established minimum IQ scores and reading levels which the children must meet. Intelligence tests arranged by the Family Court gave Ellery Coleman an IQ score of 69; Title II programs are not required to accept children with scores below 70. Thus at the hearing for the disposition of his first PINS petition, the court had no other choice but to put him on probation and send Ellery back to the same public school with which he could not cope.

As previously stated, the problems are many and complex. Ellery Coleman was just one of seven hundred and fourteen PINS children placed outside their homes as persons in need of supervision by the Family Court between June, 1971, and May, 1972. In subsequent articles, **The Justinian** will scrutinize how the child comes to the attention of the court, the children and their backgrounds, the facilities where they are currently being placed, and the question raised by the Ellery Coleman case and the possible solutions.

This is the first installment of a four part series. The **Justinian** wishes to thank the Office of Children's Services of the New York State Judicial Conference for their help in preparing this article.

CURRICULUM COMMITTEE OKAYS NEW COURSES

By Stephen Glasser

The Faculty-Student Curriculum Committee met for the first time this semester on February 12. It is no exaggeration to say that the recommendations of the Committee have an extremely strong impact on the academic lives of Brooklyn Law students. Witness the institution of a substantial number of electives, the introduction of Civil Procedure in the first year, and a general trend away from required provincial courses — all these are products of the Curriculum Committee.

The Committee is chaired by Professor John Meehan and consists of five other professors and six students, all with an equal vote. Those proposals favorably reviewed are passed along to the full Faculty which has final say.

Last semester several proposals came out of the Committee. Professor Landau submitted on such series toward expansion of the Labor Law courses. As a result of this, both Law And Discrimination and Labor Law II have been raised from two to three credits. A proposal by Professor Trager to institute a two credit course in Prisoner's Rights, to be taught by a highly qualified specialist was also approved by the Faculty.

Taxation, and a proposal to raise the number of credits from three to four, generated a good deal of debate. Professor Hauptman supported his proposal by saying that a fourth hour would obviate the necessity to schedule as many as six extra class hours, and allow in depth coverage of important topics now glossed over, such as public policy considerations. This proposal was approved unanimously by the Faculty.

The only proposal to be submitted by a student last semester did not fare as well with the Faculty. Authored by Donald Sherer, Chairman of Committee of Connecticut Students, the proposal called for the creation of a two credit course in Connecticut Practice for those students who presently reside in Connecticut and plan to practice there. On the strength of his presentation, the Committee passed the proposal 9 to 3. The Faculty, however, was not receptive to this idea and turned it down 10 to 8.

The topic of this past meeting was the institution of a two credit course in Products Liability, proposed by Professor Allan. All agreed such a course was needed. Most law schools offer it and Torts covers it only superficially. However, the proposal was held up over Professor Hauptman's motion to make Sales a prerequisite. He was opposed by Professor Crea and the outspoken Mr. Samuels who pointed out that virtually no school in the country has such a prerequisite. A compromise was reached and it was decided that the bulletin will list Sales as recommended for those who take Products Liability.

(Continued on Page 4)

Published under the auspices of the Student Bar Association
BROOKLYN LAW SCHOOL
250 Joralemon Street, Brooklyn, N. Y.

Editor-in-Chief
John Di Bella

Managing Editor
Elyse G. Lehman

Feature Editors ..... Kenneth Raphael, Jan Schoenhaus
Copy Editors ..... John O'Reilly, Joseph La Barbera
Graphics Editors ..... David C. Sprafkin, Joseph Supp
Suscription Editor ..... Bob Heinemann

Staff

Susan Alexander, Jay Breakstone, Edward Fernbach, Stephen Glasser, Stephen Goldberg, Howard Kane, Anne Hunter, Marc Kasner, Morgan Kennedy, Peter Lifson

345

— editorials —

Faculty Evaluations

Last year the SBA agreed to suspend the evaluations used at that time after legitimate complaints by certain students and members of the faculty. A special committee composed of students and faculty was to submit an appropriate evaluation which would satisfy all interested parties. Three semesters have come and gone and no evaluation has been issued nor reported, to the detriment of the students.

The purpose of evaluations is twofold: First, to inform the students about the characters and ability of each member of the faculty and the merit of their courses as perceived by other students. Such information is critical in an elective curriculum. Second, to use such evaluations for the purpose of proposed tenure. The faculty has responded by proposing a format in which evaluations would *not* be used for tenure purposes. The faculty also takes the bizzare position that the students should fill out the evaluations but that no report of results should ever be given to the SBA or the general student body.

This position by 'certain' members of the faculty clearly demonstrate that their concern for academic excellence is outweighed only by their desire for self-preservation.

Activities Funds

The SBA funds were finally released by the school administration after a series of confrontations between SBA representatives and the administration. These altercations illustrate the communication breakdown prevalent in this school. A slight discrepancy in a financial statement amounting to less than $50 does not call for the impoundment by the school officials of over $16,000 of student funds. These funds are collected by the school solely for "Student Activities." If a slight discrepancy does occur an investigation is indeed called for but the school officials do not have the right to withhold the entire student activity fund. The school is merely a voluntary bailee of these funds and must release the funds upon demand by the bailor — the students as represented by the SBA.

The behavior on the part of the administration has caused serious financial difficulty for student activities and threatens the very survival of an independent Student Bar Association.

We sincerely hope that the communication between students and administrators will be improved for the benefit of all the members of the school community.

Letters

To the editor:

In the 4th grade we would gather in the schoolyard following our exams and compare report cards. Jokes would fly as would an occasional obscenity. But the Honor Roll was king and secretly we were jealous and perhaps resentful of anyone who did better. Came 5th grade and our cares turned to more meaningful diversions — like basketball and stickball.

Marks were always somewhere but only the Brooklyn College pre-med students and a remark such as: "I got Prof. Jones. He's no good, but he's an easy marker" would recall the 4th grade experience. That is, until I arrived at BLS. Suddenly with exams complete, students began scurrying about with cries of "What'd ya get " and then the forced smile if the answer was a high mark. First year jitters I imagined. After all, good marks get good jobs and good money and . . .

But the devotion to the A (now the 90) and class standing reign supreme among all. And our numerical system encourages the fanaticism. Toward what end? It is ludicrous to ask a professor to give a numerical grade on a subjective essay test. Exams are worthwhile. But if all we desire from law school is a 90, then the answer must be elsewhere.

Ken Nolan

The Pie Gets Cut

By Elyse Lehman

When inflicted with a $900 charge for tuition no one quibbles about a $10 student fee at the bottom of the semester's bill. Considering there are about 1,250 students at Brooklyn Law School one realizes that $25,000 or so is being received as "student fees" every year. About one-third ($9,000) goes to support the Brooklyn Law Review. The remainder, averaging $16,000 a year, is for the other student activities.

Ideally, after the SBA elections in the spring each group submits a proposed budget for the following school year. Each Student Activity group must also enter an accounting of funds disbursed during the past year. The SBA then submits a combined accounting of all released funds to the administration. The new executive board meets to fashion an overall SBA budget from the various proposals. Their recommended budget is to be presented to the new delegate in the assembly for approval at their first meetings. Once a budget is voted upon, the funds are released to the SBA by the administration.

This year, in keeping with the national standard, the smooth procedure outlined above did not work. No funds were released last semester and have only recently been released this term.

Budget meetings last semester were effectively slowed down by executive changes and messy operating procedure. Each student group requesting funds was asked to submit a bud et proposal, without being given directions on how to prepare and substantiate their claim. Three first year delegates, Paula Galowitz Phyllis Silver and Ellen Schulman commented that the whole procedure had been too time consuming. They pointed out that the delegates were not informed of what last year's SBA budget had been. The assembly had to vote on each group's submission based on inadequately prepared proposals and without knowing how each group had spent any money it had received the year before. It took five long meetings to finally approve a complete budget, about 3 sessions more than the whole thing required.

Another problem, noted by Anne Hunter, a first year delegate, was the lack of a uniform policy on the conventions each group could attend, or how many group members should be funded for each convention, or even what would be a reasonable per diem amount for a conventioneer. The delegate assembly finally decided that each group would be entitled to money for one national and one regional convention. A conventioneer will be permitted $40 per day for room, board and expenses. The groups approved to receive funds for conventions include the National Lawyers' Guild, the Women's Action Group and B.A.L.S.A.

Three groups, in spite of their efforts, failed to receive approval for special funds; the Italian-American Law Student Associa-

(Continued on Page 4)

FINAL 1973-1974 SBA BUDGET

SBA General Fund	
Speakers, entertainment, Freshman Orientation, office supplies, emergencies, parties, gratuities	$ 5,375.00
Justinian	
12 issues	7,000.00
Moot Court	
Team trip, typing & printing briefs, award certificates	715.00
Women's Action Group	
National convention, conference fees, dues	700.00
National Lawyers Guild	
Symposium, language course, national and regional conference	620.00
Athletic Club	
3 months gym rental	400.00
Puerto Rican Association	
Conferences, recruitment	300.00
B.A.L.S.A.	
National convention, fees, dues	589.00
ABA/LSD	
National Convention	700.00
Student Directory	250.00
TOTAL	$16,749.00

A.B.A. Takes A Stand

By Joseph La Barbera

The rumbles of Watergate are producing a number of sympathetic reactions within the legal profession. Numerous disciplinary actions have resulted in the disbarment of G. Gordon Liddy by the New York Court of Appeals, the suspension of John Dean from legal practice by the District of Columbia Court of Appeals and the initiation of investigative files by The State Bar of California on Richard Nixon, John Ehrlichman, Donald Segrettti, Herbert Kalmbach, Gordon Strachan and Robert Mardian. Also, the Maryland State Bar Association has recommended strongly that former Vice-President Spiro Agnew be disbarred.

In conjunction with the reaction to Watergate, ABA president, Chesterfield Smith has come up with a number of recommendations of his own concerning both legal ethics and competence. Initially, he points out a need for some national authority to discipline lawyers at the national level. In early 1973 the ABA created the Committee on Professional Discipline as well as National Discipline Data and Brief Banks. Currently, data is being accumulated on the records of The Senate Select Committee on Presidential Campaign Activities. ABA president Smith has also suggested participation of laymen in disciplinary proceedings of the various bars.

Concerning competency Mr. Smith has suggested periodic audits of a lawyer's performance and capability in order to maintain a high level of competency within the legal profession. He has also called for an increased aggressiveness on the part of the bar in pursuing malpractice suits in order to effectively maintain public confidence and prevent policing of legal activities by non-legal authorities. He is saying in short that a failure by the legal profession to police itself will lead to undesirable outside intervention.

Mr. Smith will encounter a number of problems in implementing his desired improvements. The first is the obvious conflict between the State Bars and the ABA. Any disciplinary power of the ABA at a national level may create a good deal of resentment on the part of the State Bars. Creation of a recognized National Disciplinary power will only come after a good deal of compromise with State associations to appease fears of any pre-emption or weakening of power.

Mr. Smith and the ABA will also have to more clearly outline the use to which new investigative files and disciplinary agencies will be put. Files collected to determine a lawyer's competency could very easily be interpreted as an invasion of privacy and such files may get out of hand as recent national events indicate. A tremendous ethics backlash has built up as a result of Watergate and any action to be taken by the ABA now should be viewed in that light. The legal profession does not wish to create a purge in order to restore public confidence.

The idea of periodic audits and tests for sustained legal growth over the years will be a pill hard to swallow for most lawyers. The young lawyer will be frustrated by the creation of still more re-

views and tests and older lawyers would see them as not only unnecessary but as insulting.

Mr. Smith's idea of increasing malpractice suits as well as initiating lay review at the State level probably is the most feasible due to its practicality and need. Few lawyers want to see shoddy or negligent service go unpunished when it occurs. There is no need for the type of professional isolation and silence which can be seen in such organizations as the AMA.

The general overview of the ABA's newly generated activity on behalf of legal ethics and competency is a healthy one. The main task now is coordinating these ideas into workable systems with an eye toward moderation.

Legal Trends: Imputed Negligence

By Edward Fernbach

While we were enjoying a long needed rest over intersession, the New York State Court of Appeals reversed the infamous *Gochee v. Wagner* case. Freshmen, by now experts in tort law, remember Gochee as standing for the principle that the negligence of the driver of an automobile is imputed to the passenger (owner) in an action against a 3rd party. This is based on the legal fiction that the owner has some sort of control over the car while the other driver is behind the wheel. (constructive control).

But in *Kalechman v. Drew Auto Rental*, . . . N.Y. 2nd . . . Dec 12, 1973, an employee (Kalechman) was killed in an accident in a car leased by his employer from Drew. Kalechman's father-in-law was driving (apparently with Drew's consent) at the time. His estate sued the owner of the car, Drew Auto Rental. The estate relies on Sect. 388 of the V&T Law which imposes vicarious liability on the owner of a car for the negligence of a driver who has the owner's permission. So this case differs slightly from Gouchee because the owner here is the defendant rather than the plaintiff. However, the issue in principle is the same — *whether the negligence of the driver should be imputed to the passenger* so as to bar any recovery against the owner under Sect. 388 of the V&T Law.

In denying recovery to Kalechman's estate, Judge Shapiro, of the Appellate Division said:

> "A denial of a recovery to an injured plaintiff, or as in this case, to the estate of the decedent, which is entirely based on legal fiction and which defies reality, is a sort of alchemy which to me seems clearly unjust and unreasonable."

In a unanimous decision to reverse, the Court's paramount consideration was to give "Full effect to the vital interests of society in protecting people from losses resulting from (vehicular) accidents", rather than paying lip service to prior court decisions.

In fairness to the *Gochee v. Wagner* rule, the Court recognized that at the time of its inception it represented a "realistic appraisal of the relationship between passenger and driver." They employed the analogy of a team of horses, where the owner passed the reins to a passenger, and the owner still had easy access to the control of the wagon.

> "But with the advent of the modern automobile there is no longer any basis for assuming that the passenger, no matter what his relationship to the driver may be, has the capacity to assert control over or direct the operation of a moving automobile."

The Gochee rule would seem to approve of a passenger attempting to assert control of a moving vehicle. With driving as dangerous as it is today, it would certainly be repugnant to public policy to approve of such an interference with the driver's control. Therefore the Court arrived at a new general rule that the plaintiff passenger is to recover for the negligent operation of the vehicle, regardless of his relationship to the driver unless it may be shown that the plaintiff's own personal negligence contributed to the injury.

This decision was an extension of the Court's tendency towards abolishing the defense of imputed contributory negligence. Ironically, the absent owner under Sect. 388 of the V&T, although vicariously liable, is not contributorily negligent, so is therefore allowed to recover for property damage to his car, while recovery was always denied to

(Continued on Page 4)

Hey Ebenezer, our first semester grades just arrived!

Evaluations Blocked

By Victor "Jake" Davich

While giving grades to students creates a myriad of problems for the Brooklyn Law School faculty, the opposite would appear to also be true. Thus, there will be no student evaluation of Brooklyn Law faculty for the Fall 1973 semester, just as there has been none for the last three semesters.

The reasons behind the lack of "forms" by which students may grade each of their instructors range from faculty disapproval to lack of student action.

In a conversation with Professor David Trager, the **Justinian** learned that the major problems with the evaluation forms used last year was its lack of meaning combined with a poorly run SBA program. Prof. Trager also remarked that the faculty was dissatisfied by the cursory attitude the form took in its appraisals. Prof. Trager pointed out that there were cases of students abusing the evaluation privilege by filling out more than their alloted forms for professors they felt a special feeling towards or against.

Shirley Norris, who along with Enid Cruz, represents SBA on the evaluation committee, also confirmed this latter comment.

Professor Farrell, the other faculty member of the committee, seemed to share Prof. Trager's views. Professor Farrell spoke of the need for a "properly administered, carefully drafted" evaluation form that both faculty and students approve of.

The upshot of all this was the creation of a proposed law school survey, a 42 question form that asks students about themselves as well as their instructor. Such a format has been used successfully at N.Y.U. and the University of Minnesota Law Schools. The form is comprehensive and much more explorative than the one previously employed. The faculty-student committee implores both students and faculty to consider this new format and express their opinions to the committee as well as to SBA delegates.

If approval of the new evaluation form comes from the faculty and students, evaluations will be conducted this semester. A successful participation could result in these evaluations being considered by the Tenure Committee in their decisions on whether professors should be granted faculty memberships.

Should the present form prove unacceptable to the faculty, the committee would be hardpressed to come up with a better one. Thus, it would fall to the SBA to decide whether to continue the program independently or acquiesce to the implied disapproval of faculty evaluation, despite the validity of the proposed program.

The *Justinian encourages* the free and open exchange of ideas and information. If you wish to express your views or report on some matter of general interest the *Justinian* will make every effort to print a student or faculty opinion/report submitted to the *Justinian* office (rm. 304).

Herb Tepfer

From The Desk Of The President

On February 11, 1974 the Student Bar was finally given its allocation of student activity fees. The flurry of inactivity and forced smiles could now cease and we could begin to function. One half of the school year has passed and is irretrievable lost. There is little to be gained in seeking out and hounding those who are to blame though there are certainly many who share in the blame. Among these are a passed treasurer whose accounting acumen left much to be desired, an administration which insisted on the reconciliation of the irreconcilable and the general inability or unwillingness of people to sit down together merely to make themselves clearly understood.

Your Student Bar President, the Executive Board and students at large must firmly resolve that this year's first semester will never happen again. But it we are to do so with any effect I believe that two things must first be established.

First, the S.B.A. must realize and assume the responsibility it owes to subsequent student governments. As was repeated to me and others on our numerous visits to the ninth floor, we are a corporate like entity. The faces in office may change but the responsibility cannot be shirked by the entity. We have made it too easy for an outgoing officer to allow an incoming administration to struggle through mounds of pitifully kept accounts and still receive the blame for unbalanced books.

It is hoped that this situation can be safeguarded against in the future by requiring of all Student Bar Treasurers periodic financial reports and an annual report upon leaving office. Provision for such requirement ought to be made by our Constitutional Committee which is presently at work defining the authority and duties of S.B.A. officers. With this eye towards the future there should be required of every committee chairman well written reports on the progress made. Summed up in an annual report these writings would give an incoming administration a base upon which to build rather than having each year to start from scratch.

Secondly, I think this school's administration ought to reevaluate its own attitude towards the $20 student activity fee it bills each of us on our tuition invoice. Just how much is used towards genuine student activity? What functions ought to legitimately come under such head? Do we have an inherent right to see these funds allocated and distributed by student hands or is the entire concept of S.B.A. a mere matter of administrative grace to place prominently in the showcase of our law school?

If these considerations had been resolved a year ago today's situation would not have happens. Only if they resolved can we be sure that it will never happen again.

Book Coop Dilemma

By Gerry Dunbar, Shelly Barasch, and Don Wolfson

This past week the Book Cooperative finished its second year of successful operation. The total savings to the student body this year alone exceeded $10,000. The past semester was more problematic than previous terms due to the SBA's inability to secure their own budgetary allocation from Dean Hambrecht. It appears that there was an erroneous impression on the part of Dean Hambrecht that if the SBA had no money there would be no Co-op.

This forced us to develop other sources of funds to use as the down payment required by the publishers. Subtle, and not so subtle, resistance to the Co-op continued unabated. One shipment of books allegedly left Chicago in late December by parcel post, but has yet to arrive. The main shipment of casebooks from Foundation Press was severely delayed in transit, despite the fact that the shipper — Werner Transport — is a subsidiary of Foundation. They arrived several days after school began. Strangely, neither the school bookstore nor Pax suffered such transportation delays.

In recognition of the artificially high cost of books to the student body, and coincidentally of our success, Dean Lisle has proposed that if the Co-op were to agree to go out of business the school bookstore will hereafter give a ten percent (10%) across the board discount to the students. We invite your response to this — your wishes as a student body will dictate our actions.

Despite the late arrival of books, sales were again brisk. We received invaluable volunteer assistance from: Arne Bartfeld, Geof Blum, Larry Kanterman, Christine Pasquariello, Jeff Rabida and Roni Wax. The greatest advance made this year was gaining the right to sell books published by Brooklyn Law School (i.e. Richardson, **On Evidence**) at wholesale prices. We had previously been denied the right to purchase these books, but you will be happy to know that the anti-trust course here has some relevance.

A Watergate Primer

By Bob Heinemann

We would have told you the truth about the tapes and all that, but a little mystery is what makes life interesting. Why, we have the very information that everyone has been trying to ferret out for over a year now. It would explain everything. But we couldn't be so gauche as to release it. History will bear us out and those of you lucky enough to live another hundred years or so will get the surprise of your lives! All these Gallup Polls with their appallingly low ratings will be nothing more than fit material for trivia quizzes in 2074. And what clever stumpers they'll be!

A few sample questions should prove quite illuminating . . .

1. Who was Rosemary?
   a. My secretary
   b. The mother of my only son
   c. A giant rubber erasure (both ink and pencil)
   d. All of the above
2. What is a Watergate?
   a. A synthetic but tastier watercress
   b. Colorless Gatorade
   c. Niagara Falls in still life
   d. A hotel in Miami Beach where John Mitchell once slept
3. Who or what is a Sirica?
   a. A lawyer working for H&R Block
   b. A virus of the lower intestines.
   c. An Italian dessert
   d. My warden
4. Who was Archibald Cox?
   a. A comic strip character
   b. Editor of the Harvard Lampoon
   c. Aaron Burr's 9th cousin
   d. Columbo
5. What is impeachment?
   a. An impacted peach
   b. A practical joke
   c. The doorprize for losing Monopoly
   d. A Congressional still life
6. Who was our 37th President?
   a. Henry Kissinger
   b. King Faisal
   c. David Eisenhower
   d. The milkman

Sounds like fun doesn't it? It'll be the nostalgia craze of the 21st Century, something that each of you can play with your great grandchildren. The other 359 questions along with answers to all (including the above) are already mimeographed and in a sealed container somewhere in the National Archives. Just try and find them!

Job Market

(Continued from Page 1)

which should insure some degree of confidentiality in the future.

The job bulletin board has been expanded and organized into distinct sections for summer, part-time, and permanent jobs; the jobs are listed on standardized forms which reflect the number of previous jobs coming from the same source that year; and, every three weeks the jobs are updated by communicating with each prospective employer. Previously jobs could remain posted long after they were filled. Now, all job listings are current.

But in a tight job market where permanent jobs are scarce, summer work can be all but nonexistent, particularly if you have only completed one year of law school. Most large and medium sized firms do not offer summer clerkships to first year students. These students' best job opportunities are with small firms in Manhattan or Brooklyn which have an office staff of less than twenty, or with a private practitioner. Mr. Haverstick urged doing some kind of legal work, even if on a voluntary basis, as a useful reference for later job applications; that is, if anyone can afford the luxury of working for free. Another technique is attempting to secure a part-time job during the spring semester and juggling classes around it, as a way of getting a leg up for a continuation of that job through the summer.

A survey of last year's graduating class has been taken by the Placement Office and a detailed breakdown on their success in obtaining jobs, or lack of it, will be available in a couple of weeks. It will include the salary range, geographic location of jobs, and the type of employer — private, corporate, or governmental. Some preliminary and basic statistics are available now. Out of 405 BLS graduates in 1973, 258 responded to the Placement Office's survey. Of these, 203 are employed, having received a total of 298 formal job offers, and 55 are still unemployed. The other 147 never responded nor did they seek any additional help from the Placement Office.

New Courses

(Continued from Page 1)

This is only one of the proposals that will be forwarded to the Faculty at the next meeting. The Committee also approved Professor Hermann's proposal to increase Suretyship from one to two credits, and likewise approved Professor Crea's proposal to increase Anti-Trust Laws and Trade Regulation from two to three credits.

It is expected that the next meeting will deal with Mr. Baden's proposal for institution of a course in Gratuities and Wealth Transactions. All students are invited to the meeting, although they may not participate in discussion. The **Justinian** welcomes written proposals for changes or additions to the curriculum, which will be forwarded to the student members. The next meeting is Februbers.

Pie Gets Cut

(Continued from Page 2)

tion, Phi Delta Pi, and the Jewish Students Union. Why these? It appears that the criteria used by the assembly was not based on the number of students involved in each activity but on the merits of each proposed expenditure. Delegates did not take kindly, for example, to the Jewish Students Union's request for a permanent succah and so did not vote that group any special funds. Those groups with unfunded activities should find consolation in the fact that they will be able to draw from the SBA General Fund for office supplies, speakers and parties.

As mentioned previously, no one is quite sure how funded groups spent their money last year. The SBA points with pride to the Book Co-op as its most succesful venture. Hopefully the proposed Student Directory for this year will turn out as well. In order to supervise those less visible activities, however, a new system of disbursement has been implemented at the S.B.A.. Each time a group requires money from its allocated amount it will have to fill out a form in the SBA office. Two members of the SBA Executive Board have to approve the request before the SBA President and Treasurer sign and turn over a check. It is hoped that this new procedure will clear up uncertainly over student expenditures and make for an efficient flow of funds.

By December 20th the SBA budget had been completed and approved. But the SBA is still waiting to receive its funds. Until two years ago the bursar's office controlled the distribution of student funds. The SBA then took over the responsibility of holding and doling out money to student groups. With this change came the requirement that the SBA give a financial accounting to Dean Hembrecht at the end of the school year. The Dean requires that this report account for all bank deposits and withdrawals, i.e. where the money went. He will not release the next year's funds if there is some discrepancy. On February 1st there was a discrepancy of $129.17 in the final SBA financial report. If this is not cleared by the end of the 1974 school year the SBA will never receive the $16,000 allocated for student activities. Dean Hambrecht has indicated that he will probably certify that payment be made for any large debt incurred. The remainder will either be put in a scholarship or student loan fund.

The result of all this being that the SBA will probably have its disbursement power taken away and will lose the control it now has over student funds. The school will re-adopt the old system whereby the bursar doles out funds after each request has been approved by the administration. The student body will lose the control over funds which was fought for and won only two years ago, a step backward to those who believe in government of the students by the students.

NOTE: As this paper goes to press, the SBA has received its funds from the administration.

Legal Trends

(Continued from Page 3)

a present owner for death and personal injuries. Imputed contributory negligence was abandoned by the court in other situations: e.g. parent to child; child to parent; and spouse to spouse. Now *Gochee v. Wagner* is just a vestigal remnant of common law, useful for historical purposes only.

Enrollment Data

A dramatic increase in the number of women law students has been reported by the American Bar Association.

The ABA also noted a substantial gain in minority group enrollment and said that for the first time there was not a single "unfilled seat" in the first-year class of any ABA-approved law school.

Women enrolled this past fall numbered 16,760, a 37.8 percent increase over 1972. Minority group enrollment rose 12.9 percent, far outpacing the overall enrollment increase of 4.3 percent.

The marked increase in law school enrollments and recent graduates has prompted concern about employment potential in the legal area. Professional degrees in law awarded by approved law schools have tripled since 1963, reaching 27,756 last year. At the end of 1973, there were an estimated 375,475 lawyers in the United States.

Moot Court News

FRESHMAN MOOT COURT: COMPETITION: LAURELS FOR ORALS

First-year students will start preparing for their day in court early in March when Records on Appeal will be distributed commencing the 1974 Freshman Moot Court Competition.

Working in pairs, students will research an assigned side of the problem and present oral arguments. Prior to argument, each student will submit a full-scale appellate brief. Briefs will be due on April 18th, and arguments will begin the following Monday.

The Freshman Competition represents a first step toward mastering the art of appellate advocacy. As in the past, outside members of the legal community, both attorneys and judges, will join with faculty and student members of the Moot Court Honor Society in judging the oral competition. There will be three rounds of oral argument, with eligibility for the optional 2nd and 3rd rounds based upon performance in the preceding argument.

Students that do exceptionally well in the competition will be eligible for membership in the Moot Court Honor Society. They will also be eligible to compete next year for a position on the National, International, and several other moot court teams which will represent Brooklyn Law School in the future.

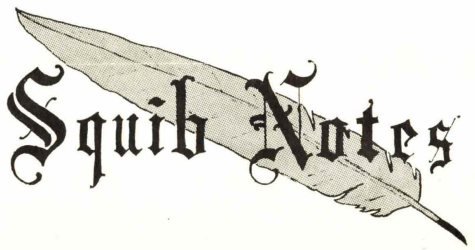
BROOKLYN FACES HARVARD: International Moot Court Meet.

Early in March, Brooklyn Law School's International Moot Court team will urge the ownership of mineral-rich nodules in the sea bed with the International Moot Court team of Harvard Law School. Briefs have already been submitted. Reliable sources are said to favor Brooklyn over Harvard, six to four.

Entry into the Philip Jessup International Law competition marks a first venture for Brooklyn Law School . . . schools will compete in teams of four or five. B.L.S. will be represented by Cathy Fouhy, Mark Sussman, Dennis Monahan, Barry Ross and Thalia Chesney. Arguments will take place at Boston College Law School during the weekend of March 9th. All spectators, supporters and fans are urged to attend.

On April 5th, Moot Court will also send a team to Buffalo to compete in the Alfred Mugual Tax Competition. Representing us in that competition will be Peter Lopatin and Jon Reifer. The problem has already been received and our team is hard at work draftnig a brief.

Coming up soon too, is our traditional moot court contest with St. Johns Law School, sponsored by the Brooklyn Bar Association. More details will be forthcoming shortly.



The American Bar Association has granted provisional approval to five new law schools.

Receiving the ABA nod were: J. Reuben Clark School of Law, Brigham Young University, Provo, Utah, School of Law, University of Hawaii at Manoa, Honolulu, Hawaii, Southern Illinois University School of Law, Carbondale, Ill., Western New England College School of Law, Springfield, Mass., Franklin Pierce Law Center, Franklin Pierce College, Concord, N.H. (on condition that degree-granting authority is received from the New Hampshire State Legislature).

The ABA action enables graduates of the five law schools to satisfy the legal education requirements for admission to the bar in all states.

A new course, Women and the Law, has been added to the curriculum and is being taught for the spring semester by Profs. Rhonda Copelon Schoenbrod and Elizabeth M. Schneider.

Prof. Schoenbrod is a graduate of Bryn Mawr and of Yale Law School and holds a certificate from the Institut d'Etudes Politiques, Paris. She was law clerk to U.S. District Judge Harold R. Tyler and is staff attorney at the Center for Constitutional Rights. She has taught at Rutgers-Newark School of Law.

Prof. Schneider has degrees from Bryn Mawr, the London School of Economics and New York University School of Law. She has held Ford Foundation Public Affairs, Arthur Garfield Hayes Civil Liberties and Leverhulme fellowships and a number of research appointments. She is a staff member of the Center for Constitutional Rights.

Both women have been active in litigation on sex-based discrimination.

A delegation from the Federal Republic of Germany, headed by Dr. Traugott Bender, Minister of Justice of Baden-Wuerttenberg, and Dr. Hennig Schwartz, Minister of Justice of Schleswig-Holstein, discussed American legal education with members of the Brooklyn Law School faculty on January 11. The discussions at Brooklyn Law School, which followed visits to three other law schools, Harvard, Chicago and University of California at Berkeley, centered on law school admissions, standards, curricular organization, clinical work, attrition and bar examinations and were intended to assist the members of the delegation in their consideration of possible changes in German legal education.

The delegation, which included two members of two German state legislature as well as four senior German jurists, has now returned to Germany.