

# The Justinian

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## The Justinian

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# Justinian

Volume XXXIV - No. 9

TUESDAY, APRIL 9, 1974

Page One

## Lisle Quashes Rumor

**Just:** It is rumored that you are leaving at the end of 1975.

**Lisle:** I have not heard any such rumors and given no thought to a possible resignation at the end of 1975 or at any other time.

**Just:** If requested, would you continue as Dean?

**Lisle:** The question is one which Franklin Roosevelt used to characterize as an "iffy" one. My decision would have to be based on the situation as it existed at that time. In any case, my obligations to the School and its future would be the primary consideration.

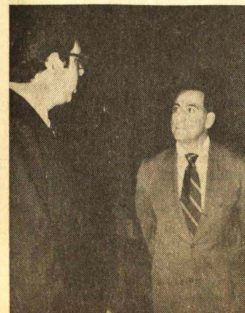
**Just:** What do you feel that BLS has accomplished under your administration?

**Lisle:** The major accomplishment is symbolized by our newly-achieved membership in AALS. To prepare for and to win membership, a broad program was undertaken for the restructuring of the academic community of BLS. As part of the process of earning membership, but also valuable independently of such membership, BLS has sharply improved the faculty-student ratio; has developed high selectivity in admission of the most qualified students; has enlarged the faculty with new professors of great breadth and diversity of training, experience, talents and ideas; and has fostered increasing awareness by faculty and students of constructive trends in American legal education today and its adjustment to the problems of a rapidly changing profession. In this connection, we have seen the development of a wide range of clinical programs; a broadening of our curriculum to adjust to the diversified needs of professional practice as it is today and is likely to be within the relatively near-term future; have encouraged a recognition among the faculty of the values of research and publication, of public service activity and of the desirability of a role in law reform, again activities valuable in and of themselves and also as a means of making the teaching

## Fixing Up "Fixed City" Nadjari's Way

By KENNETH RAPHAEL

In a blazing attack on our criminal justice system, New York State Special Prosecutor Maurice Nadjari called for large scale changes in the selection system as it is presently known. Stating that the government is like a com-



Al Togut and Mr. Nadjari

puter you only get good output when you have good input — Mr. Nadjari called for the selection of public officials by the merit system.

Mr. Nadjari delivered his remarks at the Law Student Division's Second Circuit Annual Conference, held on March 30 in New York City. He participated in a panel discussion entitled, "Anti-Corruption in Government: What is the Problem? What Can Be Done?" Mr. Nadjari stated that "many within government are there because they cannot make their way outside." As a result, he said, "mediocrity rises to the very top of government."

### Public Apprehension

The Special Prosecutor believes that his office came into existence because the people of New York City had become suspicious of the system. He noted that Governor Rockefeller appointed him as special prosecutor in order to test these apprehensions, to determine their truth. The office became, in effect, a pilot program. The special prosecutor believes that the people's fears have been confirmed. However, he believes that his office was the greatest recipient of these suspicions at its inception. "During the first year, every time I was asked to speak, people were looking for justification for the existence of my office," Mr. Nadjari stated. Later, it became obvious that such justification was not necessary.

To date, the Special Prosecutor's office has indicted 68 public officers, among them judges, district attorneys, public investigators and various public servants. "We are not living in 'Fun City' but in 'Fixed City'," he said. He continued, "District Attorneys can't investigate themselves and won't investigate their own." Further-

(Continued on Page 7)

## Revamp of BLS Clinics Gaining Momentum

By JOHN O'REILLY

For the past several weeks, students and faculty have expressed dissatisfaction with the clinical programs at BLS. Recently, both a voluntary student committee and the Student-Faculty Committee on Clinical Education set forth proposals with the hope of improving the programs.

At a meeting called by the BLS Lawyers Guild on March 5, 1974, student-participants related the problems they have encountered in the current programs. Lack of adequate faculty supervision, an insufficient amount of time spent doing actual field work and inadequate credit given for the time required by the programs were among the main criticisms. In addition, the students expressed disappointment with having to do fetch work — acquiring experience xeroxing copy and getting coffee were not the reasons the students had registered for clinical education.

### Student Proposals

The ad hoc student committee, comprised of first-year students, pointed out that clinical programs at BLS are not, in fact, clinics as described by the Rules of the Court of Appeals on Law Study (22 NYCRR Part 520). Section 520.4 states that clinical programs can be substituted for classroom periods to the extent of 12 of the required 80 credits needed to graduate. The student committee's statement of recommendations revealed that the four 2-credit courses offered at BLS only give credit for class hours and not for field work, thus amounting to elective classes with voluntary field work. Two of those clinics (Criminal and Police) meet two hours per week; the others (Civil and U.S. Attorney) meet two hours bi-weekly. The correlation between the two credits given for each clinic and the class hours required is not an adjusted credit ratio per hour/per week, as permitted by section 520.4 (4) of the Rules for field work itself.

The ad hoc student committee was organized after the March meeting of the Lawyers Guild. Listening to a student from Rutgers Law School and an instructor from NYU Law School describe how well their clinics were operating, first-year students became agitated. Many students felt that a law school education without an internship, interviewing clients or preparing papers would leave them unprepared for their future careers. BLS's location amidst various legal forums enhanced the students' conviction that their legal education could be more effective provided there were well-supervised and well-structured clinical programs.

Among the suggestions included in the student committee's report was for an increase from the required 7-12 hours field work to a more realistic 16-20 hours per week coupled with an increase in value to six credits. This would allow the proper field learning

experience by permitting a more thorough devotion to field tasks. Students would not approach field work as an additional burden to a full course load. In addition, the student committee proposed a 1:12 professor-student ratio, which would require the hiring of 10 full-time faculty or adjunct faculty members.

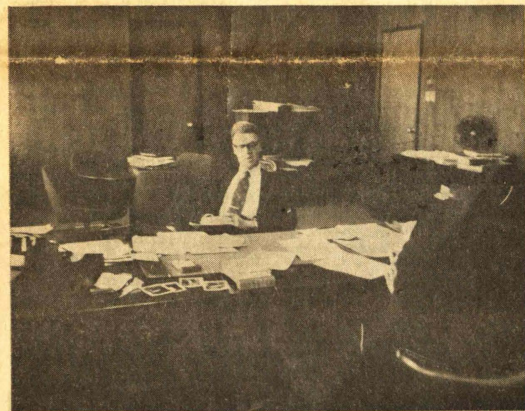
"Faculty members who supervise clinics should be relieved of regular teaching assignments as needed to allow for adequate student supervision and agency liaison time," the report stated.

Also recommended was the appointment of a Director of Clinical Education, whose responsibilities would be to develop new clinical programs, seek funds to support the clinical programs and implement the objectives and strategies of the committee's report. As clinical education is a costly learning experience, it was suggested that funds be solicited from one or more of six foundations who specifically allocate money for curriculum innovation, professorships and law schools.

### Faculty View

The Student-Faculty Committee on Clinical Education appointed a sub-committee, comprised of Prof. Schultz, Denise Guggenheim and Prof. Chase, to review the clinical programs at BLS. While many of their suggestions were similar to the recommendations of the ad hoc student committee, there were several basic differences. The sub-committee recommended the appointment of two additional professors to the clinical faculty — a professor for criminal programs and a professor for civil programs. An increase to three credits per semester for each program was also suggested. This proposal would require that students average fifteen hours of work per week, including classroom hours. Moreover, members of the faculty who assume responsibility for running a clinical program should be credited, as part of their course load, with the hours they spend supervising the programs. "If faculty members assume such responsibility in addition to a 'normal' teaching load," the report stated, "the end result may be a dilution of the amount, if not the quality, of supervision."

Both the student ad hoc committee's proposal and the Student-Faculty sub-committee report will be voted on by the faculty. The ad hoc committee has indicated its intention to lobby, if necessary, to get its proposal accepted. Both committees' proposals would require the school to increase its commitment to a clinical curriculum, especially in terms of money. Unfortunately, some faculty members do not believe a clinical education belongs in an academic community. Eventually, the Administration will be confronted with the planning of the future of the clinical programs.



Dean Lisle and Neil Weiner

process more realistic and effective and of winning a broader recognition for BLS.

**Just:** What are your goals for the future?

**Lisle:** Anything that will lead to higher quality in professional education; a faculty which will have a recognized role in the development of the law, in legal scholarship and in public service; a student body whose personal excellence and quality of professional training will be increasingly sought after in the profession and in public service.

**Just:** Dean Lisle, could you explain the procedure for hiring and attracting a prospective faculty member?

**Lisle:** An interested person applies in one of two ways: either thru AALS, which has nation-wide procedure for forwarding resumes, or to BLS directly. The applications are examined by the five-member Committee for Faculty Appointment, chaired by Prof. Yonge. They are interviewed and, if there is substantial interest, there are further interviews. I sometimes participate in the first and one always participate in the subsequent ones.

**Just:** What qualifications do you look for in a prospective member of the faculty?

**Lisle:** These will greatly vary in individual cases. However, ideally, a new member of the faculty will have a distinguished record in law school, preferably as a law review editor on a review of distinguished quality. He should have such types of experience as represented by a clerkship to a federal judge or to a judge of the highest state court; significant experience in practice, even though of limited duration in years; experience in major firms, with a smaller firm or sole practitioner or in independent practice, or perhaps in a federal attorney's office. Perhaps the applicant will have been the recipient of a graduate degree in



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## — editorials —

### Clinical Programs

Two sets of proposals for improving the clinical curriculum at BLS are being considered by the faculty. The time has come for the school to make a full commitment to clinical education.

Chief Justice Burger has criticized the law schools in this country for failing to provide adequate and systematic programs by which students may focus on the elementary skills of advocacy. Chesterfield Smith, A.B.A. President, heartily supported clinical education when he spoke in the Moot Court Room on April 2nd.

The student's ad hoc committee's proposal provides for the development of a distinctive, high quality clinical education program at BLS. Their major recommendations include the hiring of ten new faculty members to supervise the programs and increase the credit value of each program to six. If clinical programs are to provide an educational experience for students both of these proposals must be adopted.

As Mr. Smith pointed out, money has been the major obstacle to an extensive clinical program. Certainly a law school which reported net assets of \$11,608,069 for the fiscal year ending August 21, 1972 can afford the initial expense required by the students' recommendations. As proposed, a Director would be appointed to secure additional funds from foundations.

Two hundred forty-four of the two hundred fifty-nine first year students have endorsed the ad hoc committee's report. The faculty and administration must recognize their commitment and the students' commitment to clinical education.

### Evaluations

The faculty resolution stating that the evaluations should not be used for appointment or tenure purposes, exposes once again the provincial and biased mentality of the faculty. Their pronouncements that they are concerned about the advancement of the BLS community are hollow and self-serving, unless they are willing to respect student views and allow student participation in the crucial area of faculty appointment and tenure.

### Graduation

As the thought of graduation sparkles ever brighter in the minds of our graduating colleagues, a reminder of past graduations should ignite some action by our school officials to alleviate the circus atmosphere which marks Brooklyn Law School graduation exercises. The halls selected in the past never accommodate adequately the guests invited by members of the graduating class. Students have a right to see that all the members of their immediate family can attend this important affair. The many sacrifices by both students and their families should not be insulted by the extreme limitation of the number of invitees forced upon the graduates. The limitation to three or four tickets for each graduate forces students to choose between not inviting loved ones and attempting to smuggle their relatives into an already overcrowded room.

There are assembly halls and auditoriums in this city which can easily accommodate the needs of Brooklyn Law School, and renting such a hall will obviate the ticket problem. We strongly urge the S.B.A. and the Administration to take immediate steps to secure an adequate setting for the graduation exercise.

### Movie Review

## "The Conversation"

By ELYSE LEHMAN

Francis Ford Coppola, director of "The Godfather," has written and directed a film exploring the experience and emotions of a man expert in the art of invading privacy — a professional eavesdropper. Harry Caul, sensitively portrayed by Gene Hackman, is the best private surveillance man on the West Coast. He is a non-descript man in his forties, a frustrated jazz saxophonist, who cannot stand questions about his background or private life. His assignment is a tough one; eavesdrop on a young couple having a lunch-time conversation in the busiest square in San Francisco. The square is crowded and a jug band is playing loudly while the couple stroll around the area. By "scrambling" several tapes, produced by devices which picked up sound from various spots around the square, Caul pieces together the couple's entire conversation. The hitch in this assignment comes when Caul, for the first time in his surveillance career, becomes involved with the fate of his victims. He worries that his tapes will endanger the young couple and hesitates in turning the material over to his client, "the Director," the anonymous head of a large corporation. Caul's doubts lead him to the confessional booth, and follow him to a convention for the surveillance trade. The convention features exhibits of the latest devices for eavesdropping — it seems spying on people and industry is big business. What ensues after Caul endures the convention and its people is a venture into the frightening, with the real and imagined fears of Harry Caul merging into a modern horror story.

#### Modern Horror Story

The film is frightening in two aspects. First, by the implication that no one is free from having his or her privacy invaded. Mechanical devices, combined with the mentalities of the people who work at eavesdropping, make it possible for anyone to be spied upon anywhere. Usually, the methods used are hidden, so that anyone being watched would never know of his or her surveillance. Perhaps competitors in an industry spying on each other to keep industrial secrets is not something to worry the individual, but all should be concerned that private conversations can be invaded as easily as files in a doctor's office.

The second alarming aspect of the film is seen in the dissipation of Harry Caul once his conscience is awakened. His fears intermingle with his perceptions to produce nightmares and paranoia. The realization that surveillance of private lives causes immoral and dangerous results alarm and eventually destroy Harry Caul.

Although Gene Hackman has been mentioned, praise must also be given to the other members of the film's cast, especially Allen Garfield, who portrays the best private surveillance man on the East Coast.

Coppola and Roos, producer of "The Conversation," have created a film frightening in its implication and in its effect on the viewer. For an excursion into the world of eavesdropper and victim, and the world of privacy and conscience, see "The Conversation."

## The New Two Tier System — Why?

By CAROLYN QUEALLY

The faculty adopted the new grading system in November 1973. The system, having been made retroactive, presented a problem — the grades of the old system would have to be reconciled with those of the new.

The administration first proposed the now infamous conversion table. The numerical values attached to letter grades fell into categories corresponding to ranges in the new system (satisfactory, unsatisfactory but passing, and unsatisfactory). The range in each category has been increased. Numerical raw scores, which the administration has on file, would be converted into the broader ranges. This would be done to establish class rank only. Transcripts would still show letter grades received for courses. A computer run was done to test the soundness of the table. The results were basically in line with old class ranks. If there were displacements they were mostly one, two or three positions. Safeguards were provided for students whose averages fell below the satisfactory scholastic level in one system but not in the other.

Much of the opposition stemmed from grades that were based on objective tests and these grades should not and really could not be converted. Also, some students felt those people at the bottom of the class would be hurt. While it was true that numerical averages would greatly suffer, class ranks were not greatly disturbed. The administration felt that due to the problem of objective tests and student opposition, the conversion table was unacceptable.

The second proposal was the two tier system. No conversion is involved. It calls for two class standings to appear on the transcripts of all students with letter grades. One class standing would be based on all letter grades received; the other based on new numerical grades.

Some students expressed the fear that this would be difficult

for employers to understand, thus hurting employment prospects. It was pointed out, however, that many law schools only give yearly standings and this has not caused problems for employers. An additional question arose regarding establishing the top 20 or 25 percent required for some jobs or salary levels. The administration assured students that "the school will bend over backward to see no injustice is done".

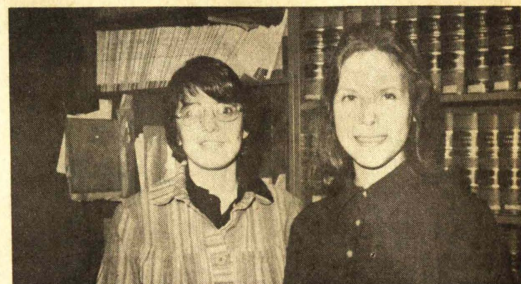
The third proposal was suggested at various open student — administration meetings. It involves the use of the raw score grades, retained as is, added to new grades to determine class standing.

Objections were raised because of the way day and night students are grouped for class standing. Grade ranges under the old system were more limited, thus higher, particularly in the lower ranges, i.e. the lowest passing grade being 75, now 60. Night students have more credits under the old system than their day counterparts, their averages would be higher and not accurately reflective.

The decision involved choosing the system which had the least disadvantages. The administration's decision, after many open meetings with students and office visits, was to use the two tier system. Student body opinion was in favor of the raw score system, but the administration felt it was inequitable.

The main question is whether a better system could have been developed. The question will remain unanswered. Dissatisfaction has arisen because students were not consulted when the problem first arose. Student opinion was not sought until there was a serious problem. Perhaps with better information and the inclusion of students at an earlier phase such problems could be settled in a calmer and more reasonable atmosphere.

## New Law Review Editors



Baila Caledonia and Dorothy Henderson

Brooklyn Law Review is headed by Dorothy Henderson, Editor-in-Chief. Ms. Henderson graduated summa cum laude from Queens College, received an M.A. degree from Harvard University, passed her Ph.D. oral at Harvard and taught courses in History at Queens College and Lehman College. She hopes that each page of Volume 41 of the Review will have something meaningful to say and will say it well, and is grateful that the quality of the editorial board in itself makes such an ambition a realistic one. The members of that board are: Baila

Caledonia, Managing Editor; Joan Caridi, Arthur Cohen, Articles Editors; Drayton Grant, Michael Greene, Second Circuit Editors; Joan Craig, Fran Grossman, Notes Editors; Stephen Dannhauser, Lew Rosenthal, Decisions Editors; Susan Belgard, Research Editor; Polly Wittenberg, Book Review Editor; Tony LoCicero, Business Manager. The remaining editors are: Morty Apfeldorf, Shalom Brilliant, Michael Fried, Rhea Friedman, Richard Mandel, Leonard Sclafani, Howard Shapiro, Barry Slevin, Larry Ur-genson.



# Legal Trends: PINS The Revolving Door

By John O'Reilly and  
Susan Alexander

If one ponders the background which might lead an adult to crime, one need not look further than the juvenile justice system. And it is even unnecessary to thumb through the records of juvenile delinquents. The PINS child, a "person in need of supervision," is defined as an habitual truant, incorrigible, ungovernable, or beyond the control of his parents and other lawful authority. A recent Chicago task force study found that of those children placed under court supervision or committed to an institution 55.8% subsequently acquire adult arrest records.

There is little argument that the present system of dealing with PINS children is misdirected and insufficient. The New York Office of Children's Service issues periodic reports assailing the programs. The Juvenile Rights Division of Legal Aid brings suits in attempts to better the lot of PINS. The N.Y. legislature holds hearings. Everyone is concerned. But still the children of the poor, the children of the minorities, continue to ride the revolving door of juvenile justice. It is a rarely-ending chain of petitions courtrooms, judges, placements, and petitions.

## PINS Definition

Perhaps at the source of N.Y.'s inability to deal with PINS is the definition which the state has used to describe the children. It is result-oriented, touching only upon the outward manifestations of deep-rooted problems. Truancy and incorrigibility are not inborn traits. The unmanageable child is crying out for help; "supervision" is a cold word. More to the point, PINS are children in need of guidance and love.

An extensive study published by the Office of Children's Services last November profiles 316 children who were adjudicated PINS by the N.Y.C. Family Court during the winter and spring of 1972. It is not surprising that the survey found the children to be "for the most part, from the poorest and most deprived neighborhoods in the City of New York." Forty-eight percent of the children were black and 25% Puerto Rican. Forty-three percent were female. Seventy percent were between the ages of 14-16, but many were 7-13 and several 16+. Seventy-three percent of the children came from single parent families or broken homes. Two of the problems common to parents of the sample children were alcoholism and mental illness.

## Filing the Petition

The first step in the adjudication of PINS is the filing of the petition in Family Court. The OCS report found that 53% of the children studied had been in court on previous petitions, thus illustrating the merry-go-round aspect of the system. A petition may be filed by a family member, the

Bureau of Attendance of the Board of Education, a childcare institution, or a policeman or fireman. Perhaps the saddest statistic is that in the sample group 65% of the petitions were filed by the child's mother. Legal Aid attorneys contend that the Family Court judges should split their salaries with the mothers, as the latter are actually making the adjudications. However, there may be reasons for the mother's actions other than her inability to manage the child or her indifference. Marty Guggenheim, instructor in the N.Y.U. clinical program, expresses the fear of many Family Court lawyers that the PINS petition is often unwillingly filed by a mother who has received an ultimatum from the police department. Either she must file a PINS petition or they will file a JD petition. Because the PINS process is slightly more humane and the possibilities for placement and guidance more diverse, the mother will take the PINS route.

## The Process

After the filing of the PINS petition in Family Court, the child enters the realm of judicial process. He represents a case to be disposed of and a name on the docket. For him, the judicial process will involve much waiting. He sits in the anteroom for several hours awaiting his intake hearing. The church-like, wooden pews facing the courtroom doors make the child feel as though the last judgment is approaching. He waits. Parents wait. Brothers and

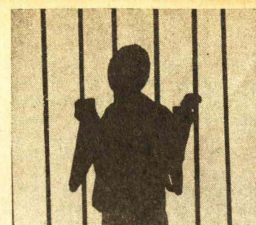
sisters wait. He may be placed in a city shelter, a foster home, a private agency, or even a hospital, if necessary. Ideally, he will spend no more than 90 days in a dwelling maintained by the city. During that time, he will attend one or more fact-finding hearings in one of the eight parts of Family Court and will probably undergo a psychiatric evaluation.

According to Marcia Singer, Assistant to the Director of the N.Y.C. Bureau of Institutions and Facilities, one of the projects presently underway at the BIF is the establishment of eight community diagnosis centers for the temporary placement of PINS children. Each center will accommodate 24 children in a setting especially conducive to individual testing guidance. At present only one diagnostic center, the Hegeman Reception Center in Brooklyn, is in limited operation. The rest of the children are placed in three city shelters — Callagy Hall Annex in Far Rockaway, the Manhattan Children's Center, and Jennings Hall in Brooklyn. BIF also operates one secure detention facility, Spofford Juvenile Center in the Bronx. The OCS report lists two reasons why the intake court might demand a child to detention rather than hold him in a shelter: "because it is believed that the child will not return to Court at the next hearing date or because it is believed that the child might, in the interim, commit an act that is a crime when committed by an adult."

## Callagy Hall Annex

When one begins to investigate the PINS situation, he hears horror stories of the institutions where the children are housed. One envisions dungeons where the rack is still employed and Oliver is still pleading for a second helping. The *Justinian* received permission to visit Callagy Hall Annex. At present, Callagy houses 47 girls, ages 7-13. Although the shelter has an institutional aura, everywhere there is evidence of people caring. Despite limited funds and facilities, the staff tries to do more than "super-vice" children. The rooms are cheerful and decorated with the children's art work. The large building and the outdoor play area provide space for a child to move and to grow. The day we visited, Callagy was holding its annual Brotherhood Program. Many of the children participated, most as members of a choral group and a few giving individual readings. Of course, Callagy was on display for the special occasion, but people do not smile and laugh on command. The PINS children seemed genuinely happy and reasonably well-adjusted to their situation.

Although the visit to Callagy was encouraging, it was only so within the structure of the present juvenile justice system. The last two *Justinian* articles concerning PINS will consider permanent placement of the children and recommendations which have been made for revamping the entire system.



sisters wait, restless and howling. The doors swing open and shut as last names are barked out by court clerks. Finally the child's name is shouted by a harried legal aid attorney, juggling files from arm to arm.

## Law Guardian

The child is entitled to a "Law Guardian," defined by the Family Court Act as an attorney who has been admitted to practice in New York. According to Mara Thorpe, Administrative Attorney in charge of the Legal Aid Juvenile Rights Division in Brooklyn, the term "Law Guardian" means simply "a lawyer for the kid and not really a guardian." Legal aid attorneys view the children "as adults who can fire us or keep us." The child is treated as a client and like any other client, he decides the course which the Law Guardian will pursue throughout the life of the case.

Once the child is summoned by the Law Guardian, he and the lawyer will briefly discuss any probation report the child may have and where the child wishes to spend the interim period between the intake hearing and final disposition of his case. Based on the case history, the judge will choose one of several possibilities. The child may stay at home or

# Anonymous Grading Urged By Students

By Phyllis Silver

Anonymous grading is an idea whose time has come. Professional, graduate and undergraduate schools across the nation have instituted anonymous grading systems in order to assure an objective evaluation of each student's exam paper. The benefits of such a system go beyond the individual student and touch upon relationships among the members of the student body as well as student-faculty interactions.

The objective of any anonymous grading system is to allow the professor to read and evaluate the written work of a student without taking into consideration such factors as the student's personality, his or her class participation or lack of it, or any personal relationship which may exist between the student and the faculty member. Hopefully a change in our grading system would also allow for a more open exchange of ideas and questions among students and faculty, ridding us of both the student who spends his or her most industrious hours "impressing" the faculty, and the faculty members who "evaluates" such activity in considering the student's grade. Many students have expressed the feeling that they would be encouraged to approach the eighth floor if they could do so without having others' wonders as to their motives.

An anonymous grading system would also serve to dispell the belief held by a number of students that certain groups of students receive excellent grades, or fail to do so, because they are members of a particular group. In remedying this situation, anonymous grading would enhance the spirit of cooperation among student groups as well as increase the respect for various faculty members. This new method of grading would recognize the significance and importance of grades for the student's future, while at the same time minimizing the continued existence of a competitive atmosphere.

The implementation of such a plan is not difficult. Each student will receive a number which he or she will use for each exam that term. This number will be reg-

istered with the administrative staff along with the student's name. The number alone will appear on the examination paper and the grade entered on a list of names and numbers by someone other than the professor.

A proposal for anonymous grading has come before the student-faculty Relations Committee. The point of greatest controversy seems to involve the issue of class participation. The student proposal strongly recommended that outstanding class participation should be considered for the purpose of adding points to the student's final examination grade to reach a final grade for the course. Below average participation in class would result in an addition of no points. The student proposal emphasizes that to allow a deduction of points from a student's achievement on an exam



as a means of arriving at his or her final grade would result in the kind of prejudice which the entire proposal seeks to curb. It would also penalize a student whose most effective work method is to "tie a course together" during the last few weeks of the term.

The S.B.A. has already expressed approval of the anonymous grading system. A final proposal will be ready for faculty consideration shortly. Nearly every law school in the metropolitan area has instituted such a plan. It is time that the faculty and administration of Brooklyn Law School approve a system which assures fairness and objectivity to all students.

# Law Review Open Note Competition

The Open Note Writing Competition, in which interested second-year day, and second and third-year evening students who are not on academic probation are invited to submit notes for publication in Volume 41 of the Law Review, is now underway. Students desiring to write notes for the competition should submit topics to the Notes Editors as soon as possible — preferably before spring vacation. In selecting a topic, it is helpful to read several notes to ascertain the general scope and approach of notes in general. Topics are broader than that of a recent decision, yet narrow enough to deal with the area in depth, and should be based upon an area of the law which is unsettled and which has not been dealt with sufficiently by other legal publications or judicial decisions. Inasmuch as a determination of the suitability of particular

topics for not treatment requires preliminary research, it is the obligation of the participant to ascertain whether or not the topic is worthy of note treatment. Accordingly, the approval of the topics by the editors is not intended to signify a judgment on the proposed topic's newsworthiness; rather the approval, in general, means that the topic is one that is not already being considered for Volume 41. If, however, it appears to the editors that the submitted topic is questionable, the participant will be so informed.

Once the topic has been approved, participants should commence research for the note. Because each topic requires individual treatment, it is not possible to formulate any hard and fast rules regarding the page-number limitations. Generally, however,

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## Statistics On Placement Office Discouraging

By Bob Heinemann

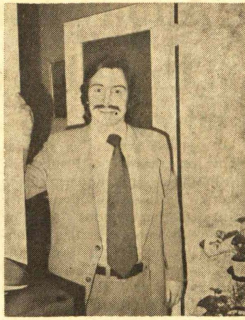
A comprehensive survey on the success of 1973 BLS graduates in obtaining employment was released by the Placement Office. The numbers are not good. One glaring fact is that of the 304 reported job offers only 86 were obtained through the efforts of the Placement Office. Mr. Haverstick, the Director since March of 1973, called this statistic "shocking," a "major concern," and "certainly not representative of what the Placement Office can do."

In addition, only 58 out of the 209 graduates who are known to be employed — less than 28% of a number which represents 51.6% of the 1973 class — received more than one job offer. The rest had no choice at all. The number of students receiving multiple employment offers "has weight in determining the prestige of the school." But Mr. Haverstick feels that this statistic is not an accurate reflection of the quality of BLS because some students, including Law Review members who generally get several job offers, did not report them. He feels confident that there will definitely be "an increase in multiple job offers this year despite a smaller job market."

### Evening Students

There was also an alarming discrepancy between the ability of day division and evening division students to obtain employment. While 57% of day students were successful, only 36.2% of evening students found jobs. Mr. Haverstick feels that since most evening students work while they attend BLS, "many remained employed but within that capacity." He also blamed the "negative image developed toward evening division students which occurs unfortunately." Employers seem to feel that night school education is inferior because of part-time professors, and the amount of study time that is lost due to being employed during the day. This impression is erroneous and "not true of BLS." Mr. Haverstick is preparing a brochure on the background of the faculty and students that will clear up any misconception about the quality of the evening students education.

Another statistic showed that male students had a somewhat easier time obtaining a job than did female graduates. This is expected to even out due to more enlightened attitudes and "a



Hank Haverstick

higher percentage of jobs for women in 1974."

Government agencies (24.2%) and private law firms were the major employers of BLS graduates (29.8%). By far the larger number of private firms hiring were small firms with an office staff of 14 attorneys or less. BLS students had much less success with medium and large sized law firms. Mr. Haverstick expressed a desire to work through the faculty, especially those professors who are associated with the larger prestigious firms, in order to increase their interest in BLS students. Two of his main objectives will be to "try to get the firms on campus" not just for display but for "legitimate hiring" purposes and to make those firms aware of "changes and improvements" at BLS, including the new, less rigid grading system now in use. Nevertheless, since most of the large firms do their hiring early (between September and December), any efforts to increase their interest in BLS graduates will not produce results until the class of 1975 graduates.

Most of the jobs sought and offered were confined within a narrow geographic region. There were 169 offers from Manhattan, 39 from Brooklyn, 15 from Long Island, and 11 from Washington D.C. Offers from other areas were

negligible. Mr. Haverstick expressed a concern about the "provincial attitude" he felt that this reflected and said that "there is a market for BLS students outside of the state and they are not taking advantage of it." The large number of job offers from Manhattan is alarming because it means BLS students are "competing in the most competitive legal market in the country and it is hurting." As an alternative, Mr. Haverstick suggested "suburban and rural areas," rather than other "major populous cities" out-of-state which also have a comparatively tight job market. Of course, both salaries and the size of firms would be smaller in a sparsely populated or rural community.

The salaries reported were correlated with the students' academic standing, and there were some interesting discrepancies. The middle of the class showed little range and generally were in the \$11,000 to \$12,000 category. However, two groups at the very bottom of their class academically had a mean salary of well over \$13,000 and were the closest runners-up to the top twenty-five students' mean salary of \$14,900. Mr. Haverstick felt that this was a morale booster and showed that you "can get a job and one at a reasonable salary, even if you are at the bottom of the class." But the negative aspect to this is the reality that some of these students "were in fact sons and daughters of the people who employed them."

Unfortunately, the tight job market will be with us for some time. OEO's budget has been decreased, and the Legal Aid Society will be hiring "significantly fewer attorneys" this year. The outlook for the immediate future is not a reassuring one.

**Editor's Note:** Mr. Haverstick became Director of the Placement Office in March of 1973. Therefore, the employment statistics for last year's BLS class are not a reflection on Mr. Haverstick's tenure in office.

### JOBS AND THE BLS CLASS OF 1973

Percentage of known employed	51.6%
Graduated	405
Employed	209
Unemployed	55
Unknown	141
Reported Employment Offers	304
From the Placement Office	86
From Outside Office	218
Day Division Student Employed	57.0% (171 out of 300)
Evening Div. Students Employed	36.2% (38 out of 105)
Male Students Employed	52.6% (193 out of 367)
Female Students Employed	42.1% (16 out of 38)

### Salary Statistics on all Reported Offers:

Median	\$12,500
Mean	\$12,352

## The Destruction of Legal Services Seen

By Paul O'Dwyer, President,  
New York City Council  
(reprinted from 'The Conscience',  
Hofstra University School of Law)

Today's law school graduate is in the enviable position of being able to choose between a well-paying assignment in one of the many government departments or an equally-lucrative spot with a private firm. The single practitioner has practically faded from the scene and the void is felt by many whom he served for a modest fee. There was a time when at least a percentage of our impoverished population had access to the single practitioner, the lawyer who built his skill in fighting for the right to have justice come to the gullible and unwary so often victimized by the unscrupulous, or those who surrendered to the blandishments of the slick advertiser. But that lawyer is no longer around and the necessity to protect the simple-minded is so great that television and radio stations compete for public attention by rendering a service to victims of over-reaching merchants. And because of the implied threat of exposure, their efforts have met with a measure of success.

The Legal Aid Society, a time-honored body, has performed admirably — particularly in the field of criminal law, but they are swamped by the caseload which each lawyer must carry and they are over-powered and frustrated.

The Center for Constitutional Rights, the Emergency Civil Liberties Committee, the N.A.A.C.P., the American Civil Liberties Union and the National Lawyers Guild have each made admirable contributions in the fight to maintain constitutional guarantees, particularly during the Joe McCarthy period. But by in large, these efforts were on behalf of men who had defied bad laws or who resisted legislation which would have undermined our national heritage. That still left millions of people who were each day denied the law's protection and to whom high sounding phrases about our system of justice and its all encompassing features were but so many hypocritical phrases.

The records of two publicly funded law organizations give us some idea of the extent of this neglect and point dramatically to how little the promised protection of the law means to so many of our fellow citizens.

A study by the Office of Economic Opportunity two years ago revealed that in Brooklyn alone, 49 per cent of the population or close to one and a half million people are living below the government-established poverty level. The legal needs of this vast population were tended to under an O.E.O. program which permitted a staff of forty-three overworked lawyers under the dedicated leadership of Richard Huffman and Margory Fields. They were sustained by a minimum salary and maximum dedication. Even that feeble effort ended due to cutbacks announced by the national administration. On July 1st, the highly-respected Brooklyn Legal Services Corporation on Court Street closed its doors. In Manhattan, the prestigious Mobilization for Youth, another O.E.O. project, is about to suffer a similar fate by reason of national policy. The highly controversial matching funds proposals are offered as

a future substitute and long before new plans can possibly come into being, the ones now working will have gone into oblivion. Score another victory for the war against the poor.

It would be error to think that in our communities the poor is synonymous with blacks, Puerto Ricans and Latinos. There are over 750,000 Jewish poor across this nation, according to a study made three years ago by the American Jewish Committee and the bulk of them are the elderly poor whose struggle for better working conditions at an earlier period did not include adequate pensions. Even Orientals and Greeks, long known for their industry, are complaining that the law ignores the plight of their distressed.

What does the majesty of the law mean to millions of Americans who are advised on national holidays that the law is no respecter of persons and treats rich and poor alike? In what manner does the fourteenth amendment have any meaning for them? Even those of us who feel so deep a commitment to the first, fifth and fourth amendments must realize that the learned language from the highest court must sound like so much discord for which our young people have a most colorful characterization.

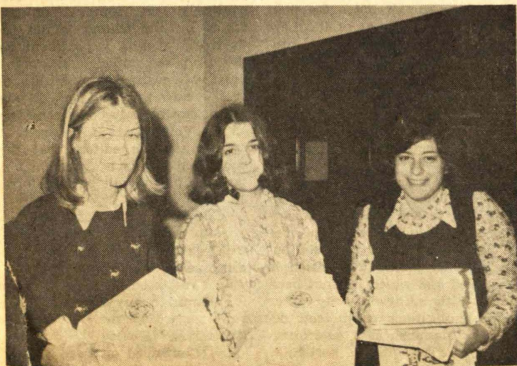
Every year the Treasury Department spends millions to advertise the rather unethical service they render to the taxpayer in its extraction process. But I have yet to see Health, Education and Welfare advertise the availability of rights to the aged or infirm under old or new enactments. The result is that millions of Americans do not know about social security, medicare and medicaid benefits which are theirs for the asking.

The destruction of O.E.O. programs, which the people have just begun to understand, is as stupid as it is dangerous. "The thirst for liberty increases," said O'Connell, "as each drop falls on the parched lips." It is as ill advised as it is callous for our national government to ruthlessly abandon the policy of bringing the impoverished under the protective wings of our laws.

Law Day was born to distract attention from marching discontented people who had selected May first as an occasion when people all over the world could gather to air their grievances against a society insensitive to their complaints.

"We hold these truths to be self evident, that all men are created equal, that they are endowed by their creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness."

So spoke our political fathers two centuries ago. And we who are lawyers had better read it well. For into our special hands it has been delivered as a covenant and we have a special obligation to cherish it. It is a plant which received its first nourishment from the blood of patriots who were sincere believers in 'the equality of men. If we receive the blessings it brought us and not insist that the law's protection be extended to the most humble among us, as they intended, we shall have infected that living organism with the cancer of neglect and we shall have brought shame to ourselves and dishonor to our sacred birthright.



**Editor's Note:** The following SBA Delegates deserve our thanks for the long hours of work required to publish the Student Directory. Left to right: Ms. Anne Hunter, Ms. Paula Galowitz, Ms. Phyllis Silver.



Herb Tepfer

## From The Desk Of The President

The House of Delegates met on Tuesday, April 2, to decide on one very important matter. A final draft of our constitution on which Steven Spilky and Pat Kane have been working tirelessly was to be presented for delegate approval. But once again an important vote had to be put off for lack of a simple quorum. You the students have duly elected representatives who have been remiss in representing you!

The written work to be considered was the result of numerous meetings with the Executive Board, at which were hammered out various differences, with the emphasis of debate placed on the viability of future student governments. I would like to address the following remarks in a similar vein with regard to the election of class delegates and the scheduling of elective classes. These two seemingly unrelated matters have been the cause of poor attendance at meetings.

The House of Delegates meets every two weeks. This year with the advent of an elective systems, students are taking courses at various and scattered hours making virtually every hour conflict with someone's class. With the proper consideration given to evening delegates, the hours of 4:00-6:00 P.M. on Tuesdays and Wednesdays have emerged as the most convenient for the greatest number. We have been alternating between these two days, often at the expense of conflicting with the activities of other groups, most notably the Lawyers Guild. We have done so with reluctance, but done so nonetheless in order to adhere to a schedule that best suited all delegates.

This situation will repeat itself next year unless both causes of the problem are remedied. Firstly, the Administration must consider the scheduling of a student hour as part of next year's class scheduling. This time ought not be viewed as a free hour but rather as a time specifically designated for students to implement and enrich their legal education in the organized on campus pursuit of their choice. Secondly, students will have to make known to their classes their willingness to invest at least two hours to attend such regularly scheduled delegate meetings before they run for the office of Class Delegate. This two hour investment of time is the barest minimum that must be considered by a potential candidate, since there are additional duties that are assigned to delegates.

But these are all prophetic admonitions for the future and while they will serve next year's student government in good stead. They will not be any help in passing the constitution by which next year's government will abide. That will require the live and warm bodies of all delegates at the next meeting. Watch for further notice on the lobby bulletin board. As to its time and room, number.

### Food in Class

The faculty proposal to ban eating and drinking in the classroom is not without merit. Classrooms have taken on the air of hovels, which the cockroaches merrily make their way across the front of the room. We urge the student body to take a brief moment to clean up after themselves so that we may continue to enjoy this privilege.

## Women and the Law

By MARC KASNER

There is a new course being taught at Brooklyn Law School this semester by Professor Schoenbrod and Schneider. Both are wholly active in the area of sex discrimination. The substantive material of the course is comprehensive; it reaches all aspects of the law. It spans from equal protection under the Fourteenth Amendment of the Constitution, to rape, prostitution, harassment, family law, Title VII discrimination, a husband's right to consent on abortion, job discrimination and Medicaid reimbursement for vasectomies.

The course is being taught in an untraditional method. First, the two Professors teach one section. They believe that by working in groups, each member of the class will supplement the others in experience. The professors have passed this idea on to their students who are assigned research

problems in teams. Professors Schoenbrod and Schneider earnestly believe that group work, an important aspect of the legal learning process, is ignored. Group work tends to break down competitiveness among students and they can then concentrate upon the study of the law. Each group delivers an oral presentation on their research project. Since there is little precedent in the area of sex discrimination most issues are novel and the research becomes difficult. One cannot rely only upon statutes and cases. Students are urged to synthesize law in this area and come up with creative solutions.

Many topics discussed in class are cases that are now before the court and the student has the opportunity to do research currently relevant and possibly submit amicus curiae briefs. The concept

(Continued on Page 8)

## Conference on Gov't Integrity Sponsored By Law Students

By JOSEPH LA BARBERA

The first scheduled event of the LSD meeting on Saturday, March 30th was a panel discussion on "Integrity in Government." The panel members were Mr. Harold Fisher, Robert Kasanoff and Maurice Nadjari. Each speaker dealt with a separate sub-topic. Mr. Fisher and Mr. Kasanoff are covered in this article and Mr. Nadjari's statements are covered separately in this issue.

Harold Fisher is a member of the Select Advisory Committee to The State Committee on the Election Law in New York State. In addition, he served as defense counsel for Perry Duryea in a recent litigation which was successfully defended via a Constitutional issue involving the election law. The main thrust of Mr. Fisher's opening speech dealt with the need for a change in the election law and the avoiding of its future use as a weapon against elected officials.

Mr. Fisher cited two examples of types of behavior which impeach the integrity of government. The first dealt with persons who by participating in a great number of political activities in both parties and by making

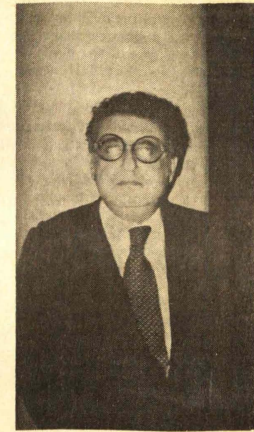
contributions achieve a status which results in favors tantamount to outright bribery in order to obtain such political plums as ambassadorships and judgeships. Such behavior is readily accepted by society in general and will only be corrected by a change in the public morals through active dissent, said Mr. Fisher.

The second type of behavior referred to by Mr. Fisher was more personal in nature. He indirectly referred to recent litigation involving the Perry Duryea case. Mr. Fisher related a little New York history as he described how the Tammany power structure used the election laws to impeach former Governor Sulzer. The former Governor fell into disfavor with the political heavyweights and was victimized through the election laws. Mr. Fisher called for an election law which requires the reporting as well as the limitation of contributions. He cautioned, however, the use of the law as a political tool.

(By the time of the printing of this article the fruits of Mr. Fisher's election law expertise will have been introduced in the State legislature in the Leichter Bill).

Mr. Robert Kasanoff, the Chief Attorney of the Legal Aid Society, chose as his sub-topic the manner of the selection of judges in New York State. The crux of his suggestions concerned the appointment of judges by the governor subject to review by an impartial panel composed of members of both parties, as well as members of various professions and minorities. At present, judges are nominated for election at dinner or over the phone by county leaders, said Mr. Kasanoff. He demonstrated how through the present system competition is eliminated and the democratic process sacrificed by citing how during the last election, in one county, all four parties supported the same candidate. In defense of

his proposed system he noted that the use of appointment and review would eliminate political factors. He cited the use of the appointment system in the Federal Government as an example of how it can and will work. The improved system, he stated, would allow the candidates to be heard and viewed publicly without the effect of a political campaign to



Mr. Kasanoff

cloud the issues at hand. Judges should be out of politics before as well as after attaining their post in government, suggested Mr. Kasanoff.

Following lunch, elections were held for the new Circuit Governor and Lt. Governor. Candidates for Governor were Richard Algabe from U. of Conn. and Jeff Rabida from B.L.S. The candidates for Lt. Governor were Caryn Goldenberg from St. Johns and P.J. Seidman from B.L.S. Unfortunately for B.L.S., both of our students were defeated. Conspicuously absent from the meeting were representatives from Columbia, N.Y.U., Yale and Cornell.

## Divorce Case Tried By Judge In Domestic Relations Seminar

By BOB HEINEMANN

On April 2, Judge Louis B. Heller of the Kings County Supreme Court took the time to try a moot case on divorce argued by students from Prof. Gershenson's class. Judge Heller succeeded in making it a truly educational experience by treating this proceeding with all the seriousness of a real trial and by dispensing a good measure of wit and wisdom at the same time.

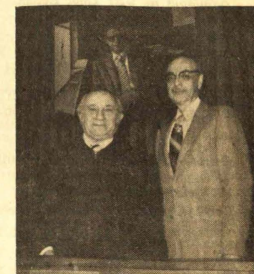
The case of *Harris v. Harris* was a typical moot court creation of evenly balanced issues fleshed out by an absurd, but not completely unreal, set of facts and witnesses. Mr. Harris was suing his wife Gretchen for divorce, charging that she had committed adultery with a gas station owner on a couch in the ladies washroom. The consideration was a tankful of gas. The defense insisted that the garage owner, Sam Wilson, was in the ladies rest room with Mrs. Harris so that he could fix a leaky faucet. Regardless of what may or may not have occurred, Mr. Harris was so pleased when his wife came home with a full tank of gas that he took her to Lancaster,

Pennsylvania the following weekend.

Several BLS students provided some very impeachable witnesses on both sides of the case. Sam Wilson of the Safeway Full Service Station testified that he only "wanted to service" his customers and that he was "very proud of his restrooms." Rosie Parker, testifying for the defense, said that Sam propositioned her once and she "told him what he could do with his gas." Mr. Harris dismissed this testimony by stating that "Rosie Parker is a yenta." And Peter Porter, the bellhop in Lancaster, swore that Mr. Harris was a lousy tipper who didn't like to be disturbed. Judge Heller promised Mr. Porter "executive clemency," and said that "there's a Peter Porter in every case."

At times, Judge Heller asked counsel if they would like to object and then sustained their "objection" as they were still struggling to their feet. On an other occasion, one counsel withdrew a question too quickly when the defense objected and was smilingly advised by the judge that "it would be a good question to ask"

if rephrased. But overall it was a very competent presentation by both sides, and Judge Heller said that he didn't know when he had "heard a case tried as well in my court house." The judge also com-



Justice Heller and Prof. Gershenson

plimented the witnesses on being a "fine set of perjurers."

In addition, Judge Heller emphasized the importance of good preparation before going to trial since "99% of your case is won in your office." Notes should not

(Continued on Page 8)



## NEIGHBORHOOD CLINICS OFFER BEST POTENTIAL FOR PROVIDING LEGAL SERVICES, SAYS ABA PRESIDENT-ELECT

Neighborhood clinics seem to offer the most potential for providing a majority of Americans with effective and efficient legal services, noted the president-elect of the American Bar Association, James D. Fellers.

Fellers, the Oklahoma City attorney who will become president of the 180,000-member ABA this summer, said a "great majority" of the population has been overlooked in the legal services area.

He noted that the country's wealthy and very poor are receiving expanding legal services, but that the legal profession is doing little to meet the needs of the near-poor and middle-income.

"Probably the most vital change that must be made," Fellers said, "is reducing the cost of legal services to clients."

He said lawyers could do this by: increasing office efficiency, using paralegal assistants, specializing, and locating their offices outside of high-rent areas.

Fellers said new concepts are being introduced by the legal profession to help meet the need, including establishment of neighborhood clinics "which encourage people to walk in off the street."

He said visitors at such clinics can browse through explanatory literature and talk with paralegal assistants before making any financial commitment for legal help. Prepaid legal service plans

which provide members of a group with certain services much like group insurance plans are another alternative.

The ABA president-elect said lawyers also have a duty to educate laymen "to recognize their problems, to facilitate the process of intelligent selection of lawyers and to assist in making legal services fully available.

"The public should be told via television documentaries, public service announcements, newspaper articles and so on what an attorney can and cannot do and when it is appropriate to seek legal counsel," Fellers said.

"At the same time, lawyers should be educated about the desirability of practicing "preventive law," Fellers said.

He drew a parallel with the medical profession where "the service (a doctor) performs in preventing a disease is a far greater service than a cure of this disease would be later."

Fellers suggested that lawyers must move toward providing preventive legal help through annual "check-ups," just like medical check-ups.

Before this can happen, however, he said that law schools would have to alter curricula to include preventive law.

"Most of our legal curricula are crisis-oriented," he said. "The average law school graduate enters law practice with absolutely no background whatsoever in counseling a client as to how to avoid legal difficulties."

# Shooting Hoops At BLS

By Arnie Bartfeld

As is quite obvious to any student at BLS, there are no facilities on the "campus" for athletic activities. Despite this and other varied adversities, the SBA commenced its 3rd Annual Intramural Basketball Tournament on Monday March 3, 1974. There are approximately 225 students (both men and women) comprising 26 teams participating in this year's tournament.

## Good Neighbor

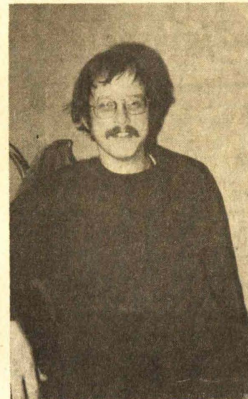
Thanks to the cooperation of Dean E. Glickman, Dean of Administration for the Downtown Campus of Brooklyn College, the SBA was able to obtain suitable facilities for the tournament. For a nominal charge (to cover the cost of security), Dean Glickman agreed to allow the SBA to use the gymnasium of Brooklyn College located at 96 Schermerhorn St. The close proximity to BLS made it all the more conducive for widespread participation. Unfortunately, because of limited time and funds, all games must be played on Monday evenings between the hours of 6:30 and 9:30 P.M.

## Faculty and Women

The first evening's competition produced a team of students led by Prof. Richard Farrell. Although playing in a losing cause, Prof. Farrell proved himself fit to compete with students both on the court with a basketball and off the court at the post-game festivities.

The second week of competition ended with a game reminiscent of Billy Jean King's victory over Bobby Riggs.

A team of four women and one man took the floor against an all male team. Despite the chuckles of surprised on-lookers, the women's team left the male team bewildered and walked off victoriously in a heatedly contested game.



Arnie Bartfeld

The tournament is scheduled to continue through the middle of May. Each game is 30 minutes long and the officiating is done by members of the other teams that are scheduled to play that evening. Due to the limited amount of time, the tournament is single elimination. Hopefully we will be able to arrange for added funds so that the gym can be used during both semesters next year for activities other than a basketball tournament.

## Student-Faculty Softball Game

After an informal and quick survey of the faculty at BLS it was concluded that a Student-Faculty basketball game would be highly impractical. However, most of the faculty members confronted were highly enthusiastic about participating in a softball game against the students. Plans are currently underway for finding a suitable location for such a game. The most probable sights are either a field at the Parade

Grounds near Prospect Park (finances permitting) or the meadow in Prospect Park. The game will be played on a Saturday or Sunday morning so as to allow all students and faculty members to attend. The method of player selection and other details will be publicized when the planning is completed.

## Comment: Athletics And BLS

I am taking this opportunity to state some personal views on athletics and its place at BLS. Without question, the Basketball Tournament is the single largest non-mandatory student participatory activity at BLS. Despite this, and our obvious lack of facilities, more time was spent at the SBA budget meetings in trying to eliminate the Athletic Budget than that of any other organization's proposed budget. I do not contend that other student activities are not beneficial both to the students and the reputation of the school nor do I consider athletics some sort of Spartan-like training which should accompany one's legal education. However, I do feel that during my 3 years at BLS the SBA has failed miserably to make use of one of the most popular and simplest forms of socializing. It is about time that the class representatives to the SBA take their heads out of their own personal bags and start representing the students who they supposedly represent.

As a student organization of a computer-type law school, the very least the SBA could attempt to do is maximize the interaction between the students. I submit that through increased efforts and athletic programs like the Basketball Tournament and Student-Faculty Softball Games, attendance at this institution might be somewhat more pleasurable and less anonymous.



Prof. Schenk

## What You Wanted

To: Dean Raymond I. Lisle  
From: Paula-Jane Seidman,  
Vice-President, SBA  
Subject: Summer School

Dear Dean Lisle:

Enclosed please find the results of a poll regarding summer school, which I have conducted among the first and second year Day, and the first, second, and third year Evening classes.

I had requested students to initial those courses they were interested in taking this summer, and from their response have collated results, as is indicated below. Please note that this table is limited only to those courses requested by ten or more students.

Conflict of Laws	107
Sales	45
Insurance	39
Creditors Rights	38
Federal Jurisdiction	36
Trusts	31
Accounting	29
Administrative Law	27
NY Criminal Procedure	23
Equity	22
Domestic Relations	21
Real Estate Practice	19
Negotiable Instruments	18
Labor Law	18
Entertainment Law	16
Corporate Taxation	14
Federal Taxation	13
Medical Jurisprudence	13
Admiralty	11
Anti-Trust Law	10

## What You Got

### Application for Registration

Available at 9th floor Reception Desk.

### Due Date

Return completed registration application on or before Thursday, April 18 to 9th floor Reception Desk.

Applications received after April 18 will not be included in the random selection process for over-subscribed courses.

### Courses Subject to Cancellation

Courses for which interest is minimal will be cancelled.

### Duration of Session

June 10 to August 8, 1974 (including examinations)  
Classes meet from 6:00 to 7:45 P.M.

Lectures and Recitations	Professor	Room
<b>Monday and Tuesday</b>		
0030 Federal Jurisdiction (2 cr.)	Farrell	400
0002 Administrative Law (2 cr.)	Landau	401
0004 Antitrust Laws & Trade Regulations (2 cr.)	Masterson	402
0046 Negotiable Instruments (2 cr.)	Crea	400
0035 Insurance (2 cr.)	Habl	401
0078 Trusts (2 cr.)	Wein	402
<b>Tuesday, Wednesday and Thursday</b>		
0115 Conflict of Laws (3 cr.)	Brandt	500

## Students and Faculty Mingle At SBA Coffee Klatsch



Prof. Berger and students



Students and Prof. Allan





## Client Counseling Team Bows To Suffolk

By MARJORIE PRINTZ

Early in February, Prof. Schwartz, faculty advisor for the Client Counseling Competition, travelled to Boston with Marjorie Printz and Edward Friedenthal, who represented BLS in the competition's regional rounds.

This was the first time that BLS participated in this event. Its sponsor, the Law Student Division of the ABA, stated recently that the competition is

"in some ways 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 preventive law as a substantive area is growing, this competition fills a real need. The competition tries to simulate a real law firm consultation as closely

to elicit the rest of the relevant information, propose a solution or outline 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.

Before the competition, the judges receive a memorandum concerning the problem. They, then, observe the whole interview."

At BLS, the competition was limited to third year students, in part because the announced subject was estate planning.

Tryouts were held late last year. Pairs of contestants were asked to "counsel" the "clients", acted by Sally Weinraub and Austin Collins, who were unforgettable in their roles as a recently bearded widow and her ten year old son.

About twenty students tried out

his personal business to his "lawyers" was introduced. In the room with the BLS team and "Mr. Budge" were three judges, all Boston estate lawyers, and Professor Schwartz.

After the session, each judge gave a critique of the performance. It was later learned that BLS had won over the Northeastern team, with which it was paired in the semi-finals, and would compete in the finals against Suffolk, which had beat NYU in the morning.

The afternoon round was held in the Moot Court Room in front of a small audience and closed-circuit television cameras.

This session featured a different "Mr. Budge", now accompanied by his "wife". "Mr. Budge" wanted his counselors to give him more advice about his estate, but refused to reveal his financial affairs to "Mrs. Budge". The situation was challenging because of its awkwardness, which the competition coordinators had carefully planned.

At the close of the afternoon, the judges, another group of estate lawyers from the Boston area, gave lengthy criticisms of each participant, carefully explaining their reasons for preferring the Suffolk approach.

Suffolk, as the winner of the regional competition, went on to compete in the national contest.

### UNIVERSITY OF TEXAS LAW SCHOOL WINS ABA CLIENT COUNSELING COMPETITION

The University of Texas Law School of Austin has won this year's Client Counseling Competition sponsored by the Law Student Division of the American Bar Association.

Bruce D. Patrick and B. Neal Stokely were members of the winning team from Texas. Eleanor R. Randall and James W. Sahakian represented Suffolk University.

The students conducted a simulated interview with a client while being judged by a panel of practicing attorneys. The consultation dealt with a husband and wife who wished to have a will drawn.

In the semi-finals, the law students had to elicit the necessary financial information from the client and help him resolve a conflict with his spouse over who should be appointed guardian of their children.

In the final competition, the students were asked by the wife not to tell her husband that she owned considerable property of which he was unaware and yet incorporate the property into her will.

## PRLSA Plans Recruitment Drive With BALSAs

By MARIA SALMERON and ENID CRUZ

The need for a Puerto Rican Law Association at Brooklyn Law School is greater than ever. In light of the realities which confront the Puerto Rican community, we as students have a tremendous responsibility at present and upon graduation. As students, we hope to increase our small number at the school. Currently, the ratio of Puerto Rican attorneys serving the community is minute. We cannot blind ourselves to the outside world, but continuously realize that justice is not being administered to many. Why? One possible answer is the language barrier between the judicial system and the people. If jus-

tice is to be truly 'color-blind' and administered equally to all, there is a barrier which we must confront.

The Puerto Rican Law Student Association at Brooklyn Law School was late in coming. Only last year did we form a cohesive group and this year saw the first request by a Puerto Rican organization at this school for funds from the Student Bar Association. It seems unnecessary to point out the minuscule number of Black, Puerto Rican and Asian students attending this school. We feel committed to altering that number. However, our budget was extremely restricted by the Executive Board.

We hope to pursue a major re-

ruitment drive, in conjunction with B.A.L.S.A. in the fall for the entering class of 1975. With the expected cooperation of the administration our goals will be to substantially increase the Puerto Rican, Black, and Asian student body at this institution. We also expect aid from the legal community with support from such groups as the Puerto Rican Legal Education and Defense Fund, and the Puerto Rican Bar Association. We also look forward to recruitment of minority faculty and administrators.

**Ed. Note: B.A.L.S.A. article will appear in a future issue of the Justinian.**

## Dean Lisle

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law, although this is by no means essential as there are many other types of qualifying experience. All these are the objective indications of the personal qualities we seek which make for teaching effectiveness and legal scholarship, and for service to the profession and the broader public community. We look for evidence of interest in a career in legal education which will include interest in legal scholarship and publication, relevant professional and public service and dedication to the development and improvement of our legal system.

**Just:** Do you feel that the students should have a voice in the selection of faculty?

**Lisle:** I believe that a law school exists primarily for the training of students and in a general sense the primary obligation of the faculty and administration is to the student body as it is at any given time and as it will be with future generations of students. Faculty and administration decisions must be made in the best interests of these students and sometimes these decisions may not be popular. We should have procedures for the orderly and frank expression of dissatisfaction and give the most careful consideration to any student ideas. As for student participation in the selection of faculty members, I believe that full student participation should be welcomed in any decadal search. I am not sure that it would be feasible to have student participation in the faculty committees which act on appointment, reappointment and tenure. There are very practical objections and some question as to its value. In reappointments and tenure, I believe that the appropriate faculty committees should give the fullest possible consideration to expressions of student opinion. There are limiting factors, of course. I have run into many cases where students who have been out in practice for several years say that their opinions of various faculty members and the value of their type of instruction have greatly changed as a result of a different perspective developed since they had opportunity to test the instruction in practice.

**Just:** On the subject of evaluations, do you feel that the faculty should recognize the student evaluation of the professional performance of the faculty?

**Lisle:** Well, as you are probably aware, the faculty passed a resolution last year declaring that there should not be any recognition or consideration of the student evaluations for any official purpose. I am not sure that this reflects faculty hostility to student evaluations, rather than dissatisfaction with the form of the questionnaire and with the loose procedures used in collection and compilation.

**Just:** Dean Lisle, as you may be aware, there has been approval of a new form of evaluation questionnaire by a committee of students and faculty. Do you feel that the faculty approval would reflect a willingness of the faculty to have themselves be evaluated and to recognize the opinion of the student body?

**Lisle:** I am sure that with a good questionnaire with reasonable methods of assessing the ability of a professor from a student's point of view and with procedural safeguards there would be a change in the faculty attitude.

**Just:** Do you feel that the faculty should give consideration to student evaluations if they were fair and reasonable?

**Lisle:** Yes, I do.

**Just:** Do you feel that the members of the administration should give consideration to the evaluations to help determine if a faculty member should be given tenure or have his appointment renewed?

**Lisle:** Your question seemingly fails to recognize that tenure or contract renewal are basically faculty, rather than administrative, functions. As revision or modification of the present ban on appropriate use of student evaluations for these purposes is a current, or likely to be a current, subject of faculty deliberation, it would be improper for me to comment at this time.

**Just:** How do you respond to the oft-expressed opinion that BLS trains "Court St. lawyers" or that we are the best 3-year bar review course in the city?

**Lisle:** I strongly disagree with that opinion. Our professors use materials which are nationally used and whose scope is surely greater than New York. We give increasing weight to federal doctrine and practice. Most law schools stress the laws of the local jurisdiction for illustrative purpose and we do not do so in excess of most others. The BLS horizons are broadening. Mr. Haverstick has recently compiled a geographical analysis of the job locations of the Class of 1973: 39 work in Brooklyn, 169 in Manhattan, 2 in California, 1 in Ohio, 3 in Florida, 11 in D.C. and 3 in Massachusetts. In any case, the appellation "Court St. lawyers" should not be used in any derogatory sense. There are many highly able practitioners in the Court Street area of greatly diversified backgrounds, talents and achievements. They comprise collectively a highly-respected segment of the New York bar. As I've said, our horizons are expanding. Irving Pollack, a member of the class of 1942, is the most recent appointment to the S.E.C., and of course, Manuel Cohen, a BLS graduate, is a former chairman of the S.E.C. and is now a partner of the very prestigious law firm of Wilmer, Cutler & Pickering in Washington, D.C. Judge Constantino, an alumnus, is a recent addition to the federal bench.

**Just:** Dean Lisle, there are rumors that some members of the faculty would like to become Dean. Would you comment on this?

**Lisle:** I have not heard of any faculty aspirations in this direction. I have circulated among the faculty numerous notices of decadal searches by other institutions. So far as I know, none of our faculty members have offered their names for consideration by other institutions seeking deans. Of course, faculty members and "outsiders" should all be considered when a new dean is to be appointed. The choice must be based on what is best for a growing institution with ever higher objectives.



## Nardjari . . .

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more, "a D.A. office who hears a rumor will not pursue rumors with the same kind of zest with judges as with the underworld." Mr. Nardjari asked the assembled students, "How willing is a D.A. to investigate a judge he goes before? How likely is he to antagonize a judge where his assistants must appear?" In response, he simply stated, "it doesn't do a D.A. any good to antagonize a judge."

Currently the Special Prosecutor's office is understaffed by twenty lawyers. Mr. Nardjari asked for the particular help of law students who are about to graduate. "We are looking not for the cynic, not for the sophisticate, but the person with stars in his eyes." As a result, there are few persons over 28 years of age on the staff. Mr. Nardjari demands total dedication from those working under him. "With us, there is no five o'clock, no Saturday . . . I think that you are young enough and healthy enough to put in twenty-four hour days if necessary, and sleep when your case is completed."

"We're involved in an area of law which does not enrich you. (Staff attorneys start at \$12,000 per year.) You'll never get rich, but I promise you an exciting way of life." Mr. Nardjari thinks that "people will no longer tolerate corruption or ineptness . . . they have awakened." In conclusion, he stated, "We're out to do something, we want to do something. If we fail you, you are entitled to eat us."

## Women and Law . . .

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of working in groups is an outgrowth of the women's movement. The atmosphere is supposed to be productive. The members will be learning to appreciate each other's work. The professors feel that individual work is not the only beneficial way to learn.

The work in the course is aimed at improving the student's skills in an attempt to develop an overall process within which he or she may analyze various problems. There is at present inabilities in the law graduate to spot the problems involved in cases dealing with sex discrimination. The analytic, systematic approach that the professors are applying will hopefully eliminate this deficiency.

One complaint espoused by the two Professors is that there is a complete lack of integration of sex discrimination problems into the general course material being taught in law school. They argue that here are few areas of the law that are not touched by sex discrimination and to totally ignore this fact is a great inequity. Therefore, Professors Schoenbrod and Schneider are working to gain what they feel is the necessary integration.

The reaction of the students in the course is very favorable. Many of them feel it is one of the more relevant courses given in school. A number of the students stated that the very people who are not taking the course are the ones that need to, since they have antiquated ideas about women. I might add here that this seems to be the uniform reaction of both men and women taking the course. This course seems to be one that will not only endure, but grow.

## Divorce Case . . .

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be used extensively during an oral presentation; any facts should be

thoroughly familiar by them. A judge should always be given a memorandum of law presenting him with the controlling cases, besides the standard brief.

Judge Heller had praise for this type of practical educational work. The judge said that it is "terrible the way lawyers try cases today" but that this is far from a new complaint. Ten years ago he wrote an editorial in a New York law journal on the same topic. Judge Heller said that "it is about time law schools give all law students an opportunity at least one or two hours a week at the Supreme Court" to observe good practicing attorneys in action. This would be the "the same thing an intern does when he gets on the back of an ambulance." The judge feels that law students should have a program like this for at least a year and then spend another six months as an apprentice after graduation.

## Law Review Note . . .

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notes tend to run approximately forty pages in length, exclusive of footnotes. The basic upon which notes are considered for acceptance is publishability. Thus, all determinations will be made according to a standard of publishability, rather than by a comparison of the notes submitted. The standard of publishability takes into account the following three criteria: writing, research, and analysis. Each note submitted will be evaluated by three editors on an anonymous basis. The deadline for submission of notes is June 25, for day students, and July 15, for evening students. It should be noted that those evening students wishing to have their writing considered for publication in the first issue of Volume 41 should submit their notes no later than July 1.

A meeting has recently been held for interested students. Those who were unable to attend, or who have any further questions or individual problems, should contact the Law Review Office on the third floor. Copies of a general manual which contains a general description of the operation of Law Review, as well as suggested research methods, are also available for interested students, and may be obtained at the Law Review Office. Participants should also check the lobby bulletin board for notices of a further meeting concerning citation form and form of note submission, to be held sometime after spring vacation.

JUSTINIAN Editors and Staff

wish to extend  
their best wishes to all  
for a

joyous and memorable holiday

# Common Cause Comes To BLS

By John Di Bella

Due to two recent developments, the Brooklyn Law School community is at the threshold of a unique opportunity to enhance the reputation of the school and to assist the citizens of New York in their unending struggle for control over the governmental system.

Common Cause is a national citizens movement of over 300,000 active members throughout the nation who are working for the public interest at all levels of government. Common Cause has developed a highly efficient and effective lobby organization in Washington D.C. and in every state. Public opinion polls have clearly demonstrated that there has, and continues to be, a steady and threatening erosion of public trust and confidence in government. Long before Watergate became a symbol of corruption and political deception the awareness of such corruption, inefficiency, and unresponsiveness of government was well documented. Regrettably, the people have become desensitized to corruption and inefficiency to the point that they lack the spirit to seek change. Citizens are indignant, but their indignation will not change the government or the elected officials.

Common Cause and its members have shown repeatedly that a citizens' lobby can change governmental policy by re-igniting the traditional American spirit of individual involvement and by re-establishing the necessary link of accountability between citizens and their elected representatives.

Cause concern itself with and how does it decide these issues? Each member of Common Cause sets priorities by periodic referendum. Those issues which have the strongest support are selected, for Common Cause concentrates only on a few issues at a time. Common Cause has already fought successful legislative battles in such diverse areas as the 18 yr old vote; ban of the SST; funding of mass transit from the Highway Trust Fund; Congressional seniority system; water and air pollution controls. Currently, Common Cause is working on its most ambitious and far reaching proposals calling for public campaign financing, financial disclosure rules, open legislative hearings and committee meetings, Newsman's Shield Laws, and the Equal Rights Amendment.

### Role of BLS

The work of Common Cause entails the drafting of legislation, the dissemination of publicity, and the coordination of lobby efforts. The services of lawyers are essential if Common Cause is to succeed. It has been recently decided by the national organization that each state group shall work on major legislative reform within its own state legislature. The legislative proposals must parallel the national program in order to utilize fully the forces of Common Cause. In New York, a special committee has been recently created to coordinate state action. This committee, New York State Program Action Committee (PAC) represents over 43,000 New York citizens who are eager and willing

to work, lobby, and push for legislative reform bills. The primary problem is the lack of leadership in legal research, legislative drafting, committee witnesses, and news media liaison coordinators. Brooklyn Law School has been chosen as the site of the New York legislative workshop. Students and faculty are needed for this vital work. Law students will be placed in positions of leadership and responsibility and will be assisted by members of the BLS faculty and lawyers throughout the state. The work will be of importance not only for New York but for other state groups who are anxiously awaiting and depending upon our ability to legislate a model New York law which will be used to influence other state legislatures. Our task involves drafting legislation on Campaign Financing, Lobby Disclosures, Conflict of Interest, and Open Meetings.

The Brooklyn Law School community will be expected to meet the challenge "directly" and "collectively" and right some of the wrongs of the past. The challenge is great but so are the consequences if we fail. Our success or failure shall determine if our form of government (of the people, by the people, for the people) shall survive and prosper or fall into oblivion reserved for decadent and irresponsible governments of the past.

**Ed. Note:** Within a few days a major drive for volunteers will be started at Brooklyn Law School for the legislative workshop and lobby coordinators.

