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Justinian

"A free press stands as one of the great interpreters between the government and the people. To allow it to be fettered is to fetter ourselves."

SUTHERLAND, George in Grojean v.
American Press Co., 297 U.S. 233, 250 (1936)

Alumnotes: Leonard Garment

By Diane Fernandez and Manuel Taitz

Editor's note: This is the first of a series of interviews with prominent Brooklyn Law School alumni.

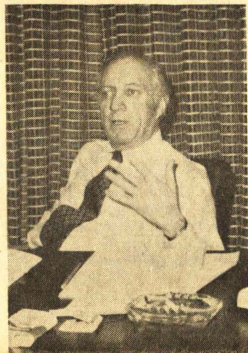
After attending Brooklyn College, Leonard Garment graduated from Brooklyn Law School in 1949, first in his class, summa cum laude, and Editor-in-chief of the Law Review. During his years at BLS, he defeated Harvard to win for BLS the National Moot Court Competition.

Upon graduation, Garment began working for the firm now known as Mudge, Rose, Guthrie, and Alexander. He became a partner and head of their Litigation Department eight years later. In 1965, Richard Nixon joined the firm, as did John Mitchell shortly thereafter. Though he had voted for John F. Kennedy and Lyndon B. Johnson, Garment worked on Nixon's 1968 presidential campaign as a talent scout and advisor.

In June, 1969, Garment joined the White House staff as Special Consultant. He was known as the Administration's "odds and ends" man and was often considered a liberal in a conservative house. Garment became acting White House Counsel, replacing John Dean, in May of 1973. Replaced by Fred Buzhardt in June, 1974, he was made Assistant to the President, staying on with President Ford through the transition. On December 31, 1974, Leonard Garment resigned from the White House staff. He is now associated with the firm of Trubin, Sillocks, Edelman, and Knapp.

Garment did not wish to discuss the issue of Watergate for legal and personal reasons. He began by delineating the differences be-

of bureaucratic and organizational problems that you have in a large law firm, where you are dealing with a balance sheet, profit and loss statements, so to speak, winning and losing cases, being tested in open contest in the courts and within the structure of the law firm. So that from that standpoint, the life in Washington, and particularly in the White House, is glamorous, fulfilling and protected. Certain aspects of the



"... it could have been a mess if an effort had been made in San Francisco Bay to capture Alcatraz from the Indians."

White House life that have been written about are very true; it is a very protected existence in many ways. There is considerable control over your outside calendar. You don't really have to see people that you don't want to see; you can give almost any excuse. I think that was the case, probably is the case, and will always be the case. It is a very serene compound in physical terms. And although it is full of sound and fury signifying not too much, it does very frequently involve matters of great importance. There is a strong built-in bias towards staying within the White House rather than getting out into the subways of the world and rubbing up against people with their complexities of daily life. It is that type of isolation, in physical as well as psychological terms, that can produce real problems. Not only Watergate-type problems, but the problem of failing to see things from the special angle of vision that the ordinary person has — one who has to struggle through a very difficult day in a very difficult and complicated world."

In his position as Special Consultant, Garment was involved in "virtually every area of domestic policy to some extent. I think a substantial part of the work was done at the request of persons or groups outside the government. There has always been someone on the White House staff who has a kind of roving responsibility to get into areas that are not his or her area in a jurisdictional sense, but where access is needed from time to time so that a point

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Sue Me, Sue You Blues

Bring your lawyer
And I'll bring mine;
Get together,
We could have a bad time.
—G. HARRISON

Time: 9:56 A.M.
Date: Tuesday, January 28, 1975
Place: Federal Court, Eastern District, 225 Cadman Plaza, Brooklyn, New York
File Number: 75C-130
Principles: William S. Herrmann, Jr. (Plaintiff) vs. Raymond E. Lisle, Joseph Crea, Philip K. Yonge, David G. Trager (Defendants).

Who are these guys? Well, you guessed it folks — from the Brooklyn Law School faculty, we bring you our ordinary \$530,000 tort case.

The cause of action is brought under Title 28 USC 1332 for intentional conspiracy and tort (slander). Prof. Herrmann's suit alleges that the defendants conspired to deprive him of his civil rights, his earning capacity as a lawyer, and his employment at Brooklyn Law School. Because of the alleged intentional and malicious nature of the injury, Herrmann has also sued for exemplary damages. Herrmann has demanded a jury trial.

Dean Lisle is accused of agreeing with others "to cause false charges of misconduct to be lodged" against Herrmann by a former student of BLS in September of 1972. In addition, it is alleged that Lisle kept a dossier of unfavorable information on Herrmann "in order to remove

plaintiff from his employment at the School" and that Lisle often "discussed with various members of the faculty, administration, and Board of Trustees" material contained in this dossier, and "overstated, distorted, and misrepresented" the contents of this secret file.

Herrmann represents that the existence of this dossier "remained undisclosed" to him until "disclosure was compelled of defendant Lisle in the Civil Court of the City of New York by subpoena duces tecum on September 24, 1974."

It is also alleged by Herrmann that Lisle, in his capacity as Dean, rejected certain salary proposals and made others "for the express purpose of causing plaintiff temporal damage" as regards his "proper emolument as a professor of law" and his "rights arising out of his seniority on the faculty."

There is a second and separate cause of action brought against Lisle for slander for allegedly stating that Herrmann referred to members of the faculty as "Court Street lawyers and fools."

Prof. Crea is accused of maliciously disclosing and discussing material in the dossier on Herrmann with "various members of the faculty and student body" in order to create "ill will against plaintiff among plaintiff's fellow faculty members and students."

Prof. Yonge is accused of having "intentionally, maliciously, and secretly prepared an official memorandum for filing" in Herr-

mann's dossier, wherein Yonge "falsely accused plaintiff of various acts of purported misconduct in connection with plaintiff's position . . . as a member of the Committee on Faculty Appointments." A three-page, hand-written memo from Yonge, dated March 22, 1974, and addressed to Lisle, documents some specific complaints against Herrmann, such as failure to attend a total of thirty out of fifty committee meetings which were designed to interview and select new faculty members. Yonge wrote that "he (Herrmann) has often detracted from the proper functioning of the Committee." Herrmann claims these charges are false and has attached the Yonge memorandum as an exhibit to his filed tort action.

Prof. Trager, presently on leave as United States Attorney for the Eastern District of New York, is alleged to have told "members of the faculty and administration, maliciously and with the intent to injure plaintiff" that "Professor Herrmann said that the members of the faculty were Court Street lawyers. We have had enough of Herrmann. He does not do his job. He is never here. Let's get rid of him. Let's bring him up on charges."

Another allegation made generally against all defendants is a charge of "close surveillance" including surveillance of "communications made by and to plaintiff through the United States mail."

Attention: Is there a lawyer in the house?

Salvaging Our Image

By Kim Steven Juhase

God works wonders now and then;
Behold, a lawyer, an honest man.

—BENJAMIN FRANKLIN

Public opinion of lawyers has not changed much since Franklin's day, but continues to deteriorate because of recent events involving lawyers in government. The New York State Bar Association, under the presidency of Whitney North Seymour, Jr., intends to improve the image of this much maligned profession. Instead of attacking critics who accuse lawyers of dishonesty, the State Bar hopes to improve the image of the attorney by showing the public that Bar Associations, through their Grievance Committees, can effectively identify and punish those lawyers who violate the Code of Professional Responsibility. To accomplish this, the State Bar advocated the establishment of centralized Grievance Committees in each Judicial Department. In addition, they have changed the function of the State Bar Grievance Committee from a prosecutorial to a policy making board and have advocated that all members of the Bar and bench promptly report lawyer misconduct.

Prompt reporting of misconduct

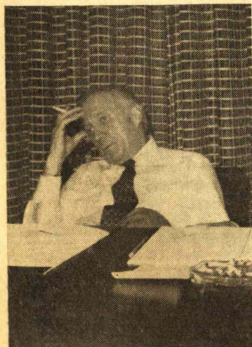
will be implemented by a newly established subcommittee of the State Bar Association's Special Committee on Lawyers and the Community. Officially called the Subcommittee on Professional Conduct, it is headed by Robert G. Morvillo, a former Assistant United States Attorney in charge of the Criminal Division in the Southern District of New York who is now in private practice. According to Morvillo, the goal of the Subcommittee is to encourage agencies which deal with lawyers to report lawyer misconduct to the proper Grievance Committee. Morvillo claims that "the agencies are lethargic; we're trying to stir them up."

The Subcommittee is informally organized. It has no staff and consists of only four members, including Morvillo. This informality fits the activities of the Subcommittee, which does not actively investigate lawyers. Besides encouraging agencies to report breaches of the Code, Subcommittee members check the news media for examples of lawyer misconduct, such as violations of the Code provisions prohibiting pre-judicial publicity. "The whole idea of the Subcommittee," Morvillo summarized, "is to get people thinking of lawyer misconduct."

Another lawyer involved in improving the disciplinary apparatus in New York State is the Chairman of the State Bar Grievance Committee, Angelo T. Cometa, former Assistant District Attorney in Manhattan and currently a member of the firm of Phillips, Nizer, Benjamin, Krim, and Ballon. Cometa considers the major function of the Committee to be cooperation "with all Grievance Committees and all agencies to promote the effective administration of disciplinary procedures." Because of recent changes made in the State Bar Association's by-laws, the State Bar Grievance Committee will no longer be involved in the actual investigation or prosecution of wayward attorneys. It will be instead a policy-making body, initiating new legislation to improve the State's disciplinary machinery.

There are various ideas Cometa and his Grievance Committee would like to see implemented. Cometa gives first priority to the proposed mandatory registration of lawyers. Such registration would require a yearly fee of \$25 to \$50, which would be used to finance misconduct proceedings. Cometa urges that "lawyers should be required to assist in the financing of their disciplinary mat-

(Continued on Page 3)



"There is a strong built-in bias towards staying within the White House rather than getting out into the subways of the world and rubbing up against people with their complexities of daily life."

tween practicing privately as a partner in one of Wall Street's most prestigious firms and working as part of the White House staff. "You don't have the kind

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Putting It All Together

By Wayne Baden

Why do we study the law in bits and pieces? Large areas of the law have been separated artificially into smaller substantive areas which can seldom, if ever, be considered separately in the face of actual legal problems. In the hope of initiating a student-faculty dialogue on the matter, I would like to pose several questions about the current curriculum.

The Bulletin's pre-requisites for Estate Planning are: Taxation, Federal Estate and Gift Taxation, Trusts, and Wills and Administration. Equally relevant to Estate Planning is the gifts aspect of Property I. Also necessary, but not pre-requisite, are the future and executory estates in property, powers of appointment, and the rule against perpetuities covered by Property III.

Two aspects of this arrangement are puzzling. If Estate Planning is a course which pulls an area of the law together, and the number of pre-requisites indicates this purpose, then its emphasis on the tax aspects (Bulletin, p. 30) excludes consideration of many problems lawyers are likely to encounter in this field, e.g. powers of appointment and the uses of trust devices. If Estate Planning fails to deal with many of these problems, the student is left with no course that deals with this field as a large, coherent body of law.

While one solution would be to increase the number of pre-requisites by adding Property III and expanding Estate Planning to three or more credit hours, such a decision would only increase the

scheduling burden of an interested student and would turn an elective system into essentially a regimen of required courses. Furthermore, it is doubtful that the task of integrating this area of law should fall to one course given at the end of a long road of courses which have been artificially separated by the curriculum.

During the spring of 1974, the Student-Faculty Curriculum Committee debated the merits of incorporating Wills, Trusts, and Future Interests into one four-credit course. Many members agreed that numerous legal problems cross what are now interdisciplinary lines. Disposing of a sizeable estate over several generations requires more than a knowledge of a will's execution. The spouse's right of election, the use of trusts, and the problem of disposition itself are all important considerations. Should they be dealt with separately by different teachers in different courses at different times? Or are they sufficiently interrelated to be taught together? Consolidation would do more than foster a better understanding of the whole area. It would also lessen the pre-requisite burden for a course in Estate Planning.

Consolidation of these areas is a feasible alternative. Law schools throughout the United States have begun the integration of what were formerly separate courses. Many schools have incorporated Trusts, Wills, Future Interests and gift law into an integrated course oriented toward the functional solving of problems.

Moreover, this recognition that some courses are better taught as integrated units is not limited to

property and estate law!

Although not listed as a pre-requisite, four credit hours of Corporations must be added to the eleven hours of courses a student must have to take Business Planning. The current curriculum assumes, as it does for Estate Planning, that all the various pre-requisite courses eventually will be integrated by the Business Planning course. However true that assumption may be, offering all the pre-requisite courses separately defeats the spirit of the elective system and also puts an unfair and unnecessary burden on the Business Planning course.

Business problems cannot be logically separated into courses labeled "Corporations" or "Federal Regulation of Securities." For example, it would seem very important and helpful to include the ramifications of Rules 144 and 146 of the Securities Act of 1933 in a discussion of a promoter's investment and compensation in a company. It would also seem that directors' liability cannot be covered adequately without considering their liability under the two federal security acts.

Consolidation in both the areas of estates and business might result in more reliance on the problem method of teaching rather than the case method. Also not to be overlooked is the increased schedule flexibility which would be available to students suddenly unburdened by pre-requisites for the Estate and Business Planning courses.

A serious examination of these considerations is crucial. The answers will determine whether the Law School turns out excellent lawyers or merely good ones.

— editorial —

What ever became of vacation? A number of students have proposed a two-fold change in the academic calendar: 1) complete fall semester exams before Christmas, and 2) schedule a Monday through Friday spring semester intersession.

Completing fall semester exams before Christmas has its advantages, but there are also drawbacks. Classes must begin in August, and there is less time to study for exams. On the other hand, pre-Christmas exams would permit students to enjoy their vacations without the threat of impending doom.

The real problem is that there is little opportunity for student input. Students should be allowed to participate in planning the academic calendar.

We fail to see why the school persists in beginning spring semester on Thursday. Two or three-day weeks are non-productive. The administration refuses to change the beginning day of this semester's spring vacation to a Monday because "the calendar has already been printed." We find this excuse untenable.

As a gesture of good faith, the administration should immediately reschedule spring intersession to begin on a Monday.

New Course Required

As part of a concerted drive to upgrade the ethical responsibility of lawyers, the American Bar Association now requires law schools to offer a course on professional responsibility in order to receive ABA approval.

The BLS course, entitled Legal Profession, is required for all third-year students and is taught by Dean Gerard Gilbride and Prof. Fabian Palomino. Dean Gilbride describes the course as not merely a study of ethical responsibility, but a series of lectures on the background of the legal profession, the history of legal professional organizations, and the work of bar associations and their grievance procedures. Course materials include the Code of Professional Responsibility and related

cases. Students will receive grades based upon an examination.

Six lectures will be given by various faculty members on their specialty in the legal profession and the ethical problems a lawyer may encounter in that area of practice. Other topics to be covered include fees, advertising, solicitation, unauthorized practice, competency requirements, malpractice, representation of indigent clients, client confidentiality, and office bookkeeping.

Dean Gilbride emphasized that the course will not involve a question of what one can or cannot do. Maintenance of the integrity of the legal profession and recognition of ethical problems will be the primary focus of the course.

BLS Scholarships

By Bob Heinemann

The time for applying for scholarship aid, loans, and other financial imponderables is upon us again. To apply for financial assistance from BLS, one must complete an application blank and a GAPSFAS financial aid form. Both are available on the 9th floor and must be completed by February 28th.

According to Dean Gilbride, who is in charge of administering the school's scholarship program, the goal is to provide financial assistance to the largest possible number of students who demonstrate need. For this reason, the scholarships awarded are usually partial, and academic performance

is of secondary importance. As long as a student is in good academic standing (75 average or above), he or she may qualify.

It is extremely important that all applicants give BLS a complete and accurate financial statement, with particular emphasis on providing parental information, regardless of emancipation. If such information is not provided by the student, it will hurt his or her chances of receiving scholarship assistance.

The scholarship program is part of the overall operating budget of the school. Approximately \$150,000 has been budgeted by BLS for financial assistance in the 1975-76 academic year.

Why Is BLS Different?

By Jay B. Hashmall

BLS has an academic calendar that is almost one of a kind. It seems amazing that with the student radicalism of the 1960's, the progressive tide passed right over the school calendar, leaving it unchanged and unloved.

What can be said of an arrangement which (1) places exams after Christmas vacation, (2) contains an intersession ranging only from 5 to 7 days, (3) has a Passover/Easter vacation which fails to connect two weekends, and (4) continues spring semester classes and exams an appreciable time after most other law schools in the Northeast have finished?

Perhaps the unique features of the BLS calendar are not really so bad. Only a person who wants to vacation during the Christmas holidays rather than prepare for upcoming exams would complain. The calendar is unsatisfactory only for those who like to take a deep breath after winter exams. It is difficult only for those who must find employment during the summer in order to attend school in the fall. Otherwise the academic calendar is great.

There are no classes on Thanksgiving Day, Election Day, Jewish holidays, or Washington's Birthday. Classes are rarely scheduled on Saturday. According to Dean Hambrecht, who formulates the calendar each year, these are the major guidelines which must be followed. The only state require-

ment is that the school semester last sixteen weeks, including exams. The semesters at BLS last over seventeen weeks, including exams.

Most law schools and colleges have adopted new and creative academic calendars in recent years. Few are perfect, but almost all are an improvement over the archaic one at BLS.

The most fundamental change has been scheduling exams and terminating the semester before Christmas. Schools which have instituted this improvement, such as Columbia Law School, Georgetown Law School, George Washington Law School and American Law School, as well as many colleges including the State Universities of New York, seem quite content with the innovation.

There are very few schools which have as short an intersession as BLS. In the immediate area, Fordham Law School and NYU Law School had intersessions last year of nine and ten days respectively. Columbia had a fourteen day break, excluding the adjoining Christmas holiday. And even the local colleges, such as Kingsborough Community, Brooklyn, and Hofstra, enjoy breaks of from nine to fourteen days.

Not surprisingly, there are few schools which have spring vacations beginning at mid-week and ending at mid-week. Most last from one restful weekend to the next. A brief glance at the Spring exam schedule at a few law

schools will show the unwarranted extension of the BLS school year. Last year, Fordham Law School students finished exams on May 24, Columbia on May 10, Georgetown on May 18, NYU on May 25, George Washington on May 18, and Yale on May 18. Here at BLS exams began on May 20th. After most law schools had finished, exams were just beginning at BLS.

Are the number of vacation days important, or are we not here for the best legal education \$2,000+ can buy? If students are more interested in their vacations than in their courses, something is wrong somewhere, right? Wrong!

The study of law is a full-time business. Like any other occupation, it requires hard work, diligence, and total involvement. A calendar which allows the mind to relax periodically with real vacations permits steadier and more energetic application to studies. A calendar which creates better and more enjoyable working conditions produces better and less anxiety-ridden workers. If other schools can successfully follow such a calendar, so can BLS.

If it means beginning the fall semester a little earlier, it would be well worth it. If we lose the few days between exams — who knows? — perhaps frustration, fatigue, and irritability will not be evident by the fourth or fifth exam. Perhaps everyone will even feel and do better! It is definitely worth a try.

BLS Scholarship Statistics

Applications	Scholarships	Amount Budgeted	Amount Expended
1972-73	198	\$100,000	\$97,000
1973-74	211	\$125,000	\$125,600
1974-75	246	\$150,000	\$140,000

Garment

(Continued from Page 1)

of view is represented that might not otherwise be represented." Garment worked most on school desegregation (1970), the Indian Reform Message of July 8, 1970, and open housing (1971). He spent a great deal of his time investigating and preparing memoranda, analyzing the state of the law and proposing the outlines of Executive policies which would be the subject of speeches or messages on these issues.

Garment was also involved in the negotiations with the Indians during the seizures of Alcatraz, the Bureau of Indian Affairs building in Washington, and Wounded Knee. The occupation of Alcatraz lasted eighteen months. "There were hawks and doves in the government and a great deal of local pressure out of the immediate area in California to take the Indians off by any means, including a Coast Guard invasion if necessary. And there were certain of us that felt it was better to wait it out. Ultimately, the occupation dwindled down to a few and with great care and in the middle of the night, they were taken off the island. There was one death and that was accidental. A child fell from one of the catwalks, and sustained fatal injuries. But it could have been a mess if an effort had been made in San Francisco Bay to capture Alcatraz from the Indians."

The second incident was the seizure of the BIA building in Washington. "Through a series of bureaucratic mishaps with respect to housing arrangements for the demonstrators, a scuffle broke out in the BIA building and the American Indian Movement leaders who were involved led a spontaneous seizure of the BIA. That was right around election time in 1972, if I recall. And again there was a question of going in, guns blazing. That one came pretty close to the point of real violence because of a court order that was entered as a result of some kind of misunderstanding between the Justice Department and the judge in the jurisdiction of the proceeding. Ultimately we settled the case by providing transportation for all of the demonstrators back to their homes throughout the country. That in turn led to a great deal

of criticism by the Congress and some press that this was a giveaway, coddling the criminal and so forth. But again I thought that was the right thing to do, to avoid real bloodshed.

"And then Wounded Knee came about as a result of a dispute over a tribal election. I think every one of those 74 days involved a minimum of one and a maximum of eight or ten hours of daily meetings in Washington to decide what, if anything, to do. It was always a constant struggle between those who wanted to send the federal marshals in and those who felt we should try to work it out some way. Ultimately, that was worked out again by the intercession of Indians who were able to move on both sides.

"In these three areas, all involved substantial debate and fairly important changes, but the main position developed in each instance by my own group and myself was adopted and then presented as proposed Executive policy. I was representing points of view that might run against the grain of the established Executive White House policy. And I had no difficulty presenting those viewpoints and having them accepted with a reasonable degree of frequency."

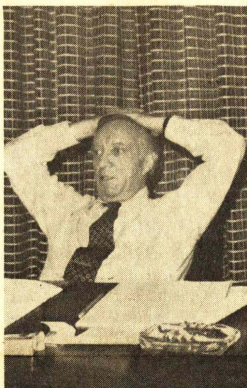
When he was White House Counsel, from May 1973 to June 1974, Garment was part of the team which included Fred Buzhardt and Charles Alan Wright, the men responsible for defending President Nixon in the constitutional confrontation resulting from Watergate. His function was essentially organizational; as he described it, he was "trying to keep the work load of the White House lawyers under some sort of control in dealing with the constant flow of press inquiries and stories that required handling by the people in the press office, who had to be acquainted with what the lawyers knew or thought they knew." He was also involved in the preparation of briefs before Judge John Sirica and the Court of Appeals.

After June of 1974, "the only further work that I did as a lawyer on Watergate was in connection with the reply brief, or the editing of the original brief from the Supreme Court which was undertaken by St. Clair, Buzhardt, and his staff of attorneys. And then Fred Buzhardt had his heart attack and St. Clair was

busy with the Judiciary Committee, so I did some editing work on that brief. And then Charles Alan Wright came back and then I, working with the staff attorneys, drafted the reply brief."

At the request of President Ford, virtually all of the Nixon White House staff remained during the transition period. Garment's responsibilities paralleled those he had under the Nixon Administration. He was "also working on the issue of Soviet immigration, the Jackson amendment, trying to coordinate some of the flow of information and arguments, between and among public and private groups. And then, of course, I spent a lot of the time in the last six months packing."

Garment's closing remarks concerned Brooklyn Law School. "I am appropriately and eternally grateful to BLS." It was his opin-



"I am appropriately and eternally grateful to BLS."

ion that the "Wall Street" firms are now actively recruiting at BLS and are finding the Brooklyn Law School graduates on a level comparable to and competitive with the graduates of ivy league schools.

Salvage

(Continued from Page 1)

tioners instead of burdening the taxpayers." The State Bar Association petitioned the N.Y. Court of Appeals to institute the program but the plan was rejected. The Bar Association now will try the legislative route.

Cometa and his Committee have also recommended that power be given to the District Grievance Committees to grant immunity to witnesses or respondents in certain circumstances with the consent of the prosecutor. This power is necessary, Cometa believes, in situations where both the lawyer and the client profit from the lawyer's misconduct, as where an "ambulance chaser" and his client concoct a fraudulent medical claim. In such case, a client would not testify without immunity because he would lose his medical payment and could go to jail for insurance fraud. Cometa would assure the client of immunity in order to get evidence against the lawyer.

The State Bar has succeeded in establishing centralization of disciplinary proceedings within each Judicial Department of the State. This innovation has recently been put into effect in the 2nd Judicial Department, which includes Kings, Queens, Richmond, Nassau, Suffolk, Rockland, Westchester, Putnam, Orange and Dutchess Counties, under new rules promulgated by the Appellate Division of the 2nd Department. The local Bar Associations, which formerly handled all disciplinary proceedings within their jurisdictions, will now handle only minor misconduct. To replace the former disciplinary authority of the local Bar Association, three district Grievance Committees have been established independent of the Bar Associations. For example, one District Committee handles lawyer misconduct in Brooklyn, Queens and Staten Island. Each Committee is composed of a chairman and fifteen members, all appointed by the Appellate Division

from lists submitted by the local Bar Associations. Each committee member serves for a four year term.

When the District Committee receives a complaint or discovers misconduct, a preliminary investigation is undertaken before the matter is submitted to the full committee. The committee, by a majority vote, can either dismiss the complaint, privately admonish the attorney, issue a letter of caution, or hold a hearing on the charges. If a hearing is held, the attorney has a right to counsel in the proceeding before the full committee. If a majority of the committee believes that there exists probable cause for finding serious misconduct, the committee may lodge formal charges against the attorney with the Appellate Division, which then appoints a referee (usually a retired or sitting judge). The referee hears the testimony and receives the evidence and then sends a report to the Appellate Division stating whether or not the charges have been sustained. The Appellate Division can accept or reject the referee's report. If the Court holds the lawyer guilty as charged, it then decides whether to censure, suspend, or disbar the attorney. An attorney may appeal the final decision in the Court of Appeals, but most applications for leave to appeal are denied.

Ever since the first lawyer charged a fee, the public has considered lawyers a necessary evil — to be used when needed, but never trusted. The fact that lawyers police themselves, with the proceedings often held in total secrecy, leads a large segment of the public to believe that the term "brothers before the bar" should be taken literally. While the New York State Bar Association is taking steps to assure that dishonest lawyers do not go unpunished, more reform is required before the general public will believe that "dishonest" should replace "honest" in Benjamin Franklin's witticism.

Rosdeitcher to Teach Civil Liberties

Can an eminent anti-trust litigator with a defendant perspective find happiness teaching a course in civil liberties? Sidney S. Rosdeitcher, a partner with the law firm of Paul, Weiss, Rikkind, Wharton and Garrison, believes that he can.

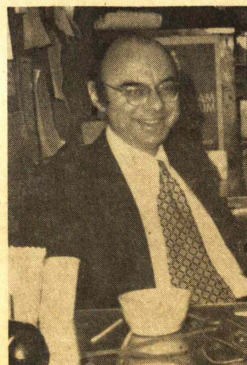
Prof. Rosdeitcher brings to BLS a list of impressive credentials and varied experiences. He received his A.B. from Columbia in 1958. In 1961 he was graduated from Harvard Law School where he was an editor of the Law Review. He then went to work with the Office of Legal Counsel of the Department of Justice under Nicholas Katzenbach. While with the Department of Justice, he was involved with the "freedom ride" cases of the early 1960's, the "Subversive Activities Control Act," and President John Kennedy's famous "steel roll-back."

After his years with the Dept. of Justice, Prof. Rosdeitcher joined the Paul, Weiss firm in New York.

Three years later he was back in Washington working for the Federal Trade Commission as assistant to Phillip Elman, the dissenting voice of the FTC. After a year and a half, he was back again

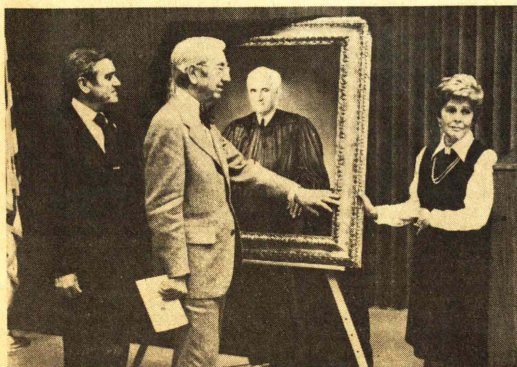
with Paul, Weiss, where his primary concern is anti-trust litigation with a smattering of civil liberties cases.

Prof. Rosdeitcher noted that his course will encompass an intensive concentration on the First Amendment to the Constitution, rather than a survey of what one usually conglomerates under the heading "individual rights." The course will not be aimed at preparing students for a bar exam on how to protect people in all sorts of civil rights cases.



JESSUP TEAM

The International Law Moot Court Team, composed of Ellen Schulman, Dale Christensen, and Susan Alexander, will submit memorials on Feb. 14. The team will argue orally at Rutgers Law School in Newark on March 7-8. This year's Jessup problem involves the international law of the environment.



Marion Botein presented a portrait of her late husband, noted jurist and BLS graduate, Justice Bernard Botein, to the school on January 21. The occasion was the installation of the officers of the Alumni Association. Justice Edward P. Thompson, president of the Alumni Association, and former Supreme Court Justice Tom C. Clark, installing officer, accepted the portrait, which hangs on the seventh floor outside the Moot Court Room.

Palomino Named Legislative Aide

Prof. Fabian Palomino, a member of the BLS faculty since 1967, has taken a leave of absence to serve as Governor Carey's assistant for legislative matters. Prof. Palomino will act as the Governor's advisor and liaison on all legislation passing through the State Assembly and Senate. Bills which the Governor wishes to submit to the Assembly will be drafted by Prof. Palomino's two offices which will be located in Albany and Manhattan.

Prof. Palomino is regarded in political circles as an expert on the legislative process and as a "lawyer's lawyer." He served as law clerk to Judge Adrian Burke of the Court of Appeals after graduating from St. John's School

of Law in 1955 and went on to become assistant counsel to Governor Harriman. Prof. Palomino has also served as assistant corporation counsel for New York City. He has been involved with legislative committees studying problems in housing, public utilities, and municipal loans. Most recently, Prof. Palomino has been advising Brooklyn Sen. Jeremiah Bloom, ranking minority member of the Senate Finance Committee.

Because his January 20th appointment requires a full-time commitment, Prof. Palomino will be able to teach only the Friday evening Legal Profession course this semester.

Hambrecht Leaves

(Editor's Note: The following article was provided by Dean Hambrecht's office.)

Assistant Dean William M. Hambrecht has announced his intention to retire at the end of March in the current semester. In his letter of January 16 to the Board of Trustees, he stated that the task of modernizing the school's systems and procedures had reached a point where the momentum achieved could be maintained into the immediate future.

The letter also mentioned the personal considerations that prompted his decision. "I cannot do it better," he said, "than Chancellor McGovern did in yesterday's news account of his decision to leave the State Board of Regents. I seek time for other interests, especially time to spend with my family and my wife, who has so generously shared me for so long, with the State of New York." Dr. Hambrecht looks forward to spending more time on the research of oriental rugs, a hobby of all the members of his family, and to give greater attention to the gardens at his home in Lakeville, Connecticut.

After graduation from Fordham University in 1934, he was employed by a certified public accounting firm and subsequently became treasurer of a real estate and insurance company. In 1941 he joined the New York City Police Department and through successive promotions became a captain, the highest competitive Civil Service rank.

His assignments were many and varied. He served as a youth officer, a detective in the Bedford-Stuyvesant and Ridgewood sections of Brooklyn, an instructor in the Police Academy, the managing editor of the department's magazine, *Spring 3100*, and the Commanding officer of the Photographic Bureau of the Detective Division. He later supervised the Data Processing Unit and the Statistical Analysis Unit of the department.

In 1959, at the request of the Governor, he was granted a leave of absence from the Police Department to become the Deputy Director of the New York State Division for Youth. Subsequently he served as Associate Commissioner of the newly created Narcotic Addiction Control Commission and went to the State Capitol as Special Assistant to Governor Rockefeller.

In 1969, he left Albany to become the Director of Administration at the Brooklyn Center of Long Island University and in 1971 came to Brooklyn Law School as treasurer and assistant dean for administration.

In addition to his Bachelor of Arts degree from Fordham University, Dean Hambrecht received a Master of Business Administration degree and later a Ph.D. degree from New York University.

Dr. Hambrecht is married. He has a daughter who is an attorney in Boston and a son who is assistant vice president of a Wall Street securities firm.

The Docket

"SECOND CIRCUS LAW REVUE: Notes from a School for Scandal"

Presented, March 20, 21, 22 in Moot Court "Theatre"

Satirical musical look at Law School

Songs, dance — talents previously unknown in law students.

Tickets available end of February.

Food Day

The Center for Science in the Public Interest, a non-profit organization, is planning a national FOOD DAY on April 17. The purpose of this national effort is to focus on the worldwide food crisis, the sugar-saturated diet of Americans, and solutions to these problems.

For information, contact FOOD DAY, 1875 Massachusetts Ave., N.W., Room 206, Washington, D.C. 20036 (phone (212) 462-8510).

Prof. Erickson

Nancy Erickson, Editor-in-chief of the BLS Law Review in 1972-73, has been hired to teach at New York Law School. She is currently working for Botein, Harp, and Sklar.

Erickson is the author of "A Women's Guide to Marriage and Divorce in New York."

T.M. Lecture

On Tuesday, February 18, the Student Bar Association will sponsor an introductory lecture on Transcendental Meditation. The speaker will be Edward Fox, a teacher of T.M. who has lectured extensively in the organization, Students' International Meditation Society, and has recently spent time on the personal staff of Maharishi Mahesh Yogi. The lecture will begin at noon in Room 400.

Cheerleading Squad

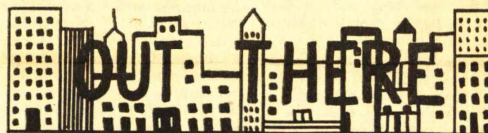
The final meeting and practice of the Philip C. Jessup International Law Moot Court Team's Cheerleading Squad will be held in the ninth-floor reception area on March 5 at 4:10. Bring your tutu and pom-pom.

Price Increase

The price of using the copying machines in the library will increase to ten cents before the end of February. According to Prof. Dusan Djonovich, the price increase is a condition of a new contract to be signed within the next two weeks.



Dean Hambrecht Cashes in His Chips



Music of Romance

By Matthew J. Trautenberg

February is a dark month, a time for remembering love and longing for the warmth of summer. New York's musical scene reflects this preoccupation with the romantic and with those memories that cause us anguish. On February 21 the lyric baritone, Gerard Souzay, one of the most sensitive lieder singers of our time, will return to New York to delight us with his romantic sensitivities in an all-Ravel program at the Metropolitan Museum.

On February 26 Carnegie Hall will be featuring a concert performance of Donizetti's bel canto masterpiece "La Favorita." The rarely heard opera will feature Shirley Verrett and Alfredo Kraus. This opera is filled with romance and an elegance of line in such arias as "Spirito gentil," making one long for the days when an evening of love was not something built around blue denim and amplified noise.

Act IV of "La Favorita" will be offered as part of the Metropolitan Opera's Gala Performance on Saturday, March 1. This black-tie Gala is an event no opera lover should miss and, while tickets are rather expensive, the musical rewards will more than offset any additional expense. Luciano Pavarotti, the world's leading lyric tenor, will be featured in three different acts from three operas, including Act I of "La Boheme" and Act II of "Un Ballo In Maschera." The featured sopranos

will be Lorengar, Dunn, and Blegan with one mystery soprano yet to be announced.

Puccini's "Manon Lescaut" will be performed several times this month at the Metropolitan. Based on the classical novel of Abbe Prevost, the opera is filled with the romantic notions and noble sacrifices that are absent from today's technological civilization. The opera was Puccini's first mature operatic creation, and the music is sumptuously romantic, highlighting the pathos of this sad tale of love and death.

Russian master violinist Leonid Kogan will be giving a concert on February 22 at Carnegie Hall. While details of the program are not presently available, his performances are always superb. On February 13, Nelson Friere, who specializes in romantic piano works, will be featured at Hunter College in a program including works by Chopin and Schumann. Friere is an extroverted, young powerhouse who evokes massive sonorities from the piano by combining sheer animalism with an extraordinary understanding of nuances.

Indeed these are dark winter days, but at least we are blessed with a myriad of musical events, giving us the opportunity to reflect on those romantic episodes which turn mere existence into life. Dante's immortal words echo: "Nessun maggior dolore che ricordarsi del tempo felice nella miseria..." *Inferno*, Canto V. Alas, now is the time to remember the bittersweet moments that are eclipsed by the summer's sun. Now is the time to let romantic music rekindle in us all those painful remembrances of paradise.