The Justinian

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Article 1

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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)

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Abzug Addresses Women's Conference

By Anne Hunter

Over three hundred women from New York metropolitan area law schools gathered at Columbia Law School on February 8, 1975 for a day-long conference on Women and the Law. This was the second annual conference arranged by the Metropolitan Law Women, a coordinating group having representatives from women's groups at Brooklyn, Columbia, Fordham, Hofstra, New York, N.Y.U., Rutgers-Newark, and Seton Hall Law Schools.

The conference began with a keynote address by Congresswoman Bella Abzug. This was a homecoming for Ms. Abzug who graduated from Columbia Law School. Ms. Abzug noted that she had taken to wearing a hat soon after law school in hopes that she would be recognized as a lawyer instead of being sent for coffee. Secretaries shouldn't always be sent for coffee either, she said, as it is hardly a primary sex characteristic. Ms. Abzug lamented the few role models which women have in this country. Calling attention to the fact that all of our country's leaders, the Supreme Court, the Senate and all but eighteen members of the Congress are male, she remarked that, "since we are so few in number we have to be large." Ms. Abzug was encouraged by the strides that have been made for women's rights in the last year, especially the election of pro-Equal Rights Amendment legislators in many of the states. She also cited positive action by Congress in the areas of women and credit, education and the extension of the minimum wage bill to include household workers.

Ms. Abzug cautioned that there had also been setbacks for women as Congress had cut back on spending for child care programs which she feels are essential to

the creation of equality for women. In addition, the National Center for the Control of Rape was vetoed as part of a larger bill. One of the biggest threats she foresaw was in the constant attempts being made to erode the right to abortion. She said the "right to life" people have inundated Congress. This has resulted in amendments attempting to curtail the right to abortion being added to almost every piece of legislation. When the legislators heard from 24,000 "pro-pregnancy" women and silence from the other side, the result was eleven moves to limit abortion rights during the last year. Ms. Abzug urged that the "pro-choice" people must get organized and make themselves visible.

Proposed legislation of interest to women in this session of Congress, Ms. Abzug indicated, includes a flexible hours bill and amendments to the Civil Rights bill concerning sex and marital status and affectual sexual preference.

Noting that this is International Women's Year, Ms. Abzug questioned the "alphabetical" approach to the monthly themes taken by the U.S. — Women in Aviation; Business; Communication, etc. She announced that a counter-convention would be held in Mexico in June and there would be a grand march down Fifth Avenue on March 8.

It is fifty four years since women won the right to vote, Ms. Abzug noted, and this is the first year it is clear that women have the right to run for office. "Unfortunately," she said, "some people have the erroneous impression that we have won the revolution, but one telephone repairwoman does not make a revolution." She went on to say that the suits against AT&T and others are only signposts, as the women's revolution has hit a recession. Ms. Abzug warned that women and minorities are the hardest hit by the "last hired, first fired" policy of most companies. She said that women should not have to fight men for jobs — **everyone** should have the right to a job. She urged that the public demand government programs that would assure jobs for everyone.

Ms. Abzug questioned a society that spends billions for military programs and has a creed of "profits first, people last". She exhorted to each woman present that "it won't do you any good to be a lawyer in a society that has no soul... in a society that seeks to destroy, not build. Women have to use their power to complete the American Revolution so that everyone can have life, liberty and the pursuit of happiness."

Bella Abzug's speech was well received by the women law students. The audience then divided to attend one of the two morning panel discussions. The Columbia Law School physical set-up was very conducive to switching from panel to panel as all the lecture rooms are located on the first floor.

The panel on the Equal Rights Amendment (ERA) was led by two law professors from Seton Hall, Martha Traylor and Elizabeth Defeis. One of a series of videotapes on Women and the Law produced at Seton Hall was shown. The discussion of the effects of the ERA in the film featured Barbara Brown and Ann Freedman, two of the four authors of what is generally considered the definitive article on the ERA, (80 Yale Law Journal). The other panel, entitled Women in Institutions, was chaired by Augustus Jacobs, an attorney and chairperson of the N.Y. Association for the Mentally Retarded, and by Sharon Krebs, social worker in the pre-sentence group — Legal

Aid, teacher of Women in Prisons at the New School and a former inmate. The panel noted that a woman's experience in prison is three times more difficult than a man's experience because of socialization and psychological shock. Eighty per cent of women in institutions are mothers who suffer severely from the feeling of inability to ensure the proper care of their children.

Over thirty women attended the conference from BLS, the majority being from the second-and third-year classes. The poor showing from the first-year class was thought to be caused by their concern over moot court briefs and the feeling that since there were so many women in the first-year class (34%), they did not feel the need to attend.

In the afternoon session there were two sets of three panels. The panel on Women and Statutory Benefits focused on discrimination in insurance, social security and welfare. Professor Ruth Bader-

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Brother Can You Spare a Dime...

By Joyce David

On Feb. 24, the price of copying material in the school library increased from a nickel to a dime. The company which operates the machines, IMSG Systems, claims their cost to be seven cents per copy. Because of price increases in their materials, IMSG was able to have the existing contract with the school amended.

Other metropolitan area law schools have also had their prices raised, but thanks to Professor Dusan Djonovich, head librarian, BLS was the last to suffer the price increase. IMSG deals with all of the law schools on a concession basis. BLS makes no profit on the copy machines.

Prof. Djonovich did manage to elicit several benefits for the school from IMSG that will partially compensate for the increase. IMSG has raised its donation from $1,000 a year to $2,000 this year and $3,000 next year and every year thereafter. In addition, IMSG has donated $1,500 to the school to build two soundproof copy centers in the building. One will be on the second floor and one will be in the basement, which is being prepared for further library use.

The library will also be getting one bond copier, which will produce a better quality copy. It will be the same price as the old machines with the smudgy copies. Eventually the library hopes to get all bond machines.

There is also the possibility of getting copy machines that make copies 11" x 17". This would enable students to copy two pages from large federal reporters on one sheet without having to spend time writing in the last few lines of each page that didn't get on the copy. IMSG will get those machines in June, but will not promise their installation at BLS.

According to their new agreement wth BLS, if IMSG finds that anticipated profits from the increased price are severely reduced due to a large decrease in volume of usage, IMSG may roll back their prices. In that event, the school will keep the increased donation, and the soundproof rooms will have been built.

Prof. Djonovich discussed several alternatives to the price increase. The library could obtain their own machines for the copy centers. However, this would involve legal and administrative problems. A question of copyrights arises when a library runs a copy center where material from published works is copied. The extra administrative duties would involve hiring additional staff, getting service contracts on the machines, making change, etc. And even then, there would be no guarantee that the school library could operate copy machines cheaper than IMSG does or obtain fast repair service. IMSG is very good about providing prompt repair, even on weekends.

Another alternative would be for the SBA to run the operation. There is the same legal problem involving copyrights and, additionally, SBA's status might have to change from a non-profit to a profit-making organization, which would raise several problems. There would also be the same administrative problems of ordering supplies, getting service contracts, keeping records, etc.

The most viable alternative may be the use of tokens in the copy machines. One reason the price was raised to a dime was that the machines are not equipped to take pennies, nor would pennies be practical. There are some machines in the city which use special tokens purchased separately for seven or eight cents each. The SBA could probably sell these tokens. IMSG's representative said

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Civil Court Program Initiated

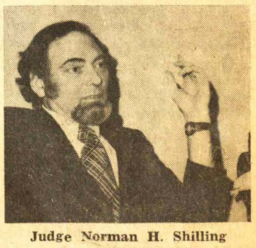
By John O'Reilly

Believing that students would receive an educational benefit not available in the classroom, Civil Court Judge Norman H. Shilling, class of '57, has proposed three programs which would open his courtroom to BLS students.

The intricacies of jury selection and the demeanor of an attorney before a jury are two areas of the law not taught by a casebook. Judge Shilling proposes to have groups of six students sit as a mock jury on a case being litigated in Civil Court. The case file, containing such pertinent documents as the complaint and answer, would be made available to the students. Students would observe the selection of the actual jury and the argument of the case. After decision by the jury, the group of six students would render their decision to the judge and then discuss the case and the actual jury's verdict. Judge Shilling feels that by watching attorneys in a courtroom, students will acquire information as to how to conduct themselves before a jury. They will also experience first-hand the workings of a jury and its decision-making process. Furthermore, students will be able to confirm their impressions by discussing the case with the judge and, possibly, the attorneys.

Pre-trial conferences and settlement negotiations are two other important aspects of an attorney's practice which are not taught in law school. When Judge Shilling is sitting as Conference Judge, he would permit two or three students to observe settlement conferences. To facilitate the disposal of cases in Civil Court, attorneys are required to be prepared and authorized to settle cases when before the Conference Judge. Student observers would be briefed on the facts of the case and the arguments of the parties. Negotiation techniques may be gleaned by watching attorneys attempting to settle their cases. Judge Shilling would make himself available to discuss the proceedings.

Judge Shilling has also offered



Judge Norman H. Shilling

to supervise four second or third-year students as law interns. Students would work with Judge Shilling's law secretary, Peter Weiss, in legal research and in consultation with the Judge on case decisions. While working as a voluntary clerk, students would be afforded a backstage view of a case.

In addition to the above programs, Judge Shilling and Mr. Weiss expressed a willingness to take large groups of students on a

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Faculty Reappointments

There is no logical reason to deny student participation in the decisions to reappoint untenured faculty or to grant tenure.

A list of sterling credentials on a resume is given more weight in hiring and reappointment decisions than are teaching ability or rapport with students. And poor planning often forces new professors into subject areas in which they are either bored or clearly incompetent.

Far too often the buddy system has saved a faculty member's job. Who is friends with whom and how popular a particular individual is with the rest of the faculty seem to take priority over effectiveness as a teacher. Faculty observers, who are often friends of the observed, only see a one or two hour classroom performance with a maximum teaching effort.

Students must endure the depths of a poorly taught course for a full semester. Students are in the best position to judge the effectiveness of a professor's classroom ability.

The students are always the last to be consulted, if they are asked for an opinion at all, but always the first to suffer. They can't ask for their money back, nor can they avoid the teacher if it is a required course. Students should be given a voting voice on the faculty reappointment committee and the results of student evaluations of faculty members should be given considerable weight.

Getting Out the Grades

According to page 18 of the Brooklyn Law School catalogue, "a report of a student's grades is mailed to the student approximately five weeks after the close of the final examination period." As usual, five weeks came and went with nary a sign of that familiar windowed envelope.

Have the computers broken down or are some faculty members such slow markers that once again everyone else must wait? Students have a limited time in which to take exams. Surely it is not unreasonable to ask that the faculty mark exams and the administration mail grades within the specified five-week period. There is no excuse for laziness.

Clerkship Assistance Announced

By Fred Mittelman

The Faculty Committee on Judicial Clerkships and the Placement Office will begin an unprecedented program to aid BLS students in their search for judicial clerkships by providing massive doses of information, counseling, and screening.

The Committee, headed by Prof. Henry M. Holzer, has sent a detailed questionnaire to over 1500 state appellate and federal judges across the country. The Alumni Office has contacted former BLS students who have held clerkships for further information. This information and other items are being drawn together into a directory and library of clerkship materials to be housed in the Placement Office. This compendium is to be updated annually.

The Committee was established last fall and consists of, in addition to Prof. Holzer, Prof. Margaret Berger, Prof. Oscar Chase, Prof. Richard Farrell, Mr. Henry Haverstick and Mr. William Holtzman. Chairman Holzer stated that the Committee will be the school's official screening agency for those judges desiring such a service and stressed that the Committee would serve **only** where requested by the judge **and** the student. He believes that the minimum criteria to be used in evaluations by the Committee should be those expressed by the judges themselves. Chairman Holzer said that a list of all students using the Committee will be submitted to the entire faculty and each professor will be free to comment on whatever basis the professor feels proper. It is Holzer's opinion that the most pertinent criteria is writing ability as demonstrated by Law Review membership, Moot Court experience, course papers or other experience.

A detailed memorandum explaining the program will be distributed to second-year students starting March 24th. A meeting on the subject will be held during the week of April 7th.

Chairman Holzer and the rest of the Committee hopes that the student response will be sufficient to justify the amount of time and effort expended in the development of the program.

Putting It All Together — Revisited —

By Professor John Meehan

You will forgive the tired title. But I've been working on this problem for a long time. I read with interest Mr. Wayne Baden's article in the February 12th issue of **The Justinian**, in which he asks why law must be studied "in bits and pieces." This is a question with which law teachers and students perennially agonize.

I will state my own personal views on the subject, not in my capacity as Chairman of the Faculty-Student Curriculum Committee. I must confess that I have been ambivalent on the question. It is a good one, of course. It is true that no client comes to a lawyer with a purely contracts, or securities, or trusts problem; the facts of his case usually cut across a number of areas, and the proposed remedies run the procedural gamut from trying to settle the case amicably to enforcing a judgment. The mere drawing of a will involves a full knowledge of property and trusts law, including future estates and perpetuities, estate and gift taxation, the substantive and procedural law of wills, insurance law, etc., as Mr. Baden points out.

It is the lawyer's job to recognize, isolate and analyze each and every facet of the problem, and then to formulate an overall plan of action, or overall concept of the instrument he is to draw, or business organization he is to form. In my opinion this can be achieved only by having studied the various legal subjects in their individual settings.

Over the years I have done some reading on the subject of integration of courses and must admit that at times I have been beguiled by some of it. The combining of subjects germane to each other, for example, wills, trusts and future estates, sounds like a perfectly sensible idea. However, an examination of the "integrated" books of materials and cases invariably has disclosed tables of contents listing: "Part One: Wills; Part Two: Trusts; Part Three: Future Estates," and so on. They employ, generally, the obvious device of telescoping the subjects into one volume somewhat heavier and fatter than the traditional one.

Naturally students are impatient and dislike dwelling upon "the details." "Let's act like lawyers" is the cry. "Lawyers deal with problems." True enough. But the "problem method" of teaching will get a student nowhere if he does not have the background to analyze the problem and apply the law. This ability can come only from a thorough grounding in each area involved.

Of course a "dialogue" on this subject could go on **ad infinitum**, getting bogged down, as "dialogues" have a way of doing, in semantics and arguments on differences of degree. It can be plausibly argued that a course such as Estate Planning or Business Planning touches upon insurance, contracts, negotiable instruments, suretyship, torts, agency, criminal law and so forth. Why aren't all of these stated prerequisites? Simply because the line must be drawn somewhere — arbitrarily.

Perhaps only a student who has taken the course in Property III (future estates, perpetuities, and powers of appointment) can realize how fanciful it would be (though it might have sounded like a good idea before he took the course) to combine those intricate subjects with trusts, wills and estate taxation. (Ask someone who took the course.) Certainly these other areas are germane and are necessarily touched upon and treated in a subordinate fashion. But in my opinion as an experienced teacher in most areas of property law it would be disastrous to attempt to give them equal attention. Similarly in Estate Planning, where the primary emphasis is on tax consequences of gratuitous transfers. All types of property transfer devices must be considered. Why aren't they all prerequisites? The necessary line again.

About a year ago the matter of integration of gratuitous wealth transactions (proposed by Mr. Baden, then a Member) was discussed in the Faculty-Student Curriculum Committee and a proposal was presented to the Faculty. This particular proposal was not accepted. A subcommittee of the Faculty was appointed, augmented by every student Member of the Curriculum Committee, to investigate and report on a feasible proposal. The Faculty Members of this subcommittee were all those who teach property, wills and trusts courses. The subcommittee met and concrete written proposals prepared by individual Members or groups of Members were called for. Not one has been submitted to date. I am certain that the reason for this must be not dereliction of duty (I would never charge myself as a Member with that), but the fact that a feasible proposal has not yet been devised.

In short, integration is a fine idea and segregation is a fine idea. Which is better? It depends. How much integration and how much segregation should there be? Reasonable amounts. After long and hard consideration, it is my personal conclusion that the traditional classification of law courses, at least in the property areas, is generally sound and necessary, although not ideal. Nothing in legal education is ideal. No law teacher is ideal, and I have yet to meet the ideal student.

Deliver me from the teacher who says: "Good Morning. Today we will be considering perpetuities, the gift tax, the surviving spouse's right of election and charitable trusts." "But he wouldn't consider all those things in one session," you might object. Of course he wouldn't. First he would cover one subject, then another, and then another, in orderly fashion.

Civil Court

(Continued from Page 1)

tour of the Civil Courthouse. A case would be traced from its initial contact with the court, filing with the Court Clerk's office, to its final disposition or trial. Mr. Weiss confirmed the educational value of such a tour by citing the well-known tale of the law school graduate who, upon being presented with his first case, did not know where to file the complaint. These tours will be conducted only if a large number of students express desire to be shown through the buildings.

Because of the efficiency procedures put into effect by Administrative Justice Edward P. Thompson, the calendar in Civil Court is up to date. The court, which had a fifty-one month backlog in 1969, now brings cases to hearing within two weeks after filing. Justice Thompson fashioned a troika system whereby judges work in teams of three — one judge on conference and assignment and two backup judges who sit on trials. The conference judge oversees settlement negotiations and tries to dispose of the case without going to trial. Those cases not settled are assigned to trial before one of the backup judges. Judicial assignments are changed monthly and judges rotate throughout the Civil Court system, going from trial court to landlord-tenant to small claims to pro se hearings. Students would be given the opportunity to observe current disputes involving such areas of the law as consumer transactions, commercial non-jury, separation agreements, and landlord-tenant.

Judge Shilling emphasizes the value of the courtroom as an educational tool. He feels that there is a need for law students to have broader experience in the real world before they become practicing attorneys. Since many lawyers first practice in the Civil Court, knowledge of the court through observation of experienced attorneys will be very beneficial. In addition, Judge Shilling feels very strongly that courts need to be made more accessible to the public. The presence of a knowledgeable audience may cause the attorneys involved in the case to better represent their clients' interest. Judge Shilling foresees that students' educational needs and the interests of justice would be served by these programs.

Professors Gary Schultze and Martha Schecter will supervise student participation in the Civil Court programs. Students can apply by signing the appropriate list on the Faculty Secretary's desk.

Spare a Dime

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that he would "look into the matter" but that none of their machines take any sort of token that is manufactured for this purpose and that to adapt them would be impractical and expensive.

Commentary

If IMSG's profits were to drop sharply due to a decrease in usage of the copy machines, they would probably consider the matter of "token" machines a little more seriously. But as things stand, why should they try to develop a system for us where they would get seven or eight cents a copy when they can get a dime?

Since we're getting soundproof rooms for the copiers, there won't be all that racket in the library that makes it impossible to concentrate. Maybe the increased silence will induce students to do their studying and research in the library and reduce their need to copy materials to study at home. But unless students decrease their use of the copiers, chances for a price rollback are very slim. Happy Boycott!

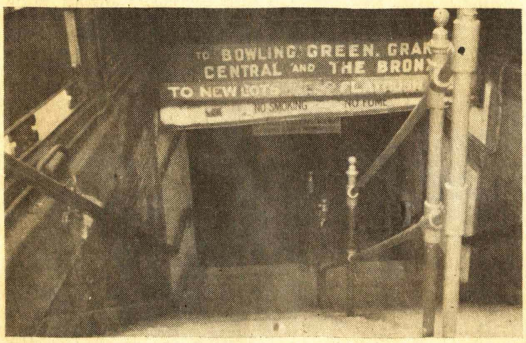
State Recognizes Rights Of Disabled Citizens

By Joseph Supp

On Sept. 1, 1974, New York State officially recognized that it is just as unlawful to discriminate against a person on the basis of his physical disability as it is to discriminate on the basis of race, color, creed, national origin, age or sex. Protection which was previously afforded these other groups under the Human Rights Law has now been extended by the Flynn Act to include the disabled. The law now provides legal recourse for people who have been denied access to housing, education, employment, or public accommodations, such as restaurants, theatres, hotels, and government buildings. According to Lydia Clark, chairperson for the Human Rights Division Task Force on the Disabled, as of February 1, over 160 disability cases have been filed with the Division of Human Rights since the law went into effect. This figure represents almost 10% of the total case load per month. Additional funds and one additional staff member are helping to implement the act. Most of the cases have dealt with job discrimination; five have dealt with housing, three with public accommodations, and two with education. No cases as of Feb. 1, have gone to public hearing, though some have been placed on the calendar.

Procedure

A person who has been the victim of unlawful discriminatory practices may file a complaint with the Division of Human Rights or commence an action in the Supreme Court, but not both. The advantage in filing with the Division is that the Division will act as advocate for the complainant, but the complainant may also retain his own counsel if he desires. The Division has the power to issue subpoenas; to compel witnesses to testify; to compel the production of books, records, documents, or any other evidence relevant to the case; to obtain a court injunction or court order to enforce a Division order; to order the violator to cease and desist from any unlawful practices under threat of contempt, fine, or imprisonment of up to one year; and to award compensatory damages to the victim.



Upon the filing of a complaint at the nearest regional office (six of the State's fourteen are in New York City), the Division will make a prompt investigation of the complaint, within fifteen days if possible, depending upon the difficulties encountered. The Division will then make a determination of whether probable cause exists to sustain the charges. The procedure thus far has been to send all findings to the main office at 250 Broadway in Manhattan to be screened by the special task force. Any unique problems are brought to the attention of the Commissioner. If there is no probable cause, the regional director will dismiss the complaint, but the complainant may appeal within fifteen days by notifying the Human Rights Appeal Board at 250 Broadway or by writing to the Commissioner to request a reopening if new evidence has been procured.

If probable cause is determined to exist, the regional director will attempt to resolve the case informally by conciliation with the respondent. What transpires in these proceedings is not subject to disclosure except for the final terms of the conciliation agreement. If an agreement is reached which the complainant refuses to accept, the Division may, in its unreviewable discretion, hold a public hearing, dismiss the complaint on the grounds of administrative convenience, or execute the agreement in the public interest and limit the scope of the hearing to the complainant's objections. Upon execution, the terms of the agreement are finalized by court order. So far, this procedure has met with a limited degree of success. As soon as a complaint is filed in some job discrimination cases, the disabled person is hired and charges are dropped.

If an agreement is not reached with the respondent through these informal procedings, a public hearing is scheduled within sixty days after the complaint was filed at a place suitable for the convenience of the parties. As is the practice with most administrative agencies, the hearing examiner has wide discretion and, according to the Flynn Act, is not "bound by the strict rules of evidence prevailing in courts of law or equity." The burden of proof is on the respondent to prove that he has not discriminated against the complainant. A record is kept of these proceedings and findings of fact are made. Either party may appeal by writing to the Human Rights Appeal Board. Parties may then submit briefs and request oral argument.

Within 30 days, a party can obtain judicial review of any final order by appealing directly to the Appellate Division of the Supreme Court. Any findings of facts made by the Division of Human Rights are conclusive and binding upon the court if supported by substantial evidence on the whole record. In all instance where a final order or a conciliation agreement has been issued, within one year the Division will investigate to see if the respondent is acting in compliance with the order.

Constitutional Issues

Important questions remain as to how far the Division or the courts may go in providing effective remedies through affirmative action. For example, can a landlord be forced to make a certain number of apartments accessible to disabled people at reasonable prices? For what degree of physical impairment must the landlord provide facilities? Can the city be forced to make public transportation or public buildings accessible to disabled people? If so, what are the limits and at what cost? After all, don't disabled people as taxpayers have a right to expect these public facilities to be available to them? The disabled are not exempt from sales taxes, nor are they exempt from federal, state and local income taxes. It has been held that if a person's disability interferes with his capacity to do the job, he may be denied employment; safety, however, is not a valid reason for disqualification. How meaningful are equal employment opportunities if one has no transportation facilities available at reasonable cost to get to work? The cost for private transportation or ambulatory service can run as high as $75 per week, all of which is non-deductible.

The Division of Human Rights has expressly recognized this problem in the Flynn Act Guidelines (M.O.L. 576, p. 2): "Although the Flynn Act provides an exception only in the area of employment, problems of interpretation and application are sure to arise in other areas of the Division's jurisdiction (e.g., public accommodations, housing). Questions as to whether the law requires any accommodation to the special limitations of disabled persons will have to be resolved. The Division will be better able to resolve such questions after it has acquired a fund of experience in the course of its administration of the Flynn Act."

Other Sources of Legal Assistance

Legal recourse for the handicapped has always been extremely limited. Other than the Division of Human Rights, there are no agencies that provide free legal service for disabled people, unless the poverty requirements for assistance from a community law office are met. Even if the disabled person can afford to hire an attorney, it is difficult to find one with the requisite knowledge or ability in the area.

The Mayor's Office of the Handicapped operates a referral service at 61 Chambers St. which handles some 300-400 inquiries per month. The service provides important information and limited assistance in solving problems of handicapped individuals. If the problem is beyond the scope of this agency, the person will be referred to the appropriate agency. In addition to this service, the Mayor's Office actively lobbies at all levels of government for legislation favorable to the disabled. The agency is also involved in formulating and coordinating various programs for the disabled throughout the community. The agency has advocated revision of the building code to require that structures be made accessible to the disabled, the city-wide installation of curbcuts, public assistance for disabled children and their education, substantial tax exemptions and deductions for the disabled and their families, and usage of the absentee ballot for all public elections.

Untapped Resources

Curtis Brewer, a recent BLS graduate who is severely disabled, is organizing a not-for-profit legal services corporation called Untapped Resources, Inc. which will specialize in offering legal assistance to the disabled. Though the corporation still lacks sufficient funding to operate, Mr. Brewer has formed an ad hoc committee consisting of an architect, an engineer, a medical director, and world-renowned concert violinist, Isaac Perlman, to investigate specific instances of architectural barriers and possible solutions.

Brewer seeks, where possible, to approach the problem of affirmative action on the basis of voluntary compliance, fearful of any adverse reaction which might result from presenting the courts with a premature or hastily prepared case. Through the ad hoc committee, Brewer hopes to present reasonable solutions to the public officials who are in a position to take corrective action.

But should Brewer be forced to resort to the courts, he is considering the possibility of bringing a class action not only on grounds of equal protection and due process, but also on the basis of the individual's First Amendment right to petition the government. Brewer claims that since most government buildings are inaccessible to the disabled, notably the courts, these people are effectively denied access to their seat of government to exercise their First Amendment rights.

Brewer received a letter from President Gerald Ford commending his efforts in the field and has tried to arrange a meeting with the President with the help of Senators James Buckley and Jacob Javits. The President maintains that at the moment he cannot meet with him.

Nationwide Action

No courts have yet ruled on these constitutional issues. Though several other states have anti-discrimination laws that include the disabled, their enforcement provisions fall far short of those powers given to New York. The federal government has a limited affirmative action program which requires that all buildings built with any amount of federal funds be accessible to the handicapped specifying that government contractors receiving any federal monies hire qualified handicapped individuals under the Rehabilitation Act of 1973, but no other disability statutes exist.

The National Center for Law and the Handicapped, located in South Bend, Indiana, is currently doing research on the law in this area and provides information and services to attorneys or individuals who have unique cases that could have an important, nationwide impact on the rights of the handicapped. The legal rights of the handicapped have long been neglected by the legal profession, which is just beginning to realize that a disabled person has the same fundamental constitutional rights that all people have. This area of the law remains virtually untouched.

(The Human Rights Law may be found in the Executive Law §§290-300).

Women's Conference

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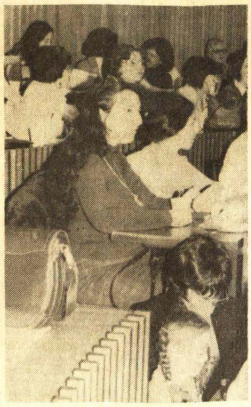
Ginsburg, a panelist, noted several inequities in social security benefits — a wife's earnings are discounted, two earner families make disproportionate contributions to social security and homemakers are not insured in their own right.



The panel on proposed Right to Life Amendments consisted of two professors from Rutgers Law School, Nadine Taub and Jane Zuckerman, Helen Brenberg of the Women's Lobby and Sylvia Law, a professor of law at N.Y.U. Their discussion centered on the impact proposed legislation would have on the existing law. They inferred that increased restrictions would return the right to abortion to the situation where abortions are available only to women with money.

The panel on Marriage Contracts and No-Fault Divorce was the responsibility of the Brooklyn women. The panel focused on three topics: the concept of marriage as an economic partnership, enforcement of alimony and child support awards, and legal problems of cohabitation.

Julia Perles, a partner at Phillips, Nizer, Benjamin, Krim & Ballon, felt that any "No-fault" system must be predicated upon a scheme of adequate distribution of property. Calling the present system highly inequitable and a nightmare, she said that the concept of lifelong dependency of the wife, who has no power to waive alimony, must cease and should be replaced by one which revolves around maintenance. One former spouse would provide for the other for a specified period, until that person becomes economically self-sufficient. She advocated that new laws provide for pre-nuptial agreements which would incorporate the allocation of assets upon divorce, especially those acquired during the marriage, and support upon divorce, which could be provided by either spouse depending on the particular circumstances.

Diane Blank of Bellamy, Blank, Goodman, Kelly, Rone & Stanley, a feminist law firm, discussed the problem of getting support awards after the judgment of the court has been rendered. Present remedies (action on arrears, garnishment, payroll deductions, wage assignments, reliance on Uniform Support Laws) have proven inadequate. The husband usually remarries and cannot afford to support his former wife. Courts are reluctant to enforce more sanctions upon the husband. Ms. Blank recommended the shifting of the presumption of payment of support to one of non-payment, the burden on the husband to come forward with a downward reduction when support is due, enforcement of support awards as

(Continued on Page 4)

Evaluations Questionnaire

The following is the course evaluation questionnaire to be completed by all students. The questionnaire, prepared by the Student Bar Association, has been shortened so that answer forms can be completed expeditiously. The purpose of the evaluation is to provide students with statistical information on professors, courses and exams. All answer forms are to be anonymous. It is vitally important that every student takes the time to complete the forms. Failure to participate will result in a failure of the evaluation as an accurate survey. Results will be published.

INSTRUCTIONS

Answer forms are available to all students in the SBA office and from SBA delegates. Students should return the completed forms, unsigned, to a desk set up in the school lobby. When forms are submitted, each student's library card will be punched to prevent duplication.

1. What is the instructor's attitude towards students?
   1. Understanding, sympathetic
   2. Neutral, unconcerned
   3. Little understanding, impatient
2. Do you feel you can interrupt class to ask a question?
   1. Yes
   2. No
3. How would you rate the instructor as to availability and willingness to give personal help outside of class?
   1. Excellent
   2. Good
   3. Average
   4. Poor
   5. Very poor
4. Did the instructor speak too rapidly to be understood?
   1. Never
   2. Occasionally
   3. Often
5. Did the instructor speak too softly to be understood?
   1. Never
   2. Occasionally
   3. Often
6. The assignments in this course are:
   1. Generally too short
   2. Generally of the proper length
   3. Generally too long
7. At what pace does the instructor cover the materials?
   1. Too fast
   2. About right
   3. Too slow
8. How well does the instructor adjust to your level of comprehension?
   1. Teaches over my level
   2. Teaches at my level
   3. Teaches under my level
9. Does the instructor's allocation of class time properly reflect the relative difficulty of the subject matter?
   1. Yes
   2. No
10. In your opinion, does the instructor lecture enough?
    1. Should have lectured more
    2. The balance between lecture and discussion was **about right**
    3. Should have lectured less
11. Which word best characterizes the instructor's interest in the subject matter of this course?
    1. Bored
    2. Routine
    3. Interested
    4. Enthusiastic
12. What is the instructor's apparent attitude toward teaching in general?
    1. Highly motivated to teach
    2. Moderately motivated to teach
    3. Appears indifferent
    4. Teaching appears to be secondary to this instructor
13. The instructor's organization of course materials is:
    1. Excellent
    2. Good
    3. Average
    4. Poor
    5. Very poor
14. The instructor's knowledge of the subject matter of his course is:
    1. Excellent
    2. Good
    3. Average
    4. Poor
    5. Very poor
15. The instructor's ability to clarify difficult problems is:
    1. Excellent
    2. Good
    3. Average
    4. Poor
    5. Very poor
16. The instructor's effectiveness in guiding class discussion is:
    1. Excellent
    2. Good
    3. Average
    4. Poor
    5. Very poor
17. The instructor's capacity to hold your attention and interest is:
    1. Excellent
    2. Good
    3. Average
    4. Poor
    5. Very poor
18. The instructor's ability to answer questions presented in class is:
    1. Excellent
    2. Good
    3. Average
    4. Poor
19. Which of the following best reflects your attitude?
    My interest in the subject matter of the course was:
    1. Substantially **increased** by the instructor
    2. **Decreased**
    3. **Neither increased** nor **decreased**
20. Would you recommend to a friend that he take **this** course from the instructor?
    1. Recommend highly
    2. Generally recommend
    3. Recommend with reservations
    4. Neither recommend nor advise against it
    5. Advise against it
21. How would you rate this instructor in general?
    1. Excellent
    2. Good
    3. Average
    4. Poor
    5. Very poor
22. Which of the following is most accurate?
    1. The instructor's performance is **substantially higher** than what I had been led to expect.
    2. The instructor's performance is **substantially lower** than what I had been led to expect.
    3. The instructor's performance is **about the same as** what I had been led to expect.
    4. I had no opinion or expectations concerning the instructor before taking the course.
23. Did the course materials and lectures adequately prepare you for the questions posed on the final examination?
    1. Yes
    2. No
24. Did the final examination questions reflect those areas which were most strongly stressed in the course?
    1. Yes
    2. No
25. Insofar as effectively completing the examination, was there:
    1. More than enough time
    2. Just enough time
    3. Not enough time

Women's Conf.

(Continued from Page 3)

the number one priority in post-adjudicatory procedures and the abandonment of a statute of limitations for arrears actions.

Marjory Fields of South Brooklyn Legal Services, talking about the problems of cohabitation, said that a couple "living together" must expect difficulties in acquiring real property and in obtaining a mortgage, as well as discriminatory rates for life insurance and health benefits. She emphasized the importance of contracts for personal property and wills between and for the individuals in such a relationship. She advised that those who plan to have children probably should get married. Although the rights of illegitimate children have increased, severe difficulties may still arise.

A speaker on the second group of afternoon panels, Lesbians and the Law, gave a practical outline on how to effectively represent lesbian mothers attempting to retain custody of their children. Marilyn Haft of the ACLU emphasized the importance of expert testimony on the psychological fitness of the mother to care for her children and on the ability of the children to cope with a lesbian. Carol Arber, a member of a feminist law firm, and several other women discussed the particular problems of women in what has traditionally been the all-male world of the courtroom.

Speakers on the Women in Labor Unions panel emphasized the struggles to organize women, often in clerical and other white collar jobs, who were suspicious of unions and unsure of their ability to control their own lives. Gladys Lee, Business Representative of Local 153, Office and Professional Employees International Union, said that organizing frequently meant proving to potential members that they were in fact human beings. Geraldine Miller, founder of Household Technicians in New York State and Director of the Bronx chapter, spoke of the "master-servant" psychology prevalant in that field. She pointed out that with large numbers of women entering the job market, the need for household workers would increase. She distributed copies of a model contract the union is seeking to promulgate.

Joan Stern Kiok, counsel for District Council 37 of the American Federation of State, County and Municipal Employees, related her experiences as a woman in a male dominated part of the law. Her protest against having a union conference at the Playboy Club and the fear of some of her male colleagues of swearing in her presence, in the heat of argument, were noted. She once was warned not to be "ahead of the rank and file." All the speakers urged the women present to become involved in labor law as counsel, arbitrators or negotiators.

The day ended with caucuses for Lesbian, Black and Puerto Rican women and a wine and cheese party for all. The discussions were very informative and it was heartening to see so many women who were willing to help each other solve their mutual problems.

The Docket

NYS Bar Student Membership

The New York State Bar Association has announced that student membership is available at a special rate of $3.00 per year to all law students. The advantages of joining while a student include receiving all publications of the Association as well as being automatically accepted to full membership upon notifying the NYSBA of your admission to the Bar. Those interested in applying may contact: Mrs. Joan Sigsworth, Membership Secretary, NYSBA, One Elk Street, Albany, New York (518) 445-1211.

Tennis Tournament

A doubles tennis tournament is tentatively scheduled for the evenings of April 5 and April 19 at the Wall Street Racquet Club. A five dollar fee will be charged. Application can be made by signing the list posted on the first floor bulletin board. The tournament is contingent upon a minimum number of students signing up.

Tickets for BLS Play

The "Second Circus Law Revue: Notes from a School for Scandal" will be performed March 20, 21 and 22 at 8:00 p.m. in the Moot Court Room. Tickets are $2.00 in advance and $2.50 at the door. Tickets will be on sale in the near future in the SBA office and the first-floor lobby.

Note to Softball Players

Those students interested in participating in the BLS spring softball league should begin forming teams. Rosters should include a minimum of ten members and must be submitted at a meeting the week prior to spring vacation. Teams should be composed of men and women from the same section. The games will commence immediately after returning from vacation. Watch the bulletin boards for further information, regarding time and place of organizational meeting.

Moot Court Handbook

Copies of the 1975 Moot Court Handbook, which was distributed to first-year students, are available to all second and third-year students. The Handbook contains a model appellate brief with explanatory comments and general instructions on appellate brief writing and oral argument. If interested, stop by the Moot Court office, room 304, to pick up a copy.

Wein Sues City

By Jan Schoenhaus

Professor Leon Wein has brought suit against the City of New York to halt the city's sale of bonds issued by the Stabilization Reserve Corporation. The corporation is a public agency created last July by the state legislature to aid New York City in acquiring funds to pay its debts and to meet the deficits in the city's current fiscal situation. The enabling legislation which created the Stabilization Reserve Corporation mandates that to ". . . assure such maintenance of the capital reserve fund there shall be paid by the City to the corporation for deposit in the capital reserve fund . . . such amount . . . needed for the purpose . . ." of maintaining such fund at the required level. Prof. Wein contends in his suit that the requirement that the city pay amounts to the Stabilization Reserve Corporation (money acquired through the sale of corporation bonds) creates a "moral obligation" and violates Article 10, Section 5, of the New York State Constitution. This section prohibits the State or any of its political subdivisions from becoming liable for the obligation issued by any public corporation. Prof. Wein believes that the new statutory requirement, providing for the city's payments to the Stabilization Reserve Corporation, contravenes the constitutional prohibition on assuming liability of public corporations.

The bringing of this action was impelled by Prof. Wein's conviction that violations of the New York State Constitution are as invidious as transgressions against the Federal Constitution. He believes that we live by the doctrine of constitutional government, the disregard of one clause impairs the value of all the rights, responsibilities, and obligations set forth in both Federal and State documents. Prof. Wein believes that in commencing this litigation he is upholding the principle of rule by constitutional law.

Faculty Tomes

By Kim Steven Juhase

Prof. Margaret A. Berger has recently completed a five-volume treatise with U.S. District Judge Jack B. Weinstein on the new Federal Rules of Evidence for the Matthew Bender Company. The rules did not become law until January 3, 1975, yet the first volume of **Weinstein's Evidence** is already being printed. Prof. Berger explained that the rules were originally promulgated by the United States Supreme Court in 1972 and were automatically to go into effect on July 1, 1973. However, Congress decided to enact their own rules based on the Supreme Court's rules. Since then, the rules have been rewritten three or four times by various Congressional Committees. Weinstein and Berger had to constantly revise their work. Some changes in the rules were still being made as late as December. The later volumes of the treatise were sent to the printer handwritten. "It was a rather nerve-racking operation," Prof. Berger explained.

The multi-volume set was a collaborative effort with both Weinstein and Berger interpreting the rules, though Weinstein had final authority. Prof. Berger will continue gathering material for future supplements and revisions.

Prof. Berger has had a long association with Weinstein. She was the Judge's first law clerk and had worked with him on the **Weinstein, Korn, Miller New York Civil Practice.** Prof. Oscar Chase is currently working on a revision of Article 3 on Jurisdiction for that volume. Chase, who has two student assistants working for him, hopes to meet an April deadline.