

# The Justinian

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## The Justinian

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# Justinian

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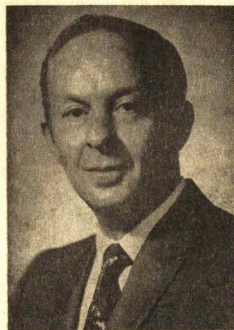
## Alumnotes: Eugene Gold

By Manuel Taitz and  
Diane Fernandez

Eugene Gold is currently the District Attorney of Kings County. He graduated from Brooklyn Law School in October 1948, was a criminal trial lawyer, working with the distinguished William W. Kleinman for over nineteen years, and was subsequently elected to the post of District Attorney in November 1968. He is President of the Brooklyn Coalition of Soviet Jewry, and is a member of 32 organizations and has received numerous awards and honors.

The Brooklyn District Attorney's office has an authorized staff of 247 assistant district attorneys who process 60,000 cases through the criminal court system a year. Not only is the work extremely demanding physically, but it is also emotionally draining. This is especially true in the areas of heinous crimes, such as rape or murder, which are dealt with on a daily basis. "The great danger is that crimes of violence take place so often that we become jaded, and that is something we have to avoid. And yet, you have to maintain a sense of balance about it, because the ultimate responsibility of the D.A. is to see that justice is done. If you let yourself become emotionally involved in the investigation of the sorts of crimes and in the prosecution of them, you may lose sight of the fact that you have a responsibility to the individual who is charged with it; and we do have that kind of responsibility. It also might induce you to overlook the fact that perhaps that defendant is innocent; mistaken identity cases, as an example. The D.A. must divorce himself from the kind of emotional reaction which may impair his ability to deal with objective facts rather than subjective ones."

Since Mr. Gold took over the office on January 1, 1969, many changes have taken place. Of these, he considered the most important to be the professionalization of the office itself. Assistant district attorneys can no longer maintain a private practice along with their position in the office. Also, an extensive training pro-



Eugene Gold

gram was enacted and a professional management consultant was placed on the staff.

Mr. Gold mentioned that the issue of law enforcement should be removed from the political arena. "You have the old saying 'crime doesn't pay'; however, it does pay in many respects. It pays for those political people who get themselves elected by appealing to the most barbaric instincts in men and women rather than to our better instincts. They use the issue of crimes to get themselves elected while they are not really doing anything about contributing to making this society better."

The D.A.'s office has created, with the initial support of federal grants, a series of innovative bureaus in its attempt to combat crime, such as the Rackets Bureau, the first Consumer Frauds and Economic Crime Bureau in the state, the Homicide Bureau, and the Major Offenses Bureau.

Recidivism, a predominant symptom of criminal activity in New York City, is the concern of the Major Offenses Bureau. This bureau, the first of its kind in the nation, was created in the latter part of 1972 and has since been copied throughout the rest of the country. The cases handled by this bureau are determined by evaluating the nature of the crime and the background of the defendant. By this concentration on the more serious crimes, they are able to

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## Raffa Elected Circuit Governor

by John Di Bella and  
Anne Hunter

Connie Raffa, a third year evening student at BLS, was elected Second Circuit Governor of the Law Student Division after pledging greater communication among schools in the Circuit.

Members of the Second Circuit of the Law Student Division of the American Bar Association gathered at New York Law School on Saturday, April 4, to elect new officers and listen to a panel discussion on criminal law.

The members of the panel were New York Supreme Court Justice Vito Titone (Staten Island), Professor Henry Rothblatt of New York Law School and Mr. Al Giordelli, Assistant District Attorney of the Bronx. Opening statements by the panel emphasized the type of criminal lawyers presently in our legal system; they range from attorneys of questionable dedication and competence to highly skilled technical practitioners. The panel felt that recent Supreme Court decisions and motion picture has increased the demand for efficient and dedicated attorneys. Under the revised CPLR, legal memoranda must be submitted with motions, and attorneys can no longer carry their office in their hats.

Henry Rothblatt, a BLS graduate and nationally known criminal lawyer, told the audience that a lawyer's work is never done, especially that of criminal lawyers, who are on duty 24 hours a day and 7 days a week. Criminal work is difficult, but financially rewarding. Mr. Rothblatt, who with



Ira Frank, Connie Raffa, David Erdmann, and Robert Algaze.

Lee Bailey authored a book on trial practice, urged students to enroll in his Criminal Advocacy course at New York Law School this summer. He also told his audience, comprised of many seniors without jobs, that appellate work is a promising area for employment. He alleged that many attorneys do not have the ability to write good appellate briefs, and so law students of today are more qualified to do competent appellate work than practicing attorneys.

Mr. Giordelli focused on the special problems facing the D.A.'s office. The District Attorney is a quasi judicial officer and must look at each case with an eye toward justice, and not toward establishing a good "won-lost" record. Mr. Giordelli criticized the

number of D.A.s who confuse their role with that of the trier of fact and law. He felt that the prosecutor must present the evidence to the grand jury and the court only, and not attempt to usurp the position and function of judges and jurors. Mr. Giordelli also spoke of the conflict between the D.A.'s office and the police department. The police have little knowledge of substantive law, or rules of evidence, and find it hard to accept the refusal of a D.A. to prosecute when a case cannot be proved beyond a reasonable doubt. (The police have become more educated and in many instances they contour their testimony.) Mr. Giordelli feels there is a need for a statewide special prosecutor since in

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## New Twist in Law Suit

On January 28, 1975, Professor William Herrmann filed a complaint in the U.S. District Court for the Eastern District of New York alleging that Dean Raymond Lisle and Professors Joseph Crea, Philip Yonge and David Trager had conspired "to deprive plaintiff of his proper emolument as a professor of law and to deprive plaintiff of rights arising from his seniority on the faculty of the School and ultimately to deprive plaintiff and to injure plaintiff's earning capacity as an attorney at law and as a public servant." On March 24, 1975, Prof. Herrmann filed a motion for a temporary restraining order and preliminary injunction seeking to restrain a meeting of the Faculty Hearing Committee which had been called by Professor Henry Holzer for the purpose of proceeding on a petition filed with the Committee by a Special Committee of the Board of Trustees.

The latest chapter in this scenario commenced when the Board of Trustees appointed a Special

Committee, consisting of Paul Windels (Chairman), Wilbur Levin and Michael Schumaecker, to inquire into the allegations made by Prof. Herrmann in his complaint. The Board's resolution stated:

"WHEREAS, if these allegations were true they raise serious question as to whether the defendants are fit to serve as members of the administration and/or faculty of Brooklyn Law School and, if there is no basis for such claims they indicate that Professor Herrmann had brought in bad faith and with reckless disregard of the rights, interests and reputation of the School, its student body, its alumni and the defendants, a vexatious and scandalous law suit seeking collateral ends, namely, to stifle the free expression of faculty opinion and sound functioning of the administration in order to achieve personal financial gain by unwarranted increases in compensation."

Prof. Herrmann and his attorney met informally with the members of the Special Committee on Feb-

ruary 25, 1975. The *Justinian* was unable to determine whether there were any other meetings of the Special Committee or if anyone else appeared before the Special Committee.

On March 13, 1975, the Special Committee served upon Prof. Holzer, as chairman of the Faculty Hearing Committee, a petition which stated:

"In general, the allegations contained in the Complaint are either without basis in fact, trivial or merely reflective of privileged statements of opinions made by the defendants. These baseless allegations made by Professor Herrmann subject the entire law school community to needless harassment and to unjustified embarrassment and discredit... Therefore, the Special Committee concludes that Professor Herrmann has brought in bad faith and with reckless disregard of the rights, interest and reputation of the law school, its faculty, student body, alumni and the defendants, a vexatious and scandalous law suit

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## Law Revue Big Hit



A photographic collage of the cast appears on Page 5.



## Justinian

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## Promises, Promises

Almost two months ago, on February 24, the price of a photo-copy in the BLS library zoomed from five to ten cents. Numerous reasons were given for the increase. As a sop we were told that special soundproof rooms were to be constructed to house the machines. Also, a bond paper copier would be installed. As of this writing, the copy machines are still clacking away in the library's wide open expanses and the bond copier still bears the sign, "out of order."

## Secrecy at BLS

To a naturally inquisitive law student who is concerned about the manner in which his law school functions, BLS often gives the appearance of running a shell game. But no matter which of the three walnut shells you choose, there is never any pea to be found.

It is a common assumption among faculty members that students always seem to find out what is going on. Unfortunately, the most frequently expressed emotion that goes hand in hand with that belief is one of bemused regret. Secrecy is forever the pass word, even when the word has already been passed.

But for the most part, students find out after the fact, not before. By then any meaningful action is already too late.

Faculty meetings are held in secrecy. The actual votes, for and against a resolution, are not disclosed to the student body. Faculty re-hiring and tenure decisions are all kept confidential without any student input. The names of the faculty members who serve on particular and specialized committees are considered closely guarded secrets. When those names are disclosed, there are frowns and raised eyebrows. Even a copy of the Brooklyn Law School Regulations is thought to be for faculty eyes only.

Students are patronized and treated as mere transient customers who are only standing on line for a Big Mac. This does not appear to be the intelligent approach to take toward a student's legal education. Is it too much to ask for an open-end policy concerning the information available to students?

A good start would be allowing a student representative to be a non-voting observer at faculty meetings. Students have a right to know what's happening.

## Faculty Evaluations Fizzle

To fill the need for course evaluation the SBA Committee for Administrative Affairs joined with the SBA Committee on Grading and Evaluations and prepared and administered a student course survey questionnaire. The joint committee had hoped to have an evaluation distributed before fall registration but because of poor student response no significant statistical results for an evaluation were obtained. The committee collected 701 responses, representing participation by approximately 150 to 175 students. If all students had filled out forms for four courses the returns would have numbered about 4000.

It is impossible to place the blame for this failure on something other than student apathy. The forms were brief, containing 25 questions, and required perhaps four minutes apiece to complete. SBA delegates distributed forms in class. Forms were also made available at the SBA office

and at the desk set up in the front lobby. Students were asked to return the completed questionnaires to this desk where I.D.s were punched as a security check on duplicates. The committee had hoped to analyze the results to obtain a general rating for each course, publish the ratings in a brief pamphlet and distribute the pamphlets to all BLS students. But in order for the ratings to have any validity at least half of the students enrolled in each section had to reply. Since barely a quarter of the required number of replies were received the committee has decided not to publish.

Improvements for next semester's survey have already been considered by the committee. Fifteen minutes at the beginning of a required course's meeting will be set aside for distributing and completing evaluation forms. Answers will be marked on computer cards. Perhaps in captivity the response will increase.

## Letters: Commentary:

### Moot Court Hazing

Letter to The Editor:

Having just been through the involuntary hazing of Moot Court, I wanted to communicate some of my thoughts while they are still fresh.

The basic requirement that all BLS students prepare an appellate brief and participate in at least one oral argument during their tenure as students is sensible and of real educational value. The requirement that it be done as part of a competition run on the basis of "we suffered and now it's your turn" is unconscionable. Knife-in-the-back competition is not my way of life. Nor will it be upon graduation from BLS. Just because some attorneys have practiced law that way, doesn't mean all do or will. I didn't, as a woman, start the personal process of breaking through the barriers of a predominantly male profession so that I could perpetuate its ugliest characteristics. I didn't pledge a sorority or fraternity 20 years ago in college and I certainly do not wish to do so now.

How could law students be exposed, meaningfully and educationally, to appellate advocacy and oral argument without being hazed? The obvious, and for me most desirable answer would be a required course staffed by interested and competent faculty. But, there are other ways, less expensive but not free, using exploited labor, one of which I outline for consideration —

The requirement and the competition should be COMPLETELY separate. Those who wish to participate in the competitive aspects of Moot Court, belong to the Society and compete on the various teams should be invited to do so under conditions developed by the Society for the furtherance of its aims. The requirement to prepare a brief and participate in an oral argument before a panel of judges could then be a learning experience for all students.

If the class of approximately 350 were to be divided into ten groups, each with a separate problem and team of workshop leaders (similar to the current situation), the groups could meet approximately five times, each session to handle a separate topic — issue definition, research techniques, brief writing and organization, techniques of oral argument, and general wrap-up and evaluation — followed by scheduled arguments in a classroom setting before a panel of "judges" and accompanied by immediate constructive evaluation. Since the members of the Moot Court Honor Society have full programs and are heavily involved in the competitive aspects of the Society, if the school wished to use their services for this required program, leaders should be paid for their time in conducting these workshops. There is no reason a required program should be conducted using free labor.

We need to find ways to encourage the development of maximum skill and competency, to utilize student talents and competencies non-exploitably and permit people to learn without subjecting them to dehumanizing cut throat competition.

Linda Sueskind

## Armed Against Ourselves

By Bob Heinemann

New York has one of the toughest state gun control laws in the country. But it is a meaningless piece of legislation. There are as many as two million unregistered guns in New York City.

The reason is the lack of a tough, comprehensive, federal gun control law.

You may need a permit to buy a hand gun in New York, but all you need is proof of residence in most states. It is a means of identification easily made anonymous by forgery. So, black market gun running has become a very profitable business. The seller can realize as much as a 500% profit.

Most of the illegal guns in this city were bought in Georgia, South Carolina, Virginia, Florida, or Ohio.

For at least a decade, various gun control laws have been proposed in Congress. The meaningful ones never seem to pass. There is always a flurry of activity after an assassination of a Kennedy or a King. A lot of noble speeches are made but very little of substance is ever accomplished.

Even the ritualized act of concern after a particularly hurtful public trauma is regrettable. Private people are killed every day by hand guns and no one seems to care enough to even notice. It shouldn't take the assassination of a major political figure to bring the question up for debate.

So, why hasn't a national gun registration law been enacted by Congress? The reasons vary from greed to misinformation.

The National Rifle Association has a powerful lobby on Capitol Hill. A large percentage of their membership money is used for active lobbying against gun laws. Mailing campaigns are undertaken to flood Congressional offices with constituent cries about the right to bear arms.

Requiring an individual to have a permit before he can own a gun, or to register a weapon when it is bought, should raise no real constitutional issue. No one is going to be denied the right to own a gun to go hunting, dubious sport though that may be. But at least a person with a criminal record might find it harder to acquire a gun to prey on a human animal. Ironically, we no longer have an active militia, but we do need armies of police to protect us from ourselves.

There is a lot of paranoia about any proposed governmental licensing of guns. The logic totally escapes me. The American Automobile Association doesn't lobby for the right to drive cars. We take it for granted that you should possess a driver's license in addition to a registration permit for

your car. After all, a car is a potentially dangerous instrument which should be used cautiously and skillfully. Yet, no one fears that the mere requirement of a license poses a threat to your right sometime in the future to own a car. Shouldn't we be at least as cautious with the nation's privately owned guns?

But guns are a profitable business for well-known legal gun manufacturers such as Smith & Weston and Colt, Remington, as well as for the interstate gun runners. Almost 70% of the illegal guns that are presently in this city are high quality .32 caliber or .38 caliber firearms manufactured by these prestigious gun makers. A federal law would cut into their sales, and so would be opposed.

The Saturday Night Specials — small caliber hand guns — are usually assembled by smaller manufacturers from imported parts. While you can't legally import guns, it seems to be okay if you acquire them piece by piece. And, a Saturday Night Special is really only functional for one thing; shooting people.

Large drug companies deliberately manufacture ten and twenty times the number of amphetamines needed by doctors in their medical practice. The surplus is legally sold to Mexican distributors only to be smuggled back into the United States and peddled illegally. Similarly, gun manufacturers, both large and small, are aware that a large percentage of their guns will be bought in a few states with improper identification, only to be resold illegally on the streets of a large urban city like New York. As long as their hands are kept technically clean and profits are good, it appears to be alright.

But to the innocent people robbed at gun point or killed by a smuggled weapon, it is tragic. Obviously, no gun registration law will end all crime. Being required to have a driver's license doesn't prevent auto accidents, but no one would use that as an argument against having a motor vehicle bureau. It is about time that we forgot about the selfish motives of lobbyists worried about a decline in membership or profits, and began to be concerned about the lives of the average man and woman in the street.

There are already far too many illegal guns on the streets of this and every other city. A meaningful national gun control law — without the usual loopholes — would at least prevent the continued increase in the availability of illegal guns. If such a law saved even one life, it might just be worth the paper it's printed on.



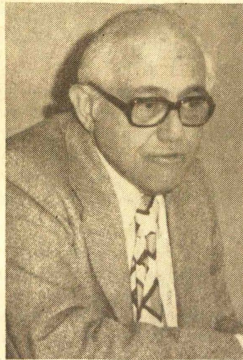
## Holtzman Named Assistant to Dean

William Holtzman, Director of the Alumni Office, has been named Assistant to the Dean by Dean Raymond Lisle.

Mr. Holtzman has assumed the administrative duties formerly held by the office of Dean William Hambrecht, who retired on April 1, 1975. Management of the school's financial affairs has been entrusted to Rosalind Zuckerman, Bursar.

During his first few weeks as Assistant to the Dean, Mr. Holtzman has been busy formulating a final exam schedule. Assisted by Lenny Scalfani and Jay Madigan, Mr. Holtzman sought to schedule third-year exams early so that graduating seniors could start bar review courses without final exams hanging over their heads. In addition, an effort was made to avoid scheduling exams too close together. Second-year day students who took Corporations at night and Evidence during the day presented scheduling headaches. A tentative schedule is posted and, after reviewing complaints, Mr. Holtzman will finalize the exam schedule.

Mr. Holtzman is also planning the course schedules and faculty assignments for the coming summer and fall semesters. He hopes to release class schedules and exam schedules for those classes at the same time, thus avoiding future exam scheduling problems.



William Holtzman

Mr. Holtzman has also undertaken the task of completely revising the school's bulletin. Obtaining new pictures for the catalogue is the first order of business.

In addition to the above duties, Mr. Holtzman is in charge of the bulletin board in the lobby. Notices of functions germane to the school will be allowed. Personal notices will not be permitted on the lobby bulletin board.

Mr. Holtzman intends to maintain an open door policy in his office. He is willing to listen to all complaints and suggestions. Mr. Holtzman will remain as Director of the Alumni Office.

## Curriculum Committee Reports on Progress

By Frank Siegel

The twelve member Faculty-Student Curriculum Committee passed a motion last Thursday to allow students in all but first year courses to elect the section in which they will take all required courses. The eight to one vote came after consideration of the proposal was postponed one week to permit a response by Dean Lisle and Mr. William Holtzman. If the resolution is passed by the faculty at its next meeting, it will permit students to select the time and faculty member for such courses as Business Organizations I and II, Conflicts, Evidence, etc. The measure will give students with clinics, outside work and childcare problems an opportunity to avoid days in which they may have only one class. Students will still take the required courses in the sequence required by the school.

Another matter covered at the Thursday meeting was a proposal presented by Professors Meehan and Johnson whereby a student may earn a combined J.D. — Masters in Urban Planning in four years. The program would be offered in conjunction with Hunter College. This matter also will be going before the faculty for consideration.

The next committee meeting promises to be one of the more consequential of the year. Student Harvey Stern and Professor Brian Commerford will present to the Curriculum Committee a report prepared by a sub-committee dealing with the overall BLS curriculum. The report divides the BLS curriculum according to subject headings, and compares the BLS offerings with those of other schools in the east. The document is an informational vehicle for the

Committee and, hopefully it will serve as a planning tool for Curriculum revision in coming years. Though the report leaves evaluation to the reader, one of the matters which virtually leaps off its pages is that BLS, with the second highest number of students in the east, has fewer seminars and advanced courses in specialized areas than some much smaller schools.

Courses added by the Committee earlier this year have included a "post indictment" second semester of Federal Criminal Procedure, a course on Juvenile Justice, an increase in credits for the Women and the Law course, a course in Land Use Control, a two credit elective in Administration of Estates taught by Professor Hoffman and a 1975-76 offering in Medical Malpractice.

The Curriculum Committee is composed of six faculty members, six students and one student alternate. It is headed by Professor John Meehan, who all student members agree is responsible for the smooth running of the committee. It is in no small part due to his leadership that this has become one of the most productive committees at BLS.

Next year, two of the graduating students' positions will be open, and students are encouraged to contact the SBA for appointment when members are sought in the fall. Committee members Kone, Singer and Siegel have already indicated that they plan next year to hold special meetings for students under SBA auspices to report on the work of the committee, seek out student proposals for BLS courses and help those interested in proposing courses prepare the base necessary to bring the matters before the committee and the faculty.

## Student Practice Rule Adopted by Courts

By Cliff Weber

Pursuant to the recently adopted Eastern District Student Practice Rule, effective Sept. 1, 1975, qualifying students will be eligible to practice in the federal courts of the Eastern District. The rule seems to envision extensive supervised participation in litigation and other areas, and would appear to offer a tremendous opportunity for wide and deep experience.

Section 1 provides: "An eligible law student may, with the Court's approval, under the supervision of an attorney, appear on behalf of any person, including the United States Attorney, who has consented in writing."

The supervising attorney must be a member of the Bar of the Eastern District, and consent in writing to his supervisory role. He must also "assume personal responsibility for the student's work" (2b), "assist the student to the extent necessary" (2c), and "appear with the student in all proceedings before the Court" (2d).

It is speculative at this point, whether under 2b the attorney could be subject to malpractice liability. Presumably, section 1's requirement of client consent, and section 6, ("Participation by students under this rule shall not be deemed a violation in connection with the rules for admission to the bar of any jurisdiction concerning practice of law before admission to that bar."), preclude any liability's attaching to the student. The degree to which a student's discretion and latitude in per-

forming his job might be circumscribed under 2c is also an open question. Under 2d, it is unclear whether the lawyer's presence would, for example, be required in an out-of-court settlement of a civil case, or the preliminary stages of a plea bargaining process, or in grand jury proceedings in criminal cases.

For his part, the student must have completed at least two semesters or the equivalent in an A.B.A. approved school, and certify in writing that he is "familiar" with the Code of Professional Responsibility, and the procedural and evidentiary rules relevant to the action in which he or she is appearing. Further clarification of the "familiarity" standard is important for practical reasons. Does it in effect require interested second year students to arrange to take evidence and ethics in their second year? What would be an acceptable substitute for the coursework?

The student must be introduced to the Court by "an attorney" admitted to practice before it. This would conceivably include a non-supervising lawyer. The student may not solicit a fee from the client, but the rule allows him to accept compensation from any willing employer, including the United States.

Under 3c, the student must be certified by either the dean or a teacher, as "qualified" to provide the permitted representation, and the certifier or presiding judge may withdraw the approval at any time without notice or a showing of cause. Such action by a judge

is not to be considered a reflection on the "character or ability of the student." It is not clear whether such action by a teacher or a dean may be so considered. Clearly, the criteria for qualification must be carefully planned within the school, since the rule is silent and provides no guidelines on the matter. Notwithstanding the provision's protective last sentence, it is manifestly important that the students be apprised of whether and by whom any record of such discharge will be made and filed in any place.

Once the student has secured the necessary consent of both the client and the supervising attorney, he may appear in court or in other proceedings as counsel to the extent that the presiding judge permits. In connection therewith he may prepare and sign motions, petitions, answers, briefs, and other necessary documents.

A workable construction of the rules' language will surely emerge in time, as its various kinks are eliminated. If ever an idea deserved an enthusiastic reception and incorporation into the clinical program of this institution, it is this one. We simply can't allow a half-hearted, ineffective administration of whatever program evolves from this rule to impede its development. Its purpose is salutary and encouraging, and its potential benefits great, most especially for our students, who are (justifiably) forever bemoaning our lack of well-coordinated clinical experience. Hopefully the input will be there, and come fall, a well-fashioned clinic.

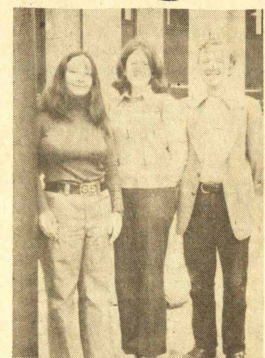
## International Team Wins Regionals

By Joyce Balaban David

On March 7th and 8th, Brooklyn Law School's International Law Moot Court Team took first place at the Eastern Regionals held at Rutgers-Newark. The International team is called the Jessup Team, after the founder of the international competition, Philip C. Jessup. The team members are Susan Alexander, Dale Christensen and Ellen Schulman.

This year's problem concerned the environment. More specifically, it involved water pollution of an international waterway between a developing and a developed country. The applicant was New Helios, the developed country, and the respondent was Karma, the developing country.

Doing a problem in international law requires a different approach in writing and researching than that required in an ordinary appellate brief. The brief to the International Court of Justice is called a Memorial. Citation style is very different. Because United States case law does not carry any special weight, citations are usually to International Commissions, Conventions or Treaties, or U.N. reports.



Ellen Schulman, Susan Alexander, Dale Christensen.

and there is the opportunity for great creativity in making a persuasive argument as there is no internationally recognized code of substantive international law.

The Eastern Region consists of New York University, Columbia, St. Johns, Fordham, Yale, Rutgers-Newark, Rutgers-Camden and Brooklyn Law School.

Ellen Schulman argued for the Respondent, Karma, against Rutgers-Newark and Rutgers-Camden. Dale Christensen argued for the Applicant, New Helios, against Yale and Fordham. Susan Alexander argued for the Respondent against Rutgers-Newark and Rutgers-Camden, and argued for the

Applicant against Yale and Fordham. Each counsel argued for approximately 25 minutes in each of the four rounds.

There were three judges in each round and the judging was anonymous. The judges did not know which schools were arguing before them, and team members did not know the names of the judges. Each judge had two points to give in each round. The unofficial scores for the BLS Jessup Team were: 6-0 against Rutgers-Newark and Rutgers-Camden; 4-2 against Yale and 3-3 with Fordham.

There were three awards given at the regional competition. Best Team and Best Memorial were won by BLS. Best Oralist was won by a member of the N.Y.U. team. Susan Alexander and Ellen Schulman took third and fourth place in the Best Oralist category.

There were nine regional competitions around the country. The first place teams from each competition go to Washington D.C. for the semi-final rounds April 23rd and 24th. The first place teams from the other regions are: Georgetown, Syracuse, Vanderbilt, Oregon, Texas, Emory, Hastings and Iowa. The BLS team will argue against Georgetown, Syracuse, Vanderbilt and Oregon. The winning team from the two days of semi-final rounds will argue against the winning foreign team, in the final competition on April 26th.

Good Luck in Washington!



# Notes on Studying Law in Europe

By Nancy Burton

William the Conqueror, the story goes, commissioned the creation of a hand-embroidered tapestry to depict his military exploits of 1066 which unified Normandy and England. The spectacular hanging, glass-encased now and open to the public in the French provincial town of Bayeux, 150 miles from Paris, is more than a monument to William's vanity and indeed more than the mere battle plan which both Napoleon and Hitler consulted in contemplating cross-Channel invasions themselves. It is the earliest pictorial commentary of feudal land practice and is therefore of unique interest to students of the law. If you're in Paris and need to get away for a day, you can take a train ride to Bayeux and commune with the heritage of the law.

Of course, you can commune with the law in the second-floor library. But if you have some savings, a desire to broaden your legal sights, or if you need credits or a pretext to travel abroad, you may want to participate, as I did last summer, in one of the 20-odd summer legal study programs in five continents sponsored by American law schools.

The programs have several obvious elements in common. Their scope is avowedly international. International law and comparative law courses are *de rigueur*, but among the more imaginative courses given last summer were Soviet criminal law and constitutional law in socialist countries, conducted by Tulane University School of Law in Grenoble, France; also, international protection of human rights, taught at Canterbury, England, under the auspices of the University of Richmond. This summer, the University of San Diego Law School is offering courses in Paris in comparative environmental law and African legal systems. The University of Alabama School of Law is holding a month-long seminar on comparative law

of Mediterranean societies — with emphasis on contrasts between the Italian and Yugoslavian legal systems and time divided between Rome and Belgrade. Japanese company law and Japanese legal systems and traditions will be taught in Tokyo in conjunction with the Notre Dame Law School (On the other hand, courses with standard commercial application are not entirely eschewed: insurance law and "new directions in the law of tort" are available at Oxford and Grenoble).

Instruction is in English and shared among professors from the sponsoring American schools, guest professors from across the country (often eminent in their fields and almost worth the trip over in themselves) and professors and practitioners from the host country. Field trips to courts and legislative bodies are commonly scheduled. The programs last from three to six weeks and tuition (exclusive of travel, lodging and personal expenses) ranges from \$300 to \$400. Credits are transferred to BLS upon Dean Lisle's approval.

I was one of 42 students in San Diego's six-week Paris program. Typically, I studied comparative law (under a specialist in the field, Prof. Stefan Riesenfeld of the University of California at Berkeley) and international trade regulation (under Prof. Warren Schwartz, of the University of Virginia, who co-authored the textbook and is the brother of our own Prof. David Schwartz), each carrying three credits. Classes met from 9 a.m. to noon five days a week. (Rigorous they were. Traces of sand from the beach at Cannes, embedded in the binding of my textbooks, besides pages wrinkled from the spray of Lake Geneva and spilled wine from the Place des Vosges, belie any notion that this was an utterly carefree holiday.) Grades were based on a three-hour in-class exam and a take-home exam. I also elected a

one-credit course in comparative legal practice — a comparison of the ethical constraints in the American and French legal systems — which required a 10-page research paper (which project taxed the limits of imaginative inquiry: upon reliable authority I report that the Uniform Commercial Code is the single American contribution to legal scholarship to be found in Paris).

Field trips were regularly mounted. Among the highlights was a mock rape trial at the Palais de Justice, which you'll remember from *The Hunchback of Notre Dame*. The complainant and two defendants were classmates, the bench was occupied by three real-life French judges, and the prosecution applied French law. (My contemporaries were found guilty, as charged. What persuaded the judges against them remains a mystery: under French law there is no transcript and verdicts are rendered without written opinions.)

One afternoon, the gilded doors of the Palais-Royal (the boyhood home of Louis XIV, later a bawdy house and gambling place) opened for my class as they would for visiting dignitaries. The current tenant, the Conseil d'Etat, the supreme administrative court of France, has no American equivalent and so its highest officers spoke of its functions and recent trends. The rarely-visited Luxembourg Palace (the last address of the lawyer Camille Desmoulins before he was sent off to the guillotine) now houses the French Senate, which served us champagne and a private tour, but, alas, no candor.

The Paris program (and I suspect this shortcoming is universal) did not probe the staggering power of legal maneuverings of the multinational corporations, and no lecture anticipated a new law of the seas or legal responses to global poverty and environmental decay. Law, of course, follows business, supplying, post facto, patch-work relief from its worst transgressions, in due time and in prudent fashion. These subjects can be explored in the privacy of your own home.

After all the lectures and tours, the stimulation and disappointment, the final thread common to all the programs is the opportunity they present to exhaust, for a time, wanderlust. (One program in particular seems to have set this as a primary objective. All within 39 days last summer, the University of the Pacific comparative law program had its participants arrive in Vienna for several days of lectures and tours, travel to Budapest for lectures and tours, then on to Salzburg for tours and a day off, exams the next day, two days off, return to Vienna, and home directly.) Loners might be better off picking one capital city and exploiting it non-stop. I did and if you go to Paris I highly recommend any chamber music recital in any cathedral but best of all St.-Germain-des-Près, any of the major cemeteries and any production of the National Ballet of Cuba should it chance to grace the city again. For a sidetrip to the provinces, I recommend a rainy Saturday expedition to Bayeux with a distinguished tutor, in the Renaissance tradition.

# ODE

(AN ODYSSEY IN DOGGEREL WITH EXPLETIVES DELETED)

By Professor Robert H. Hahl

A young lawyer to his spouse once remarked:

"My talents I feel I've left parked!"

her reaction as spoken (she has a warm heart)

"Would you corporate practice depart?"

"Yes indeed!" he responded (he'd planned to confess)

"Brooklyn has offered a chance to profess."

"Why?" she inquired

(Her voice now grew tired)

"You've put a good question and I won't lie;

but, to answer you fairly, I cannot say why!

The crimes are so grizzily, the corps stuff so dry —

teaching's the thing that I really must try."

"Brooklyn who?" (she is a curious soul)

"The law school!" (its virtues he then did extol)

"Well, if you must then you will,

and for this, too, I'll hold still,

but . . ."

(There followed a siege with the pretty pink pill.)

To that building of old where the law school was situate

he directed his feet with a zeal now to concentrate;

but that couldn't be all, for to teach was a must,

and to carry that off he'd developed a lust.

"Teaching's really no problem, it should be a lark!"

(He'd find this a talent he hadn't left parked.)

Let's consider the teaching:

for a means he kept reaching

to best get across to the class —

but it came out like preaching

(that's hardly like teaching)

and he saw himself kin to an ass.

On that first day of teaching, in the very first class,

in quest of a simple name first to call —

(why fumble and stumble with a tough Von der Grumble?)

the roll book he picked, the pages did flick,

and upon the S's then did he fall —

the student to be first destroyed was: "Mr. Simon, Paul!"

What Simon then said has since passed from his head

but such notes as Paul wrote in his cubicle

could ne'er compare (here's a view we may share)

with those notes still more rare

that since flow from that pen grown so musical.

(Observe how that ass provoked some real class.)

With time there comes a confidence

and then too, one prays, a competence —

as a labor evolves into joy —

but was this the way one's life to deploy?

Had he found the path or engaged a digression?

This, for a time, became his obsession.

"Are you really happy at what you're doing honey?"

(what next ensued was more discussion

with the aforementioned warm and curious person)

"I am . . ." he offered (it couldn't have been the money)

"How can any of us be confident that we've found it?"

Again, that ringing question through his mind resounded.

"I'm loving what I'm doing!" (and the reverse)

for her to ask more seemed clearly perverse —

"But that's not enough!"

(she was now getting tough)

So they talked and he pondered it

and his best answer is hereinafter writ.

"The bottom line must be the same

whoever it is we are called by name;

(he spoke now as if one possessed

recalling words to him once professed) . . .

such happiness as men can claim

lies in their efforts, not their gain!"

"What efforts then?" (she would now press him)

"Such as are reasonable . . . (he'd not duck the question)

but know the ultimate will have been wrought

when there together have been brought

the banner which signals one could, and can,

and the manner which helps a fellow man."

## Intramural Victor To Face Faculty All-Stars

By Mary Cheasty

This spring marks the opening of the first annual Brooklyn Law School Softball League intramural competition. The League has been organized by two star players and veterans of this fall's football league, first year students Bruce Leder and Kenny Nagin. Commissioners Leder and Nagin planned the League to encourage social and athletic activities among BLS students. There is a rumor, though, that Nagin and Leder are being watched by professional managers and may succeed Bowie Kuhn if the season goes well.

The League consists of fifteen teams divided into two divisions, with a total of approximately two-hundred and fifty students participating. Although teams were to be mixed, there are few women students playing and they are concentrated on the first-year

teams. A permit has been secured from the Parks Department for the use of McLaughlin Park, next to the Brooklyn Navy Yard, on Wednesday and Thursday afternoons. Games against the Evening Division teams will be scheduled for weekends.

Although bad weather during the first week of the season, and an unexpectedly large response from the student body have led to some scheduling difficulties, the season has begun and most teams have played their first two games. Plans for next year include faculty and more women participants, and better scheduling and publicity.

Playoffs between the divisions are planned, and, if there is enough faculty interest, the two final playoffs teams will play an all-star faculty team at the end of the season.



# The Second Circus Law Revue: "Notes from a School for Scandal"

Directed by Arthur Gang and Katherine Timon

## *Starring*

PATRICIA BANNON  
FRANKLIN BASS  
SUSAN BERGMAN  
ARTHUR COHEN  
ALAN FRIED  
MARK GOLDING

SUSAN KAER  
THOMAS KELSO  
ANDREW KUSHNER

LEONA LEO  
MICHAEL LEWIS  
ALAN MILLER

CHRISTINE PASQUARIELLO  
JOHN RADONIC  
REBECCA SCHENKER  
KATHERINE TIMON  
ALAN TIVOLI  
MICHAEL WEINER



Photo by Lewis Franck



## STUDENT BAR ASSOCIATION

## INCOME AND EXPENSES

FROM SEPTEMBER 1, 1974 TO MARCH 31, 1975

From Student Activity Fee	\$16,000.00
Profit from Second Circus Law Revue	205.51
Profit from Used Book Exchange	57.06
Interest on Savings	231.01
<b>Total Income</b>	<b>\$16,493.58</b>

EXPENSES:	Amount Budgeted	Amount Spent
<b>General Fund</b>		
Speakers	\$1,000.00	\$ 240.00
Movies	900.00	778.50
Sports	500.00	190.00
Student Faculty Get-Togethers	750.00	191.00
Mixers, Parties, etc.	700.00	999.26 (Note 1)
Stationery, Supplies, Printing	500.00	431.19
Student Directories	300.00	260.06
Freshman Orientation	550.00	507.73
L.S.D. Expenses	750.00	260.00
Mailings and Permits	50.00	6.00
Miscellaneous	164.00	120.85
<b>Total General Fund</b>		<b>\$3,984.59</b>
Justinian	6,300.00	3,359.37
Women's Group	950.00	950.74
National Lawyers Guild	560.00	561.45
B.A.L.S.A.	666.00	651.00 (Note 2)
Moot Court	915.00	520.00
International Law Society	15.00	15.00
Jewish Student Union	450.00	138.00
Bridge Club	30.00	—
The Play (Loan of 2,000)	—	—
Surplus (Paid for expenses incurred in prior years)	—	117.76
<b>Total Expenses</b>		<b>\$10,297.92</b>
<b>Net Income</b>		<b>\$ 6,195.66</b>
Add: Opening Balance (Sept. 1, 1974) (net of money owed to school)		2,288.59
<b>Surplus as of March 31, 1975</b>		<b>\$ 8,484.25</b>

Note 1: \$350.00 Reimbursement from school and \$50.00 deposit paid in April are not reflected in this figure.

Note 2: \$334.00 of unused funds returned in April are not reflected in this figure.

## Candidates for SBA Positions

## President:

Franklin Bass  
Francis J. Carroll  
Alan L. Tivoli

## 1st Vice President

Diane Fernandez  
William Garnett

## 2nd Vice President

(Only night students vote)  
Jayne Russel

## Treasurer:

Vincent Bonventre  
Joyce David  
Howard Peltz

## Secretary:

Elyse Lehman  
Dean Silverberg

# Lawsuit Continued

(Continued from Page 1)

seeking collateral ends, namely to stifle the free expression of faculty opinion and sound functioning of the administration."

In the affidavit in support of motion for a preliminary injunction and temporary restraining order, Prof. Herrmann averred:

"It is noteworthy that in making such findings the Special Committee made no record, stenographic or otherwise, of its proceedings, afforded me no opportunity of cross-examining those who met with it or of being present at the time of their interviews, or of examining any of the documents and records relating to the allegations contained in the complaint, to which they make reference in their Petition, or even to specify what such documents are."

To understand these events, one must be familiar with the Brooklyn Law School Regulations on Appointment, Reappointment, Tenure, Promotion and Dismissal approved by the Board of Trustees on June 10, 1974. Although no one connected with the Faculty or Administration would allow the *Justinian* to see a copy of the Regulations, the *Justinian* has learned that Article III, Part F, of the Regulations provides a procedure for the dismissal and/or suspension of a faculty member based upon ability and fitness to act as a professor of law. Under Section 1 of Part F, a grievance against a faculty member brought to the attention of the Dean is sought to be remedied informally by a meeting between the Dean and the faculty member against whom the complaint has been filed. Because of the nature of the charges made by Prof. Herrmann in his complaint, the Board of Trustees determined that Dean Lisle would not be able to perform his proper role under Part F. Thus the Board of Trustees appointed the Special Committee to act in place of the Dean in these proceedings. If the grievance is not informally resolved, under Section 2 of Part F the Dean would initiate the appropriate petition in confidence to the Faculty Hearing Committee. Section 3 of Part F provides that the seven members and three alternates of the Faculty Hearing Committee shall be elected by the tenured Faculty. Under the provisions of Section 4 of Part F, the Faculty Hearing Committee would determine, in confidence by a vote of the absolute majority, whether the complaint has merit and whether it warrants commencement of proceedings to suspend or remove. If the Faculty Hearing Committee decides to proceed, the party complained against is served with a copy of the charges and a trial is conducted before the full Faculty and a vote taken to determine suspension or dismissal. The determination made by either the Faculty Hearing Committee or the vote of the full Faculty may be appealed to the Board of Trustees by either the Dean or the party charged.

Having been presented with the petition by the Special Committee, acting in place of Dean Lisle, Prof. Holzer sent the following memorandum to the members of the Faculty Hearing Committee on March 14, 1975:

## Memorandum

March 14, 1975

To: Faculty Hearing Committee: Professors DeMeo, Hahl, Leitner, Meehan, Nightingale, Ronayne.

From: Prof. H. M. Holzer, Chairman, Faculty Hearing Committee.

Subject:

As Chairman of the Faculty Hearing Committee, at 4:30 p.m. on Thursday, March 13, 1975, I was served by the Special Committee of the Board of Trustees, Brooklyn Law School, with a Petition, a copy of which is annexed hereto. The Petition and the Appendices annexed thereto are self-explanatory.

Also annexed hereto is a copy of the Brooklyn Law School Dismissal Regulations, pursuant to which the petition has been filed. These Regulations are also self-explanatory.

In accordance with Section 4 of said Regulations, notice is hereby given that the Committee will meet in the Board Room at 12:15 p.m. on Tuesday, March 25, 1975, in order to "immediately determine whether the statements therein contained warrant commencing proceedings leading to the removal of the faculty member concerned."

Unless overruled by a majority of the Committee (excluding myself) I propose to have the Committee proceed in the following manner:

1. Discussion of the question, for not more than an hour and a half.

2. No stenographic or other record made of the discussion (cf. Section 13).

3. No later than 1:45 p.m. the taking of a yes/no vote by a secret ballot, with each member's vote being placed in an identical sealed BLS envelope.

4. The envelopes will be scrambled to ensure anonymity and then immediately opened in the Committee's presence by Dean Prince, but if he is unavailable then by someone chosen by the Committee.

5. Dean Prince, or whoever shall act in his place, shall report to the Committee not the number of yes and/or no votes, but only whether there is an "absolute majority vote that there is sufficient cause to commence proceedings." I will verify the report of votes, the actual number of yes and/or no votes will be kept secret from the Committee and the ballots will be immediately destroyed in the presence of the Committee.

6. On behalf of our Committee, I will promptly notify the Board's Committee of the result of our deliberations, and I will take such other steps as may be called for by the Regulations.

Please note that Section 2 of the Regulations provides that this Petition has been submitted to our Committee in confidence. I interpret that to mean that no one, including the Dean, is to know from any of us even that we have received the Petition, let alone anything contained therein. Other than we seven, to my knowledge no one on the faculty knows of the Petition or has a copy of it. Please let's keep it that way.

Please note further that if any member of the Committee should resign, the first elected alternate is Prof. Gershenson and the second is Prof. Schwartz. If anyone

intends to resign, please do so sooner rather than later so that the alternate(s) can have an opportunity to consider the Petition.

Needless to say, we are embarking on a very serious undertaking. I solicit your assistance in discharging this task with dispatch and fairness.

HWH/dK

Though the memorandum was to remain strictly confidential, Prof. Herrmann managed to obtain a copy of it. He sought to restrain the meeting of the Faculty Hearing Committee scheduled for March 25 on the basis that "the proceedings leading to removal of plaintiff as a tenured Professor of Law at the Brooklyn Law School solely by reason of plaintiff having commenced this action in this Court, before there has been proper opportunity for a judicial determination of the merits of plaintiff's complaint in this action, thereby rendering meaningless plaintiff's right to have a trial of such action in this Court."

In the Affidavit in Support of Motion for a Preliminary Injunction and Temporary Restraining Order, the memorandum was characterized as an attempt "to strip these contemplated proceedings of all of the protections of due process, procedural and otherwise, and to revive star chambers in Brooklyn." It was noted that Section 13 of Part F of the Regulations referred to above, relating to dismissal proceedings, specifically provides that, "A stenographic record shall be made of all proceedings before the Committee and a copy of the transcript shall be supplied to the faculty member concerned or his counsel upon request and without charge."

In addition, the affidavit revealed that the initials HWH/dk at the bottom of the memorandum "discloses that it was typed by Miss Delores Kuebler, private secretary to Dean Lisle, one of the defendants."

The motion for the temporary restraining order and preliminary injunction was denied. Prof. Holzer refused to make any comment concerning the memorandum or the Faculty Hearing Committee proceeding. However, the *Justinian* has learned that the Committee did meet and that the necessary four votes to bring the petition before the full Faculty were not obtained.

Presently, the matter appears to be in abeyance. Decisions of the Faculty Hearing Committee may be appealed to the Board of Trustees, but it would appear difficult for the Special Committee of the Board of Trustees to appeal to the Board of Trustees.

When guaranteed anonymity, several faculty members raised questions concerning the foregoing events. Some expressed concern over Prof. Herrmann's ability to obtain a document which was to be strictly confidential as this jeopardizes the confidential nature of the Hearing Committee proceedings. Others questioned the interpretation given the word "confidential." Are the proceedings to be secret from all or should the accused faculty member be allowed to know that the Faculty Hearing Committee is to discuss charges concerning the faculty member? Several questioned the voting procedure proposed in the memorandum and wondered why Dean Jerome Prince, not a member of the Committee, was needed to count the ballots.



# Stanford Hosts Women's Law Conference

The Sixth National Conference on Women and the Law was held at Stanford University in Palo Alto, California on the weekend of March 21-23. Five women from the Women's Action Group represented BLS at the conference.

The conference opened Friday night with an address by Professor Ruth Bader Ginsburg of Columbia University, fresh from her successful argument of *Weinberger v. Weisenfeld*, decided March 19, 1975 by the U.S. Supreme Court. She explained that in *Weisenfeld* the court unanimously struck down as unconstitutional a 36-year-old gender-based provision of the Social Security law that authorizes survivors' benefits for the widow of a deceased worker with children but denies them to a widower in the same position. An enthusiastic audience of women and some men representing the entire spectrum of the legal profession (law student, lawyer, legal worker, professor) not only heard her speak of the past successes in "gender-based discrimination" cases but also stress what still remains to be done. Professor Ginsburg discussed the need for continued affirmative action programs, using quotas if necessary; finding ways in which women can be freed from the home, including advancement of the view that pregnancy is only a temporary disability. She emphasized that there is much that law schools can do to advance the cause of women's rights. Professor Ginsburg's accomplishments, demeanor, sense of perspective and good humor make her a much needed role model for women in the legal profession.

Saturday morning the workshops began, continuing through Sunday afternoon. The wide scope of subjects discussed was astonishing to the delegates. Examples of the varied offerings included Married Women and Credit, Wo-

men in Prison, Title VII, Litigation, Implications of *Geduldig v. Aiello*, Problems of Female Juveniles, and Techniques of Constitutional Litigation. The workshop on Sterilization included Rhonda Copelon, professor of Women and the Law at Brooklyn. Liz Schneider, who shares the teaching responsibilities with Ms. Copelon, was a leader of the workshop on Sex Discrimination and Juries. Many of the women leading the workshops among them Professors Copelon and Schneider, had their trips to the conference financed on the condition that they prepare technical papers on their subject. The papers are to be published in an upcoming issue of the Women's Rights Law Reporter.

The workshops were divided into "overviews" and "technicals", intending to meet the differing needs and backgrounds of the participants. The BLS delegates found the workshops to be interesting and informative and the women in charge highly qualified and responsive. Due to the large number of women participating (approximately one thousand), however, there was little chance for intimate conversations among small groups of people. Most first year students attended only the overviews, which gave a general description of the issues in each topic. The workshop on Women and Welfare described the scope of the Federal-State programs, primarily Aid to Families with Dependent Children-AFDC, and the difficulties encountered by female recipients. Women on welfare, usually without spouses, are considered lazy and living off the work of others. No recognition is given to the difficult task of child-rearing as productive work. The panel on Constitutional Law briefly summarized the major Supreme Court decisions, made throughout the last one hundred

years, that are responsible for shaping the legal position of women in this country. An interesting comparison was evoked by the descriptions of Women in Modern Socialist Countries. Highlighting the workshop discussion was a recent enactment of the Family Code in Cuba which requires male members of households to share in one half of the housekeeping and child rearing responsibilities. The workshop on Alternate Practice gave insight into both the advantages and difficulties of working outside the established male-oriented corporate firms. One opportunity for small group discussion came after the panel on Sexism and Racism. A woman from Dolphin, an organization of prostitutes from Hawaii, described the loss of civil liberties that a woman charged with prostitution encounters. In addition, she stressed the inequality involved in the fact that the man involved in the "crime" is rarely arrested. The Dolphin women made a plea for de-criminalization of prostitution rather than a licensing procedure. In contrast to the overviews, some of the technicals were conducted on a very detailed level. The workshop on *Geduldig v. Aiello* started out with a line by line analysis of this case of special interest to the audience which contained at least fifteen students who were writing law review notes on the case.

In addition to the workshops several films of special interest to women were shown. "Antonia," a film about orchestra conductor Antonia Brica and narrated by Judy Collins was a charming and moving portrait of a real human being and her struggles for achievement. On Saturday evening festivities were accompanied by an all-woman rock band.

The participants felt that the conference gave them as law students, absorbed in the distinct "subjects" of law school, an opportunity to acquire a basic understanding of the law as it relates to women in today's world. They admitted to a sense of purpose and supportiveness amidst a gathering of a thousand women who shared interests and goals. Fortunately for students from the Northeast, next year's conference will be held at Temple University in Philadelphia. Many more BLS students will be able to participate in a stimulating, informative and supportive weekend.

# Students Argue For Brooklyn

On April 11 and 12, the BLS Tax Team, Bill Garnett, Harry Polatssek, and Eugene Krauss, competed in the Second Annual Mugel Tax Competition held at Buffalo Law School. Harry Polatssek and Bill Garnett, who argued in the first round, defeated the University of Toledo. In the second round of oral argument, the BLS team was upset by Cleveland State, the eventual winner of the competition.

On April 16, the Brooklyn Bar Association held the sixth annual moot court competition between BLS and St. John's Law Schools. The participants submitted briefs and argued the constitutionality of New York's recently enacted "no-fault" automobile insurance statute. Phyllis Silver and Sherri Venokur of BLS argued for the constitutionality of the statute. The judges of the competition were



Sherri Venokur, Judge Weinstein, Phyllis Silver.

Benjamin Siff, a N.Y. appellate attorney; Alfred Weinstein, assistant corporation counsel, City of New York; and Jack B. Weinstein, U.S. District Judge, E.D.N.Y. In a close decision, voting 2-1, the judges deemed St. John's the winner. Presiding Judge Jack Weinstein, however, dissented and cast his vote emphatically for the BLS brief and oral argument.

# Eugene Gold

(Continued from Page 1)

establish a high conviction rate with longer sentences. Statistically, over 41% of the people convicted in these crime categories receive ten years or more. By comparison, of those defendants with identical backgrounds being tried for the same crime who are run through the system, only 4% in the same crime category receive over ten years. In other words, you are 10 times more likely to receive a 10 year sentence or more if your case is handled through this program.

There is also practically no plea bargaining in the cases handled by the Major Offenses Bureau. "There is plea bargaining, but it is so severely limited that it is inconsequential. For example, in 70% of all of the cases that come into that Bureau, the disposition is for the top count of the indictment. And in no case is it ever less than one count below the top count. The conviction rate is running 95% in the first two years, which is the result of having sufficient resources and concentration on that program. But it isn't large enough because we don't have the resources with which to do it."

Getting the criminal off the street is only half the problem; our society has justified incarceration as a means of punishing and rehabilitating the individual. Mr. Gold feels however that "there are some people for whom rehabilitation is just not going to work; no matter what you do, they are going to continue to do the same things that they have always done. It is the group that falls into that category that must be removed from the society for some given period of time; they just don't belong out on the streets. There is no alternative. If there is one, we certainly have not found it. By 'we' I mean society, not simply the D.A. The D.A. is not involved directly in the rehabilitative process. Slowly, the society is turning back to punishment and away from rehabilitation. We must be careful, however, not to turn so far back that we neglect those who can be rehabilitated."

Organized crime has long been recognized as one of the major

problems facing law enforcement today. Contrary to the popular belief that it cannot be permanently eliminated, Mr. Gold believes that successful inroads have been made in Brooklyn and are the harbingers of hopeful days ahead. "We refer to it as organized crime. There is one word in there that is very significant. It is not simply the word crime, it is the word organized. And law enforcement has not been organized in its fight against organized crime. And that is one of the basic problems; that it hasn't been a truly national effort. We haven't given the kind of concentration to it that it deserves."

Another significant area that is plaguing the law enforcement system is the mushrooming number of crimes committed by youthful offenders. Mr. Gold had some strong opinions in this area, "... if you have the maturity to vote at age 18, it seems to me that you must be responsible for your conduct at a much earlier age. ... If you want to be treated as an adult, and it is your right to be treated as an adult, then you also have a concurrent responsibility to act like one. The two go together. Unfortunately, for much too long, all we have been talking about is rights, and rights don't mean a thing by themselves. You lose your rights unless you live up to your obligations."

In closing, Mr. Gold commented that the period he spent at BLS were some of the happiest times in his life. It is also his opinion that "... the quality of the student body matches that of just about any of the law schools. A large number of bright students come out of the law school, are interviewed by me and are hired." The present Deputy Chief of the Appeals Bureau graduated from BLS in 1972. "... You get a different kind of student out of BLS which I think is positive, not negative. Much less theoretical and much more practical. Much more aware of what is happening on the streets of the city than students who come from some of the more theoretical law schools."

# Annual ABA/LSD Convention Site Montreal

Come to Montreal. Meet law students from all over the country and attend ABA Section and Committee Meetings.

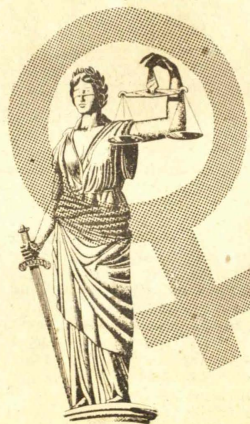
The Law Student Division has reserved THE ROYAL VICTORIA COLLEGE (a dorm) at McGill University. McGill University is downtown Montreal close to all hotels where ABA functions will be located. All LSD meeting activities are at McGill University. We have reserved 250 single rooms. The costs are \$10.50 per night per person (per room) \$11.50 per night per person (room and breakfast). The meeting registration fee is \$25.00 per person which includes materials and some meals. REGISTRATION DEADLINE IS JULY 1, 1975.

A separate check covering first night's lodging deposit must accompany registration fee. The registration fee should be made payable to the Law Student Division,

American Bar Association. The lodging deposit should be made payable to McGill University.

Mail your application and payment to: Law Student Division, American Bar Association, 1155 East 60 St. Chicago, Illinois 60637.

The Second Circuit is sponsoring the "New York Legal Liner" (Amtrak) which will be leaving Penn Station on August 8th at 9:10 P.M. arriving in Montreal at 9:05 A.M. August 9th. Departure from Montreal on August 13th, is at 5:10 P.M. arriving in New York at 6:35 A.M. on August 14. The round trip fare is \$39.00. Mail your four dollar "non refundable" deposit immediately to Connie Raffa, 1364 82St. Brooklyn, New York 11228; the balance is due by July 1, 1975. The fare may be reduced to \$33.50 if we have more than 30 people. The night trip has the added advantage of a pub, dinner and club car; so plan to party through the night.







by Matthew J. Trachtenberg

T. S. Eliot said, "April is the cruellest month, breeding Lilacs out of the dead land, mixing memory and desire, stirring dull roots with spring rain." Despite all this, April in New York is also a month of changes, with opera giving way to ballet, filled with myriad artistic events to soothe the harsh effects of winter. With the opera season drawing to a close The Metropolitan Opera, at long last, added soprano Beverly Sills to its roster of stars. Miss Sills' performance in the Met's abridged version of Rossini's bel canto extravaganza "The Siege of Corinth" was a marvel of dramatic sensibilities. Miss Sills' singing was, on the whole, excellent and while she exhibited rather harsh singing above the staff her legiero passages were superb. All of the interpolated cadenzas, runs and embellishments were clear and secure with a number of trills that even Sutherland would envy. Above all else, her warmth and personality made the rather sterile part come alive to one of deep feeling. The tenor role of Cleome was sung by Harry Theyard and while exhibiting the necessary élan he often overtaxed his lyric spinto tenor with extravagant outbursts. Mezzo Shirley Verret used her rich-hued voice well in the trouser part of Neocle. Justino Diaz poured out his impressive bass with attention to detail and an elegance of line often lost by low voices doing bel canto parts. Thomas Schippers conducted the work with a sure hand, fully comprehending its drama.

Other musical events this month

include the French soprano, Madame Regine Crespin, who will appear in a program of French songs and arias at Carnegie Hall on April 23. Madame Crespin is indeed one of the great artists of our time and with all seats at one half price, with student I.D., this is an event that no student should miss. Gina Bachauer, often called the pianist, will be performing at Hunter College on April 26 in a program including works by Mozart, Ravel, Brahms, and Schubert. Miss Bachauer is a fine artist who puts her male counterparts to shame, exhibiting a majestic yet endearing technique and performance style which no piano enthusiast should miss.

On April 22 the Bolshoi Ballet will perform in the United States for the first time in over a decade. Opening night at the Metropolitan Opera House the company will give the American premiere of its "Spartacus Ballet". Having seen the London premiere of this ballet some nine years ago, this reviewer considers this to be one of the company's outstanding productions and a major dance achievement. "Spartacus" is a work of masculine lines calling for great precision by the corps de ballet (a Bolshoi specialty) and strong interpretative powers by the principals. "Spartacus" is indeed a work of great power and movement that represents not only a departure from the Bolshoi's preoccupation with tradition but also uses innovative choreography filled with an underlying tension that harnesses the animal-

istic qualities of the ballet's motif. Tickets for the Bolshoi are prohibitive and for this reason I suggest that one see only "Spartacus", for the majority of the other productions have superior American counterparts, many featuring former Bolshoi stars. In fact, as of late, the Bolshoi stars who recently toured the U.S. are weak when compared to their companions who defected.

This is a city, as Aristophanes would say, where "whirl is king, having deposed Zeus." More and more fast food chains spring up to remind us that speed has replaced care and plastic has replaced china and linen. Every once in a while the weary city dweller needs to settle into a quiet corner and enjoy a good meal and hearty drink. This month's restaurant recommendation is an old haunt of C.P. Snow and others called "The Reidy's" on East 54th St. "Reidy's" draws a local crowd.



largely from the advertising, cosmetics, photography and television industries of the area. It is a warm little place featuring Irish and American specialties. The drinks are inexpensive and hearty with Irish coffee that is more whiskey than anything else. The a la carte menu is extremely inexpensive and luncheon and dinner are real values. For example, a simply wonderful Irish lamb stew in clear broth with hearty chunks of lamb is a mere \$2.95. Add to that "Reidy's" fantastic martini and any theatregoer is ready to brave the elements. This is indeed an in spot with theatre folk and a fine place for a good meal at a nominal cost with a largely jacket and tie clientele.

# The Docket

The first annual BLS Tennis Tournament was played at the Wall Street Racket Club on April 5. The winners were Larry Kleger and Bart Kaplan who defeated Andy Kushner and Doug Grover in a sweatless match, 6-4, 7-5. The losers took solace by imbibing the free, cold Michelob provided by the SBA. The promoters plan another tourney for May 10 if there are enough participants.

## Landlord and Tenant Seminars

The SBA is sponsoring a series of Landlord-Tenant Seminars on Thursday evenings from 7:30 to 10:00 P.M. The seminars began April 10 and will continue until May 15, in Room 401. All interested are welcome to attend.

## Senator Bellamy to Speak

New York State Senator Carol Bellamy has been invited by the BLS Women's Action Group to speak on the New York Equal Rights Amendment. Senator Bellamy will speak at 12 Noon on Friday, April 25. All students are welcome.

## SBA Party

There will be a party in the cafeteria April 25. At 7:30 there will be a "Showcase" with an emphasis on comedy. Emcee will be Dan Moskowitz. Performing from BLS will be John Reiter — guitar; Leah Larsen — comedy; and Vic Fusco, Pete Martin, Jim Hatter, Bob Liedy and Leonard Scalfani — Jazz. Outside comedians include Bob Rosenblum, Jim Brogan, Paul Vetelle and John Peel. Party with live band and refreshments will follow.

## SBA Elections

SBA elections will be held May 5 and 6. Ballots will be available in the lobby. Chairperson of the Election Committee is Leona Leo.

## Free Checking For BLS Students

Alan Tivoli, SBA treasurer, has finalized arrangements with the Central State Bank, 32 Court St., for free checking for all BLS students. Graduating students applying before June 15, 1975, will be able to keep the account free of charge until one year after graduation. There will be a slight charge for fancy checks and checks imprinted with name and address.

## Intramural Competition

On Law Day, May 1, 1975, the final round of the SBA Intramural Moot Court competition will be held in the Moot Court Room. The argument will commence at 12:15 P.M. and should be finished by 1:00 P.M. All members of the BLS community are invited.

## Second Circus Law Revue

On March 20 Brooklyn Law School's production of "The Second Circus Law Revue — Notes from A School for Scandal" opened to a responsive audience. This review, directed by Arthur Gand and Katherine Timon, was a lively and very amusing look at ourselves, our beloved faculty and law school life in general. The cast was excellent with particularly notable performances by John Radonic and Thomas Kelso. This production was obviously the result of many weeks of hard work and was nothing less than a delight. It certainly is nice to find out that not only are Brooklyn's students bright but they also have talent. Hopefully this will give way to many more student productions and greater allocations for the same.

It should be noted that unlike previous years, instead of finishing in the red, the play netted approximately \$200 for the BLS student body.

## Raffa Circuit Governor

(Continued from Page 1)

many cases the policeman's paramount concern is to "preserve his pension" without getting indicted himself.

In response to a question on the problem of court delays, all three members of the panel agreed that a delay in the criminal process really favors the defendant; witnesses forget the incident, sympathy for the victim subsides, and the parties become less inclined to prosecute. Recognizing there is a difficulty in holding suspects in jail until their trial is put on the calendar, they all felt that the suspect is far better off staying in detention, because more severe penalties are handed out in a "speedy" trial. The panel admitted, however, that if you were in prison at Rikers Island or Atlantic Avenue you would want a speedy trial. As for plea bargaining, Justice Titone felt the term has a bad connotation and would have greater acceptance if it were stated in Latin or called "conviction in lieu of trial." Justice Titone felt that both sides are benefited by the plea bargaining process. Mr. Rothblatt estimated that 95% of a criminal lawyer's cases are settled by plea bargaining. He felt that plea bargaining is a lawyer's most important skill and recoum-

ent incidents of his use of that skill in the case of "The Happy Hooker" and the four Cubans involved in Watergate.

After lunch, David Erdmann, national president of the Law Student Division, addressed the delegates on JURISCAN, the new computer job placement program. JURISCAN operates in much the same way that computer dating services did several years ago. At present, participation forms have been circulated to 195,000 employers. The best response has been from small law firms of under 5 attorneys who cannot afford to do their own recruiting. Data on the employers and on third year law students are fed into the computer and each applicant is given a list of at least five matches. (Application forms at BLS are available in the SBA office.)

The afternoon session focused on election of a new Second Circuit Governor. Bob Algaize, the retiring Governor, addressed the delegates, who represented Brooklyn, Buffalo, Columbia, Connecticut, Fordham, New York and St. John's. Four BLS students, Paula-Jane Seidman, Anne Hunter, Connie Raffa, and John Di Bella, were among those who received ABA-LSD silver keys and certificates.



Connie Raffa

LSD president David Erdmann presented an ABA-LSD gold key to Bob Algaize for his contribution to the Circuit.

The candidates for Governor were Caryn Goldenberg of St. John's, Connie Raffa of BLS, George Koervary of Fordham and Alan Smilowitz of New York Law School. Both Connie and Ira Frank of St. John's, who was elected Lieutenant Governor, are working towards a plan to facilitate greater student attendance at the National ABA-LSD Convention in Montreal on August 9 through 12.

## Metamorphosis

By Irwin J. Cohen

*In the quiet, a disappearing body slithers down the aisle.  
Pausing to scan the shelves,  
And to scoop out the volumes  
With their titles etched in gold,  
The body turns, and moves on.*

*Outside, past the glass and ivory towers  
Flow moving masses of people.  
Pausing to stare at the single milk-white building  
With its letters etched in gold,  
The people turn, and move on.*

*Within, determined men and women, disciplinarians, nestle into position.*

*Craning their necks towards the pool of knowledge,  
They surface regularly and scribble notes.  
Finally, papers are shuffled, brief cases click, knobs spin.  
The weary students turn, and move on.*

*Metamorphosis. Laymen, students; inquisitors, analysts; lawyers,  
Weathering the storm at a price their souls have borne,  
They have armed themselves with the skills and training of the processing.*

*In the quiet, these students are handed papers bearing their names  
With the letters etched in gold.  
The lawyers turn, and move on.*

*Legal scholars determine the principles,  
Distinguishing facts weave the rules' pattern.  
But observe, be cognizant of the laws' lustre.  
For gold tarnishes . . . the stars fade . . .*

*Months, years later, the same body proceeds down the aisle.  
Forsaking the timeworn volumes it chose once before,  
It selects the recent, up-to-date volumes  
With their titles etched in gold.  
For like students, and bodies, and people, and lawyers,  
The law too turns, and moves on . . .*