

# The Justinian

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Volume 1976  
Issue 2 *March*

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Article 1

1976

## The Justinian

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### Recommended Citation

(1976) "The Justinian," *The Justinian*: Vol. 1976 : Iss. 2 , Article 1.  
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# Justinian

Vol. XXXVI - No. 7

WEDNESDAY, MARCH 10, 1976

Page One

"The only security of all is a free press. The force of public opinion cannot be resisted, when permitted freely to be expressed. The agitation it produces must be submitted to. It is necessary to keep the waters pure."

THOMAS JEFFERSON, 1823

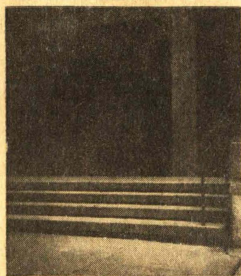
## Handicapped Revolt

### State Charges City With Discrimination

By Joseph Supp

On February 5, 1976, the State Division of Human Rights determined that there is probable cause to believe that the Parking Violations Bureau and the City of New York, together with the owners and managers of the Parking Violations Bureau building at 475 Park Avenue South, "have engaged in, and are engaging in, unlawful discriminatory practices," against a wheel-chair-confined person, by presenting and maintaining architectural barriers in a place of public accommodation, in violation of the Human Rights Law of the State of New York.

On September 4, 1975, Curtis Brewer, a recent BLS graduate who is severely disabled, filed a complaint with the Division of Human Rights, charging that he was denied access to the Parking Violations Bureau Building at 475 Park Avenue South when he appeared to answer a parking summons. He was refused assistance in mounting the steps leading into the building. Instead, he was told to go around to the back entrance, which was the freight and garbage elevator, bearing a sign, "Danger, elevator pit." Brewer again requested that either the Parking Violations Bureau or the



Steps at 475 Park Ave. So.

owners of the building provide him with assistance in negotiating the steps. The Bureau responded that they thought it had been made quite clear to him that the building was accessible to wheelchairs at the freight entrance, and that he had just seven days either to remit payment or appear for a hearing without late penalties, attaching. He was also told that he could appear at two other offices in the Bronx or Queens with ground-level access or that he could appear before an ex parte unit. After several more unsuccessful attempts to gain access, Brewer filed a complaint

with the Division of Human Rights.

#### Division of Human Rights

The Division of Human Rights has jurisdiction to investigate all instances of alleged discriminatory practices in violation of the Human Rights Law. The Division has the power to order a violator to cease and desist from any unlawful practices under threat of contempt, fine, or imprisonment, and can award compensatory damages to the victim. The Division can also obtain a court order or injunction to enforce its decisions.

Once a complaint has been filed, a "prompt" investigation is conducted to determine whether there is probable cause to sustain the complaint. If probable cause is determined to exist, the regional director will attempt to resolve the case informally through conciliation with the respondents. If no agreement is reached, a public hearing must be scheduled. All of the above must be done within 60 days of the filing of the complaint. (For further details of the procedure see the March 7, 1975 issue of the *Justinian*, and the Executive Law (McKinney's) Article 15, Sec. 290-300.)

A determination that probable cause exists, as in the Brewer complaint, is not an adjudication that the respondents are guilty

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EEOC Committee, from left, Prof. Brandt, Prof. Leitner, Mr. Haverstick, Howard Peltz (SBA observer), Nachman, Betty Blank, Paul Carpenter.

### Recruiters Discriminate Says Student

By Kim Steven Juhase

A charge of discrimination against handicapped students was leveled against on-campus recruiters by Eric Nachman, a paraplegic BLS student. However, a BLS committee authorized to investigate job-discrimination complaints has decided that there is insufficient evidence.

While Nachman was waiting outside the Moot Court Room for a job interview sometime in December, Mr. Henry Haverstick, Director of Placement and Career Planning at BLS, allegedly told him, "Eric, I am telling you this because I think you should know, the recruiters have told me over lunch that they will not offer you a position. They all said you were fully qualified but they will not hire a person in a wheelchair. They feel that a person in a wheelchair cannot portray the proper image of the young professional." Haverstick did not tell Nachman who the recruiters were.

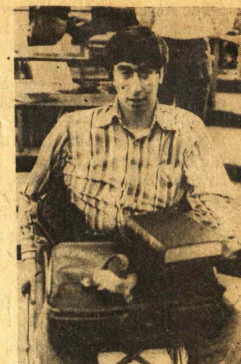
Nachman had been interviewed previously by six accounting job recruiters. He was eventually rejected by all of them.

Nachman did not take immediate action after the conversation. "I wasn't all that interested in going into accounting," Nachman explained. "But then I gave it much thought and I began to feel that Haverstick should have notified the BLS community." Nachman paraphrased the conversation in a letter to Haverstick dated January 27, 1976. Copies were sent to the *Justinian* and Mr. Holzman, Assistant to Dean Lisle. The letter also requested that Haverstick disclose the identity of the discriminating recruiters and ban them from BLS.

On February 6, 1976, Nachman and Haverstick met in the Placement Office. Haverstick invited Nachman to present his complaint to BLS's Equal Employment Opportunity Committee (EEOC)

meeting scheduled for February 10, 1976. Nachman agreed.

In a letter which Haverstick wrote to Nachman on the same day as their meeting, he stated, "I must, however, advise you that I believe you have misquoted me in the paraphrase which you, in your letter of January 27, 1976, attribute to me. Furthermore, it seems to me that you have misconstrued



Eric Nachman

certain statements I made to you at the urging of Haverstick." Haverstick assured Nachman that he would explain his position in greater detail at the EEOC meeting.

The EEOC, formed three years ago at the urging of Haverstick, was designed to handle student complaints involving alleged discriminatory practices by job recruiters at BLS. The EEOC has three faculty and three student members. The current members of the Committee are Prof. Leitner, Chairman; Prof. Brandt; Prof. Schwartz; Betty Blank, a second-

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### Alumnotes:

## Judge Nathan Sobel

By Manuel Taitz

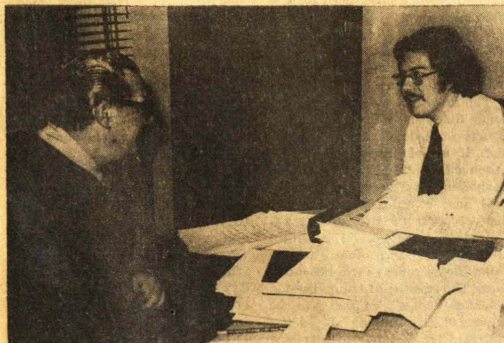
Nathan R. Sobel graduated Brooklyn Law School in 1927, at the age of twenty one. Shortly thereafter, he became one of the counsel for the minority members on the Seabury Committee, which was investigating the affairs of the City of New York. The following year he was appointed Counsel to the Minority Leader of the Assembly and acted in that capacity through 1934. When, in

1935, the minority became the majority, he became Counsel to the Speaker. In 1936, he was appointed Counsel to Governor Lehman and served in that capacity through 1942. It was during this period that Judge Sobel gained a reputation for being among the "best bill drafters" in the state. He was Counsel to the Committees created by the New York Legislature to recodify: the Vehicle and Traffic Law, the Banking Law, the Insurance Law, the General Muni-

icipal Law and the Local Finance Law. In 1942 Nathan Sobel ran for County Judge and was elected to the position on January 1, 1943. In 1962, when the County Court and the Supreme Court merged, he became a Supreme Court Justice and served until 1968. In 1968 he was elected Surrogate of Kings County, having received the endorsement of all political parties. He is still serving in that capacity.

We asked Judge Sobel about the criminal justice system. "In 1925 the Baumes Commission observed that fifty percent of all felony cases were disposed of by pleas of guilty. Today the percentage is as high as 95 percent. The system would collapse from its own weight if judges were required to try more than five percent of the indictments found. Criticism of plea bargaining is only justified if the pressures are such that innocent defendants plead guilty. There is no doubt that some do. My discussion is with legal aid attorneys, those who have the broadest experience and, consequently, the best in-depth understanding, lead me to believe that many defendants who profess innocence insist on pleading guilty — particularly when the judge

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Judge Sobel with Justinian Correspondent.



## Justinian

Published under the auspices of the Student Bar Association

BROOKLYN LAW SCHOOL

250 Joralemon Street, Brooklyn, N.Y. 11201

Telephone: (212) 625-2200 Ext. 50

**Editor-in-Chief** ..... Kim Steven Juhase  
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(Editorials express the views of the Editorial Board.)

## I'accuse

We note with distress that the SEA Delegate Assembly on March 1 failed to get a quorum at a regularly scheduled meeting. If our elected representatives cannot fulfill their limited duties, they should resign or be impeached. Where was your elected representative on March 1?

## Library Fines

It may be a surprise to many students that certain library books may be legally withdrawn for a week. It may be an even greater surprise to learn that if the book is kept for another week without renewal, it will cost the wayward student \$2.85. While we appreciate the need for fines, widespread ignorance of the penalties makes their application unfair.

The fines are currently listed in the Library Handbook and on a small sign on the front desk. However, it is doubtful that many students have bothered to read the Handbook or have noticed the sign. It is only equitable that a student withdrawing a book from the library be notified of his potential liability. Since few students actually check out books, it would not be much trouble for the library assistants to tell students about the fines. Alternatively, a larger than microscopic sign should be prominently displayed on the front desk with the penalty schedule.

## Snafu

Many first-year students received an informative picture of the internal workings of the BLS Administration when the Constitutional Law class-size problem arose in December.

The Administration learned in July 1975 that Prof. Nancy Fink would not be returning from Harvard to teach here in 1975-76. Did the Ninth Floor make a move at that time to hire an adjunct or to plan for another professor, in addition to Prof. Holzer, to teach the day sections of the course? No. In fact, the Administration admits that it was unaware of the problem until Prof. Holzer mentioned it in November.

This type of inaction by the Administration might have been old-hat to upperclassmen, but for students who had been at BLS for only four months, the picture that emerged was not a pleasant one.

It is up to the students to get the SBA to see that such ridiculous snafus don't happen again. So get involved, because these problems affect you.

## ONCE A MOOT...

He came to me in a vision,  
 I greeted him with shock and derision,  
 A more unlikely fellow you could hardly conceive,  
 Incentive enough to ask him to leave.

He said, "Stand and salute,  
 I'm the Esquire, Albert A. Moot.  
 I void controversies and cases,  
 On a regular basis.

I often mitigate,  
 The necessity to litigate.  
 Petitioners think I'm crude,  
 My appearance makes them brood,  
 But jurists are glad they needn't mull,  
 Over issues deemed to be null.

In other times I thought of changing my name,  
 Yet, it has remained the same.  
 I had commenced the suit,  
 To rid myself of the title "Moot",  
 But I had the misfortune to die,  
 And a cause of action would not lie."

Debra L. Kriss

## Letters:

Dear Editor:

Our Chapter of the Jaycees is located behind the walls of the State Penitentiary and the membership is composed entirely of men incarcerated at this facility. We recently initiated a new project entitled "A Brighter Day," which we would like your campus paper to help us make a success.

There are a great number of men here that do not have friends or relatives on the outside with whom they may correspond. Our brighter day program is designed to fill a void in their lives and brighten their day each day at mail call. There is nothing more discouraging than the lack of communication with the outside. Receiving mail is one of the most important things in an inmate's life.

We would like you to print a few names of prisoners in your campus paper and thus encourage students to write to these men. We feel that college students are at a time in their lives just as we are. Since they are planning their futures, they may be able to help some people improve themselves. This is one of the goals of the Jaycees—working for the improvement of all persons involved.

We are listing below several names of men that would appreciate someone to correspond with. Thank you for helping us help someone here have a brighter day.

Orbin Fritz, 91438; Richard Fulmer, 90389; Tommy Gilbreath, 90673; Orben Gill, 85451; Jesse

Glazier, 85480; Mike Glover, 91295; Joe Gonzales, 67778; Clarence Graham, 89930.

Address all correspondences P. O. Box 97, McAlester, Okla. 74501 —ed. note

Yours in Jaycees,  
**George M. Smith Jr.**  
 Project Chairman 85633  
**Odyssey Jaycees**  
**John A. Davis**  
 Co-Chairman 90847

Dear Editor:

We would like to clarify what may have been a misconception regarding the standards for acceptance on the **Brooklyn Law Review** resulting from participation in this year's Open Note Competition. The standard of acceptance is a paper that is "publishable" — not one that will be published. If, for any reason, a paper deemed "publishable" cannot be published, the author will nevertheless be accepted as a staff member on the Review. We encourage students to submit papers! Topics are currently being approved by the Notes Editors. Moreover, as an optional matter, an outline may be submitted for approval or disapproval after acceptance of the topic. We would advise early submission of the topic (and outline, if desired) so that there will be adequate time to develop the paper. If there are any questions regarding the Open Note, please feel free to come and ask.

Brooklyn Law Review

## Choices:

# The Elective Curriculum

By Professor George Johnson

Soon it will be spring, and as the world becomes puddle wonderful, our first and second year students must choose the courses that will complete their legal education. The choices are most difficult for first year students. Until now, they have been directed by a required curriculum into course work that lies at the foundation of the knowledge of a complete lawyer. This spring, first year students must decide how to round out that knowledge from a totally elective curriculum.

If the complete lawyer could be found and that knowledge could be distilled and dissected into 84 units of course work, an elective curriculum would make little sense. Yet, like the reasonable person, the complete lawyer does not exist. Each practicing attorney has strengths and weaknesses; the strengths lead to fields of expertise, and the weaknesses lead to cries for help from other legal experts.

It is this reality of law practice that an elective curriculum reflects: there are no "complete" lawyers in practice, only individuals who have chosen limited fields upon which to concentrate. The elective curriculum permits undergraduate law students to begin making similar choices in school. Now, how should you choose?

Currently, the Brooklyn Law School catalogue describes in excess of 200 hours of course work that may be offered during any student's tenure at the school; that is quite a smorgasbord for one meal. Yet, for most students, the choices will not be so broad or so difficult. The experience of other law schools offering open curricu-

la indicates that about 85% of the junior and senior students select an almost identical sequence of courses which develops the basis for further study in at least the following areas: public law, corporate law, conflicts, taxation, commercial law, procedural and remedial law, evidence, and estates and trusts. Two factors should recommend this list to our students: first, the subjects it covers include those most commonly encountered in daily law practice; and second, when combined with the first year required courses, it insures that a student will have had some academic exposure to the areas found on most states' bar examinations. The latter reason is not nearly so important to those students who are in the top 40% of their class as to those in the bottom 60%. Students who are academically strong in law school should be able to acquire whatever knowledge they need to pass bar subjects in a competent bar review course. Yet, bar examinations are not hurdles that an academically average or poor law student can ignore.

The Brooklyn Law School catalogue describes about 40 hours of course work devoted to the above list. If all of these courses are taken and combined with the hours earned in the first year, a student will have completed 69 credits—just 15 short of the amount required for a degree. It is within this 15 hour range that students must choose courses without guidance. The amount of hours devoted to "free choice" courses can be expanded if some, or all, of the standard list is ignored; that is a choice each of you have, but you make it now aware of the conse-

## Elective Help

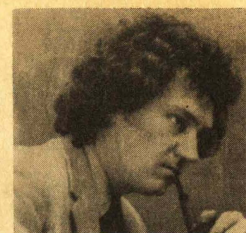
This year the faculty voted to disband all required courses after the first year. While this allows more academic freedom to both students and faculty, it also creates confusion in first-year students, inexperienced in the art of choosing their own curriculum.

In an attempt to alleviate this problem, the Student-Faculty Relations Committee, under the auspices of the SBA, is planning an advisement program for first-year day and first- and second-year evening students. Upperclassmen will speak about the curriculum and explain what considerations must be weighed in pursuing a particular course of study.

As a spin-off to this program, personal guidance hours will be set aside. During this time upperclassmen will be available for individual assistance at specified hours in the SBA office.

The SBA executive board strongly urges everyone to take advantage of the program. Notices will be posted on the bulletin board as to exact time and place.

Second- and third-year day and third- and fourth-year evening students interested in participating as student-counselors are welcome. Interested students are to leave a note in the mailbox outside the SBA office. They will be contacted as soon as the program is organized.



Professor Johnson

quences of avoiding the standard subjects.

Free choices. How do you make them? Begin with a little reflection: What subjects interest you right now? If you find you can satisfactorily answer that question, take courses that relate to your interests. The emphasis here is on you and your interests—not your family's friend's, those of a lawyer you know, or interests you think you should have. Yours. If you cannot identify courses on this basis, there is another totally legitimate approach. What professor have you had who has stimulated your interest in a subject you were initially neutral to? Take whatever course that professor is teaching without reference to its topic.

You have some decisions to make this spring. There are aspects of your decisions that are peculiar to you, and that you may feel ill-equipped to assess. Why not do what expert legal practitioners do when they are out of their depth? Cry "Help." There are 25 lawyers on the eighth floor whose practicing expertise is legal education. If you are having trouble charting the remainder of your legal education, use us.





## Admission to Federal Practice

An American Bar Association/Law Student Division Committee has been formed to study the controversial Proposed Rules for Admission to Practice in the Second Circuit federal courts. The group will sponsor educational programs at each law school in the circuit over the next few months and will solicit student opinion on the rules. The finding of the committee will then be embodied in a report which will be submitted to the drafters of the rules, the Judicial Conference of the Second Circuit, the LSD and the ABA.

The Proposed Rules were developed in response to mounting recent criticism of the poor quality of trial and appellate advocacy. Reacting to this, in early 1974, Second Circuit Chief Judge Irving R. Kaufman appointed a committee of distinguished trial attorneys, law school professors and judges which studied the quality of advocacy in the Second Circuit and recommended measures to improve the performance of the attorneys who practice there.

An applicant for admission to the district courts under the proposed rules would be required to be familiar with the federal rules of procedure and the Code of Professional Responsibility. He or she would have to have taken courses in the following areas (either before or after graduation from law school): Evidence; Civil Procedure, including federal jurisdiction and practice and procedure; Criminal Law and Procedure; Professional Responsibility, and Trial Advocacy. Continuing legal education programs could be substituted for those law school courses. The applicant would be required to have assisted in the preparation of and have attended four judicial hearings, two of which must have been brought in federal court. To be admitted to the Second Circuit Court of Appeals, the applicant must have observed six complete appeals on the

merits (three of which must have taken place in federal court) or have participated in three law school moot court programs. Alternatively, a committee would be empowered to pass upon other qualifications and experience to determine whether the requirements were satisfied by such equivalent work. The rules would take effect three years after their adoption, in order to allow an opportunity to adjust to the requirements.

Critics of the proposed rules argue the following:

1. As to the basic premises of the recommendations, (a) there is no correlation between law school performance and ability as an attorney, (b) the qualities of a competent trial attorney cannot be taught and (c) the courses offered at the law school are, not of sufficiently uniform quality.
2. The effect of the rules will not be limited to law schools within the Second Circuit alone, since it is recognized to be the most "national" of all the circuits.
3. The prescribed clinical courses are expensive.
4. The law schools would be less able to independently shape their curricula.
5. The law student would be forced to consider at an early stage of his legal education whether he intends to practice before the Second Circuit courts at any time in the future.
6. The student's course selection would be accordingly restricted.
7. The rules would increase competition among law school graduates, with those having satisfied the requirements being more "marketable".
8. Continuing legal education courses, if available at all, are subject to added cost and inconvenience.
9. The rules are elitist, creating a specialized trial bar, and working to the disadvantage of the general practitioner.
10. The rules do not address

themselves to the presently admitted attorneys, some of whom may be incompetent.

11. There will be a proliferation of conflicting rules for admission in different jurisdictions.

The supporters of the rules have responded as follows:

1. The major causes of poor advocacy are lack of sufficient trial experience and lack of proper training. Law school courses can deal with those problems, at least in a preliminary manner.
2. Conflicting admission requirements can be unified by the use of the committee's proposals as model rules, adopted through the efforts of national bar organizations.
3. Most law schools offer the precise courses called for by the rules, indicating that the costs and burdens of implementation will not be high.
4. The availability of alternate means of satisfying the requirements mitigates (a) against any heavy burden on the individual applicant and (b) against the establishment of an elite corps of litigators.
5. The courses would provide an introduction to the practical aspects of trial and appellate practice.
6. The law schools might be led to reconsider their priorities in offering esoteric, specialized courses in preference to more pragmatic training.
7. The alternatives proposed to the committee's recommendations, such as a national bar examination or attorney "monitors" in the trial courts, would not be substantially better suited to fostering legal skills.

The recommendations merely constitute a beginning. Further debate is inevitable. The Second Circuit Judicial Conference adopted the recommendations "in principle" last June. Since then, the Northern District of New York and the District of Vermont have approved them. The Western District of New York is expected to follow suit.

Please deposit ballots in the shoeboxes strategically placed around the school and in the SBA office.

## In Vino Veritas

By Dale Mark Ross

Today, we in America are entering a "Golden Age" of wine, both as a country producing some of the world's greatest, yes, greatest wines, and as a people on the threshold of discovering the joys of wine. California, the center of most of this activity, already boasts 300 wineries, with new entries popping up almost every week.

California wines are labeled in three styles. These styles help identify the kind of wine in the bottle. More importantly, they indicate the general quality of the wine. So-called generic wines, including such names as Burgundy, Chablis and Rhine wine are names that have been literally stolen from famous European wine-growing districts. While these wines are rarely anything more than mediocre in quality, they are nevertheless better fare



than the wines which the average Frenchman would share with his meal. The second type of label found on California wines is the proprietary name. Such fictitious names as Mountain Red, Bali Hai and Emerald Dry are among this

(Continued on Page 4)

## News Brief

By Michael Weinberger

Yeah, go on, uh huh, wow! go ahead, I'm getting every word, I can't believe it, boy oh boy this story is gonna make me, my name will become a household word! Wait a second, I can see the headlines—ALL DOCTORS OCCASIONALLY GIVE THE WRONG PRESCRIPTIONS, MAKE MISTAKES LIKE ALL OTHER HUMANS. No, no, that won't do, not spicy enough, gotta remember what I read in the "Times" last week, the public has a higher threshold of indignation, let's see, DOCTORS GIVE WRONG PRESCRIPTIONS, RESULTS NOT GOOD. Nah, no way, I got it—I got it! MD'S INTENTIONALLY GIVE WRONG PRESCRIPTIONS, PATIENTS DIE, SUSPECTED LINK WITH UNDERWORLD UNDERTAKERS. That's it! That will do it, boy, they think the guys over at Pravda practice advocacy journalism, this

will show'em a thing or two!

Remnants of a conscience operating. Sober. Reflective. How long can a society question its most basic precepts without falling apart at the seams? How much loss of faith can people tolerate and still essentially believe in their "community," their nation, themselves?

Rationalization coming, gotta expose the weaknesses of society, how else will we learn? — the public has a right to know! — I am good, I am a watchdog of freedom! That's it, now I'm back on the right track!

New story coming in on the teletype. Hmmm. HISTORICALLY ACCURATE SOURCES REVEAL THAT SEVERAL RESIDENTS OF HAWLEY, PENNSYLVANIA, ARE SOMETIMES IMMORAL. EXPERTS FEAR THAT THEY ARE NOT THE ONLY ONES! Yeah, that'll sell.

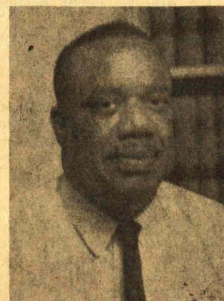
## In Memoriam

By Judge I. Leo Glasser

Member of the BLS faculty 1948-1969 Adjunct Professor since 1969, Family Court Judge.

"How can I praise thee and not over-praise, and yet not mar thy grace by stint thereof." These words by Euripides bespeak the difficulty in adequately portraying Wade Bowman, who died on February 6, 1976.

I was a student when Mr. Bowman joined the law school staff in 1947. Together with thousands of students since, I quickly came to admire and love him for his gentleness and for the sweetness of his personality. By his mere presence he effortlessly succeeded in making all who encountered him feel welcome and at home. Mr. Bowman served the school faithfully in many capacities, not the least of which was the assistance he always rendered at all school-sponsored social functions. It was on those occasions that his poise and dignity and his affinity for people were most keenly felt. Students were attracted to him, and he was always surrounded by them. He was the man to



Wade Bowman

wards whom they would gravitate when feeling ill-at-ease or lonely. They knew that with him they would find comfort, hear a voice that was softened by a smile and almost magically be put at ease. The standard of courtesy and helpfulness which he set and the concern he evinced for the law school and the law school community will never be surpassed. The BLS community and all others who were fortunate enough to know him must surely be sad-

dened and somewhat diminished by the thought that he is no longer among us.

Wade was a Deacon of the Concord Baptist Church, to which he was deeply attached. He was an active participant in its Senior Choir and an indefatigable worker in related church affairs. His dedication and devotion to his church make a biblical allusion particularly apposite. In Genesis, Ch. 47, v. 28, it is written: "And Jacob lived in the land of Egypt seventeen years; so the days of Jacob, the years of his life, were a hundred forty seven years." The commentators on that passage were struck by the fact that in noting Jacob's death the words used were "And Jacob lived..." They opined that upon the death of most men, an obituary notice is virtually the only indication that they ever lived. It is only of the man who was a force for good and who earned a place in the hearts of those who were touched by his presence that it can be said that he lived. Wade Bowman lived, and the years of his life were fifty and six years.

### QUESTIONNAIRE BROOKLYN LAW SCHOOL

Class .....  
Second Circuit Rules Course Requirement .....  
Approve ..... Disapprove .....  
Trial Preparation Assistance Requirements .....  
Approve ..... Disapprove .....  
Appeals Observation Participation Requirement .....  
Approve ..... Disapprove .....

Comments: .....  
.....  
.....  
Place in LSD Shoeboxes



# Handicapped Decry Discrimination

(Continued from Page 1)  
of discrimination. Guilt is determined at the public hearing, but only after conciliation efforts fail.

## Brewer's Case

Brewer is being represented by William S. Strauss, a recent graduate of BLS, who prepared and presented a brief with the complaint. The brief shows how the Human Rights Law, Article 15, is applicable to the facts of the complaint and how the respondents are in violation of Article 15. Violations of basic First and Fourteenth Amendment rights of free access to the seat of government and equal protection under the laws are also raised.

According to Sec. 296, 2(a), of the Human Rights Law: "It shall be an unlawful discriminatory practice for any person, being the owner, lessee, proprietor, managing agent, or employee, of any place of public accommodation . . . because of the disability . . . of any person . . . directly or indirectly, to refuse, withhold, or deny to such person any of the accommodation's advantages, facilities, or privileges thereof . . ." It took the Division five full months to render a decision as to probable cause. By law, it was required to be made within 60 days. The Division maintained that the delay was justified because the

architect, John Cooke, A.I.A., Deputy Director of the Urban Development Corporation and former Deputy Commissioner of the Department of Buildings, stated that the building could be made accessible at a nominal cost.

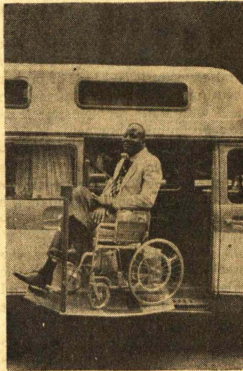
On December 13, 1975, Brewer wrote a letter to the Commissioner of the Division, pointing out that the statutory period of sixty days had long ago elapsed. Brewer stated that the issues "poignantly reflect an assault upon the dignity, equality of opportunity, and protection of the law affecting an entire class of handicapped persons." Brewer stated that the Division had a clear legislative mandate to promulgate rules which would adequately assure that every individual within the state is afforded an equal opportunity to enjoy a full and productive life. "As a case of novel impression, we should make haste to correct those inequities that have long been visited upon handicapped persons, especially by reason of architectural barriers."

The final outcome of the case is as yet unresolved. The Division gave the respondents 72 hours to indicate whether they were interested in conciliation. According to the Division, conciliation efforts are under way, but neither the meeting date nor the terms have yet been established. The Division director also indicated that the prospects of reaching a suitable conciliation agreement were not good.

## Respondents' Case

The Parking Violations Bureau feels that Brewer is being unreasonable in his demand for access to the front door to 475 Park Avenue South. They feel that several reasonable alternatives exist whereby he could have a hearing held in an accessible building. The Parking Violations Bureau also contends that neither the City nor the PVB are proper parties in the case, since they are merely lessees of the building. Under the lease, they are prohibited from constructing any fixtures, such as ramps. The Corporation Counsel's Office has indicated that the City itself will not become involved in this case until a date for public hearing has been set.

The owners and managers of the building, through their attorney, have challenged the Division's jurisdiction and the facts as put forth by Brewer. They contend that they have not discriminated against Brewer in any manner. Their attorney stated that the ser-



Curtis Brewer

vice elevator in the rear of the building is a licensed passenger elevator. They contend the service elevator is used by tenants and their employees as a means of access to and from the building during peak hours, and that the elevator is a completely safe means of access. According to their attorney, the warning sign was not applicable to the elevator, but rather was attached to the machinery room door.

The owners and managers presented a report from the architect who designed the building, disputing the validity of Cooke's report. According to their attorney, despite the accessibility to the building by elevator, the owners offered a proposal for the installation of access ramps. Brewer claims he knows of no such proposal.

According to the respondent's attorney, his clients would be glad to install ramps. However, they do not want to be singled out as being discriminatory, especially when there are other clearly inaccessible buildings in New York City, such as the Federal buildings or Carnegie Hall and the theaters, just to name a few.

The respondents' attorney also stated that his clients are not being treated fairly by the Division of Human Rights. He claims that the Division, threatened with budget cutbacks, is acting over-zealously in prosecuting this particular complaint because of the publicity and funding such a case will generate for the agency. He said that the Human Rights Law, in itself, is particularly vague and lacking in due process since it is not contained in any building

codes. Further, if literally and evenly applied, it would have a retroactive effect, making all buildings built before its effective date in violation of the law. He claims that since the building at 475 Park Avenue South was built years before the effective date of the law, the owners and builders had no way of knowing that they may someday be in violation of a law. Concerning the Division's determination on February 5, 1976, the respondent's attorney stated that the Division thus far has made no final determination that is binding on the respondents, since there is still a question as to whether the Division has jurisdiction to hear the case.

## Brewer's Response

Brewer finds the respondents' attitude "not only regrettable, but discriminatory within the meaning of the law, and that is precisely why, as executive director of Untapped Resources, Inc. (see below), I have no choice but to fight such discrimination."

Brewer feels that he has a constitutional right under the Human Rights Law to appear at that particular building. Brewer contends that the alternatives presented to him are in themselves discriminatory. The building in the Bronx is also above-grade and has a step in front of it. Most importantly, he is being forced to go to another borough of the City simply because he is confined to a wheel chair.

Brewer has described the Division's determination as a "thres-

hold victory." From a seemingly insignificant parking ticket, the issue has taken a constitutional dimension and caught the attention of lawyers across the country. The National Center of Law and the Handicapped (to which Brewer has just been named to the Board of Directors) is interested in the case, as well as various other attorneys. There are indications that amicus briefs will be filed, should the case proceed to a public hearing. Brewer also has the services of Untapped Resources, Inc., at his disposal. Untapped Resources is a nonprofit corporation formed by Brewer to render legal services to the handicapped. Its Board of Directors includes Prof. Chase, of BLS; Prof. Erikson, of New York Law School and a recent graduate of BLS, Lucie Juron, former faculty member and librarian at BLS; Curtis Brewer; and his wife, Betty Brewer. Should the case go to public hearing, a distinguished constitutional trial lawyer, O. John Rogge, former Asst. U.S. Attorney General, will present the case on behalf of Brewer. Brewer has also been elected to the Advisory Committee of the Architectural and Transportation Barriers Compliance Board, a national enforcement agency established under the Vocational Rehabilitation Act of 1973.

As a result of the national spotlight upon this case, Brewer hopes that it may make the City, as well as other jurisdictions across the nation, want to do the right thing, not only for this building, but for all public buildings.

## Job Discrimination

(Continued from Page 1)

year day student; Paul Carpenter, a third-year evening student and Laurel Spillane, a second-year day student.

The EEOC met on February 10, 1976, with Prof. Schwartz and Spillane absent. Their first action was to exclude the public and the press from the meeting. Prof. Leitner explained that at this stage of the proceedings, the EEOC was acting very much like a grand jury. The alleged discriminatory recruiter was not present or represented by counsel. Prof. Leitner pointed out. According to Prof. Leitner, "Since the elemental guarantees that a defendant be present and face his accusers are not met, on the basis of fairness, it would not be appropriate to have anyone but the complainant be present at the meeting." The Committee voted unanimously that the evidence submitted by Nachman did not warrant further investigation. In an interview held

a few weeks after the meeting, Prof. Leitner told the *Justinian* that the EEOC "concluded that he [Nachman] misconstrued the tenor of Haverstick's conversation." In fact, Prof. Leitner explained "except for the assertion of what Haverstick allegedly said to him, Nachman presented no evidence at all."

Nachman, however, believes that the Committee was swayed by a statistical evaluation of Nachman's grades, presented by Haverstick. They showed, Nachman said, "various reasons why I was not hired," irrespective of his handicap. Haverstick refuses to discuss the case with the *Justinian*, explaining that his conversation with Nachman and his testimony before the EEOC was all he intended to say on the matter.

As far as Nachman is concerned, the case is closed. "There are no moves I can take. I'll drop it now. I'm glad, at least, that this is now out in the open."

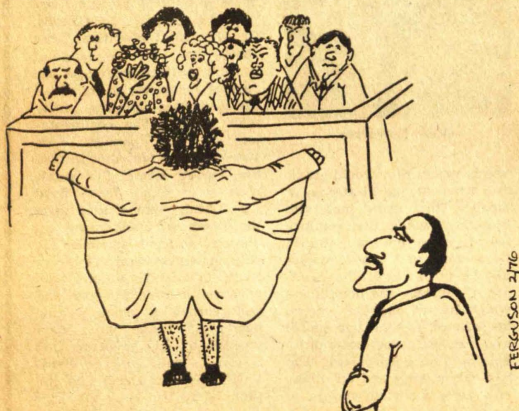
## Wine

(Continued from Page 3)

group. These wines are usually, though not always, similar to the generics. Finally, we have the varietals, so called because they are named after the grape variety from which they are made. Such outstanding wine varieties as Cabernet Sauvignon, also used to produce the great Bordeaux, Pinot Chardonnay, Pinot Noir and Johannisberg Riesling, make equally outstanding wines. In order to be labeled as a varietal, the wine must meet rigid legal standards that blends used for the generics and proprietaries just cannot meet. Therefore, these wines are almost always superior to something like Gallo Hearty Burgundy.

One of my favorite California varietals is the wine from the Chenin Blanc grape. This grape, also grown in parts of the Loire

Valley of France, gives white wine that is light, fruity, crisp and most enjoyable. To enjoy, no effort other than a try is required. What's more, the price is right (about \$3.00 for the very best). Some outstanding examples, easily obtainable, include: Robert Mondavi, \$3.00, fruity, crisp, dry and distinctive; The Monterey Vineyard, \$2.75, big, fruity, aromatic, medium dry with fine character; and Parducci, \$2.50, a bit sweeter, well balanced, very fine, an outstanding value. Other highly regarded Chenin Blancs include: Simi, Mirassou, Charles Krug and Cannonau. To savor, simply serve cold, not frozen. ENJOY!



AND WHAT DID YOU DO NEXT MR. PURVIS? MR. PURVIS?

SBA Presents . . .

## Free Movies

MARCH 11

Little Murders

MARCH 17

I Never Sang For My Father

MARCH 23

From Here To Eternity

APRIL 5

Rebel Without A Cause

Times Shown: 12:10; 4:10; 8:00

ALL MOVIES WILL BE SHOWN IN THE MOOT COURTROOM



# 'Aida' Opens at Met

By Paul H. Forman

It is no secret that in the past few years the Metropolitan Opera's chronic hypochondria often looked like it would become a fatal illness. Therefore it is reassuring to know, with the premiere of the Met's new production of Verdi's opera, *Aida*, that it can still put on a grand show, as befits New York's greatest cultural institution.

*Aida* is a troublesome work to produce because of its public reputation. To some it represents the grandest of grand operas, with its monumental triumphal scene and many opportunities for great performers to burst into passionate song. But to others *Aida* is a caricature of the worst that opera has to offer—a grand but vapid spectacle designed to keep tired businessmen happy, held together by a silly, paper-thin plot set in a Pharaonic Egypt where everyone speaks Italian.

The Met's newly formed production team of conductor James Levine and stage director John Dexter have cleansed *Aida* of the typical empty spectacle and reminded the public that *Aida* is as full of Verdi's heartfelt compassion as is any one of his other works. The physical setting is subdued—simple backdrops and sculptural forms in generally dark settings that merely suggest ancient Egypt. The result was that this *Aida* often looked startlingly like a contemporary production of a Wagner opera. The triumphal scene—in which the Egyptian gen-

eral Rhadames returns with the booty he has captured in war with the Ethiopians—was placed in a nocturnal setting, suggesting a gathering of a primeval folk, rather than the usually encountered display of empire.

James Levine, the thirty-two-year-old miracle who is now responsible for the Met's musical affairs, conducted. Levine has both a gift for the theatre and a phenomenal natural musicianship that makes all of his performances something special. It was a pleasure to hear this score cleansed of decades-old encrustations of carelessness and mediocrity. Levine's performances of Italian opera have a tendency to replace a bit of the needed Italian *brío* with a taste of middle-European turgidity and weight, and this was no exception. It is probably as a conductor of Beethoven and Wagner that Levine will make his mark. Yet Levine conducts *Aida* with infallible taste, and the Met's often beleaguered orchestra responded by playing with rare beauty.

Unfortunately, the singers did not always live up to this high standard. Leontyne Price, who sang the title role, is still one of the greatest singers in the world, but her voice has lost some of its freshness. Her singing had great eloquence and breadth, but one missed the astonishing polish and control she used to have.

James McCracken, as Rhadames, is a problematical artist, who,

as usual, alternated dramatic singing of stunning force and commitment with an inability to shine in lyric music. He excelled in the dramatic confrontations of the opera's final scenes, but was somewhat disappointing in the introspection of the famous aria, "Celeste Aida". Cornell MacNeil, a Met stalwart and a fine baritone, took the part of Aida's father, Amonasro, who has been captured in the Ethiopian war. Unfortunately, MacNeil's strength also lies in dramatic, rather than lyric singing, and he often sounded awkward.

The biggest disappointment came from the star mezzo-soprano, Marilyn Horne, as Princess Amneris. It is usually said that this woman, whose vocal resources extend from the lowest to the highest reaches of the female voice, can do anything. She cannot seem to do justice to the powerful, thrusting music that Verdi wrote for this role, which often makes Amneris, and not Aida, the focal part in the opera. It is good to hear that in some later performances of *Aidas* this part will be taken over by Mignon Dunn, who has risen from the ranks of the Company to become one of its most exciting singers.

This is an *Aida* that is well worth seeing, flawed or no. Most important, it is clear that the Metropolitan can still mount a first-rate production. This *Aida* may be heard at the Met about once a week until mid-April.



By Matthew J. Trachtenberg

On Wednesday, February 25, a mostly black-tie audience came to the Metropolitan Opera House to enjoy an operatic feast, the unveiling of a new production of Vincenzo Bellini's *bel canto* masterpiece, *I Puritani*. Amazingly, this opera has not been performed at the Metropolitan since 1913, perhaps because of its opera's fiendishly difficult music.

Possibly the most difficult tenor role ever written is contained in this opera, and Luciano Pavarotti proved himself capable of dealing with this most strenuous challenge. The role of Arturo was created for Italy's now-legendary Giovanni Battista Rubini, who could ascend to G above high C in a true head tone (often badly described as falsetto). Modern audiences have rejected this head tone in favor of a full voice upper range that doubles the strain on the tenor. The result is that few tenors are able to manage a consistently high *tessitura* of the role with its numerous C's, C sharps and, in the final duet, D natural. (The optional head-toned F above high C in the c losing ensemble was omitted—it is not a pleasant sound anyway.) The rhapsodic love song of Act I, "A te, o cara," with its difficult top C sharp was beautifully sung by Mr. Pavarotti, as were the more reflective moments before the tenor's eventual reunion and final duet with his beloved Elvira. The forty-year-old Pavarotti was at his peak, at this point achieving the necessary elan for challenging roles and a lyric quality that is most suited for *bel canto* opera.

Joan Sutherland's Elvira was vocally secure but not as exciting as one would have expected. Her florid singing was, as always, superior, although Ms. Sutherland's sense of drama lacked the theatrical spark that turns fine singing into a great performance. Her E flats above high C were weaker than in recent years (perhaps opening-night jitters) and

the voice has darkened considerably.

Apart from Mr. Pavarotti, the surprise "magic" of the evening was supplied by baritone Sherrill Milnes, who made a handsome Ricardo. Mr. Milnes sang his difficult florid music with great drama and attention to detail. His effulgent high notes were absolutely brilliant. The big high point of the evening was Mr. Milnes' duet with bass James Morris at the end of Act II. The bass-baritone duet "Suoni La Tromba" is a real old-time barnstormer that brought the audience to its feet cheering at the end of Act II.

Maestro Bonyne's familiarity with the *bel canto* repertory has yielded a mature conductorial overview, which is at once conscious of shape and movement without falling prey to the music's contagious languor. Even in the ensembles and the enormously hard-to-manage "Son vergin vezosa", Maestro Bonyne maintained a steady rhythmic foundation.

The sets by Ming Cho Lee were lovely, although I would have preferred less use of the scrim curtain. *I Puritani* is not Wagner; it is *bel canto*. All in all, this is a fine production, and while most performances are already sold out, there is always a chance of a cancellation or standing room. This opera, about lovers from two different political factions in the England of Charles II, is a certainly a must-see for all opera lovers.

In response to a great many requests for a very moderately priced seafood restaurant, I recommend Leo's Salty Sea, Inc., at 108 East 60th Street in Manhattan. This charming little restaurant features well prepared fish specialties at moderate prices and daily specials which are most inviting. If there is a non-fish lover in your group, Leo's wonderfully succulent fish and chips will win over even the most die-hard meat-eater. Try it, you'll like it.

## Yentl

By Jay Feigenbaum

"Yentl" is a delightful play based upon a short story by Isaac Bashevis Singer. Tovah Feldshuh, in the title role, portrays a young girl intent on becoming a Hebrew scholar. Her father, despite express prohibition by the Jewish laws, teaches her the Talmud. After his death, Yentl cuts her hair, dons his black coat and enrolls at Yeshiva. She meets and then falls in love with Avigdor, a fellow student, but must be satisfied with his friendship since she cannot risk revealing her true identity. According to Jewish tradition, upon reaching the specified age, Yentl is urged to marry. In enters Hadaas, the town's most beautiful girl who once was engaged to Avigdor. Upon his insistence — "If I cannot marry Hadaas, my best friend should"—Yentl marries her.

The treatment of women in Jewish tradition is an ever present issue. While the other women accept the roles men give to them, Yentl challenges and questions her duties and obligations. Although she is always heterosexual, playing the male role confuses her sexual attitudes and identity. Yentl's frantic efforts to keep her secret from everyone results in many humorous scenes. The entire cast, especially Ms. Feldshuh and John V. Shea as Avigdor are outstanding. The set is ingeniously designed on a turntable so that a half high curtain continuously slides when the new scenes are brought on.

This is a splendid play which is strikingly beautiful, emotionally provocative and intellectually stimulating. For a wonderfully entertaining outing, take in a performance of "Yentl" at the Eugene O'Neill Theater.

## Women and Power

By Matthew J. Trachtenberg

WOMEN, MONEY & POWER, by Phyllis Chesler and Emily Jane Goodman\*, 259 pages, New York, William Morrow and Company, Inc., \$8.95.

This is a very readable study of the ways in which women have been consistently denied access to money and power in American society. Myths fall one by one as this book points out that women do not control the wealth of this nation; they control virtually none of it. One of the book's strongest sections is an extremely cogent discussion of women and divorce. The underlying prejudices women suffer at the hands of an essentially male court system are well drawn. Most important is that this discussion realizes the necessity for the continued existence of the alimony system and other devices designed to protect a whole generation unprepared for sudden liberation. As the authors point out, "One of the dangers in disbanding too early certain elements of existing institutions such as alimony, protective labor laws, even certain etiquette is that it could be a kind of rape, a little like 'liberating' the women of Algeria by the stripping of their veils. Women may be left defenseless without alternatives."

Even the most rigid male chauvinist will see the realities behind a pattern of practices which effectively denies women the avenues to "easy credit" that men in our society enjoy and often abuse with such impunity. This book exposes in a topic-by-topic manner the all-too-real way in which women have been systematically denied the economic opportunities they deserve. Women without the so-called respectability of male approval (in the form

of the husband's name on credit cards, loans, etc.) are denied credit and exposed the most intimidating kinds of interrogations. We are reminded, for example, of a situation where "a New Jersey woman was told by real estate agents that if she expected her income to be counted for a mortgage, she would have to submit written proof from a doctor that she was on birth control pills and written proof from her employer that she would be rehired after a pregnancy before they would show her any homes."

The book's only fault is that the effect of its illustrations sometimes borders on propaganda. Some of the overly dramatic cases are unnecessary in a book with a factual format. However, a little preaching may be a small price to pay for an enormous amount of truth.

Often this type of book reads as an indictment of male society as having engaged in some sort of grand conspiracy. I hope that books of this genre will stop seeing the American male as the instigator of a broad-based conspiracy. Many of today's American males, this reader included, are disgusted by the frightening lack of power afforded women and resent being included in the very kinds of stereotypes that have for so long been used against women.

\* Emily Jane Goodman is a New York lawyer presently specializing in representing women in divorces and other legal matters. She is also the author of "The Tenant Survival Book." Ms. Goodman was an associate editor of *The Justinian* and graduated from Brooklyn Law School, Class of 1968.

## Grey Gardens

By Edward Raskah

A camera crew follows 76-year-old widow Mrs. Edith Bouvier Beale and her spinster daughter, also Edith, around their East Hampton mansion while they recount their life histories. Their claim to fame is their relationship to Jackie Onassis and Lee Radziwill. Mrs. Edith is their aunt. Her daughter is their cousin. The view is marred, however, by the mansion's state of disrepair and the unsanitary condition created by pet cats and raccoons. The overgrown garden is six feet high, giving impetus to the house's and the film's name, "Grey Gardens".

The Beales are famous modern-day hermits. Their squalor made headlines in October, 1971, when a raiding party of country officials, armed with a warrant, made reports about numerous building violations and every possible un-

sanitary condition, including the diseased cats. With Mrs. Beale told to clean up or face eviction, her nieces paid a \$32,000 repair and cleaning bill.

When the filming took place in autumn, 1973, not much had changed since the raid in 1971. Word from the producers is that not much has changed since the filming took place, either. The Beales are indifferent to their physical surroundings, and they likewise show no embarrassment about dressing in odd clothes and eating concoctions that make you want to turn and run. Their love for each other is the only thing that keeps them going. Daughter Edith, or "Little Edie", came to live with her mother in 1952 after an unsuccessful dancing and acting career. The mother, "Big (Continued on Page 6)



## A Real Puzzle

F E E S I M P L E T R H E E H Y M I E G  
I S N S I P O T S E A S I D S S O W N R  
N T T D T R E B D N T K J I A N O I O E  
N A A N E O S N E A T I E V M O S L S K  
I C L A S S A C T I O N Y O U O E O T O  
E L A H A L T E R L Y B A R L P A Z S R  
C O W N S P S L U I H K E C A Y Z Z U B  
N S R A E N A L O T A S U E K L E O R Y  
E T E E W A L A C H E S L B O O G C T R  
G E V L A G E N T J L I S B O O N R E E  
I W I C D I S C O V E R Y Y R A E A U B  
L I E N H O A E O Z O D R A C R O C R B  
G L W Y C E R E M Z D S L I P D C A L O  
E L Y S I A O G M O N U N Y D N D S E R  
N S A E Y N P P A L A T N E M E S A E H  
J O S H U A T A O I H O S V P P A M N O  
T O R T S D I N C O M A W O N E E P O D  
I X A T E M O C N I O T O T A D A M I A  
T A E R O T N E L A T B C E Y N D X L N  
L P H R A T S A N I T Y A H S I F T A C

Margolin

### INSTRUCTIONS

Hidden among these letters are 40 words having to do with various areas of the law. The words go forwards, backwards, diagonally, up and down. Additionally, the names of three pet animals and the author's nephew are hidden along with the other words.

## The Docket

**REAL LIFE** — A unique opportunity to study the Civil Court is still being offered by Judge Norman Shilling. The Judge, whose chambers are located at 15 Wiloughby Street, Room 207, is a firm advocate of an open courtroom. Under this policy, students are given the chance to sit in on cases and witness all phases of Civil Court proceedings. There will also be a chance to discuss a case with the jury that tried it. All students interested in taking advantage of this program should contact Judge Shilling at 645-3150.

**HELP** — The *Justinian* welcomes all who wish to contribute material to the April Fools Issue and/or the 75th Anniversary Issue to stop into the *Justinian* office, Room 304, and discuss their ideas with the editorial board. The deadline for the April Fool's Issue is March 17; the 75th Anniversary Issue will not go to press until early Fall. Everyone is invited to submit material.

All BLS students are invited to a series of free seminars sponsored by the BLS Alumni Association as part of their continuing education program. The program will be held at BLS on Saturday, March 27, from 10 a.m. to 1 p.m. Featured will be Dean Prince, a nationally renowned authority on evidence, who will speak on new developments in his specialty. Prof. Farrell, one of the most published professors at BLS, will discuss the new laws and cases involving New York civil practice.

Prof. DeMeo, a former Assistant District Attorney, will lecture on current trends in criminal procedure, and long-time BLS faculty member, Prof. Gershenson, will expound on recent decisions in the field of domestic relations.

The evening division of the Moot Court Honor Society is proud to announce that judges for the final rounds (March 22, 24, 25 at 8 p.m.) will include:

HON. EDWARD D. RE, Judge of the United States Customs Court; former professor — St. John's University Law School; author.

HON. LEONARD YOSEIN, Justice, New York State Supreme Court.

HON. WILLIAM T. BELLARD, Justice, New York State Supreme Court.

HON. JOSEPH J. DOWD, Judge, New York City Civil Court.

HON. JOSEPH S. LEVINE, New York City Civil Court.

HON. DANIEL LODATO, Judge, New York City Criminal Court.

HON. NORMAN SHILLING, Judge, New York City Civil Court.

RALPH McMURRAY, Assistant Attorney General, New York State.

WILLIAM M. ERLBAUM, Attorney at Law, noted criminal lawyer.

## Sobel

(Continued from Page 1)

gives assurance that the sentence will be time served. The alternative is an additional five or six months in jail awaiting trial, with the potential, if found guilty, of a longer sentence. In such circumstances, no one, including the defendant's attorney, really knows whether the defendant is in fact innocent or not.

"From another perspective, plea bargaining is essential to reaching a fair result. Over-indictment is commonplace among prosecutors. The plea to a lesser crime often reflects the actual crime committed rather than the crime charged.

"Plea bargaining is essential from the public viewpoint for still another reason. In the small percentage of cases tried, generally fifty percent of defendants are found guilty and fifty percent acquitted. Many defendants who plead guilty, with or without the inducement of a lesser sentence, would unquestionably be found not guilty after a jury trial. Jury verdicts do not reflect actual guilt or innocence. Instead, they reflect the presence or absence of sufficient proof to establish guilt beyond a reasonable doubt. Many defendants who plead guilty could not be proven guilty at a jury trial because the necessary proof on hand falls below the standard required. In the 200-odd criminal cases I have tried, the general reluctance of juries to find guilt is always manifest. In a Chicago study publicized not too long ago (one in which I participated), it was established that a minority of the jury advocating a not guilty verdict very often sways the majority advocating conviction."

### Capital Punishment

We discussed capital punishment with Judge Sobel. "People read in the press about vicious and unreasoned felony murders of shopkeepers and people on the street. Their totally justifiable reaction is capital punishment! Yet in the courts we see very few vicious killers, for the simple reason that few are ever caught. I have tried some 200 capital cases. The great majority were not the vicious killings one reads about in the newspapers, but rather emotional killings — husbands of wives, lovers of lovers, neighbors of neighbors. While there are fewer emotional killings than vicious felony murders committed during robberies and muggings, the emotional killers are all apprehended — cleared by arrest is the technical term — but relatively few of the vicious killings are cleared. For the felony murderer, capital punishment may be justified, but not for the emotional killer. With respect to punishment, the law makes no distinction.

"Another reason why capital punishment may not be justified is because jurors, aware that death is final, are reluctant to convict. Any lawyer worth his salt would pound that factor into the minds of the jurors. It is very effective, particularly where guilt rests solely on eye-witness identification.

"I have imposed the death penalty. With automatic appeals, the imposition of that penalty is delayed for several years. With the passage of years the person executed is not at all the same vicious person who committed the killing. We all change—persons in the death cell more rapidly than others."

### No Solution

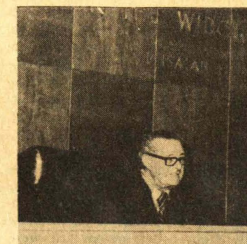
Is there a solution to the problem of crime? Judge Sobel refer-

red to several volumes behind his desk. "We have a report of the Court of Quarter Sessions, the Criminal Court of the City of New York, for the year 1823. The City's population was then 135,000. The Court reported a "crime wave": people feared to walk the streets or use the parks. Youth then, as now, contributed disproportionately to crime. People were moving — of all places to Brooklyn — to escape the crime wave. We have been blessed in the long past with federal and state investigative commissions, all investigating the causes of crime and all confident that the panaceas recommended were the best solutions to the crime problem. Our present concern is not by any means new.

"We have, of course, learned a great deal from past research. However, we don't know what to do with our knowledge. Perhaps if we knew how to abolish poverty altogether, how to keep homes from breaking up, how to prevent narcotic or alcoholic addiction, we could put our knowledge to work. In the last few decades we have made great strides in all these directions with no resulting decrease in crime. All of the panaceas suggested cost money — money surely better devoted to making our good better than to preventing our bad from getting worse. Anyone who has studied the problem of crime in any depth will not pretend that anything much can be done about it. It has defeated the efforts of past generations who were as concerned as we are now. Why believe that we can do better?"

### Supreme Court

Other comments by Judge Sobel interested us. "During the Warren Court era, I would eagerly await every new decision. These would be mailed to me immediately upon release and often read to me over the phone. I don't have the same feeling about the Burger Court decisions. Not that the scholarship is missing. It is there, but the "novelty" is missing. There are no forward strides. Each decision by



the Warren Court during the "Criminal Revolution" represented essential constitutional safeguards desperately needed to keep our system fair and just. I see no justification whatsoever in retracing these forward steps."

### Surrogate's Court

Since 1969 Judge Sobel has been presiding over the Surrogate's Court of Kings County. "We administer the estates of all persons dying with property within Kings County. Some 20,000 proceedings traffic through this Court each year — Probate, Administration, Estate Tax, Guardianships, Adoptions, Trusts, Accounting, etc. We have about 1,500 litigated matters each year. I find it essential to work seventy to eighty hours a week, Saturdays and Sundays included.

"While this is a single-judge court, we use a referee system particularly adapted to this kind of Court. Our Law Assistants are all qualified as referees to hear and report on litigated issues —

kinship proceedings, claims against estates, wrongful death distributions, etc."

### BLS Remembered

With regard to his Alma Mater, Brooklyn Law School, Judge Sobel had some interesting observations. "The chamber in which I am now sitting occupies the site of the Brooklyn Eagle Building, in which the Law School was once situated. Perhaps this chair is in the same spot as my classroom seat was. I have the fondest recollection of my law school professors. From every perspective they were, without exception, wonderful teachers. I learned a great deal more in law school than most students. I had the advantage of working by day with a very reputable law firm, the members of which gave me unusual responsibility. What I learned by day complemented what I learned in law school at night and vice versa. I had very little concern about the outcome of the Bar and neither did my fellow students. Half a dozen of my former classmates are judges sitting on the bench."

### Women

"I am very pleased to observe the increasing number of women students and the addition of women professors to the Law School staff. It is not unfair to say that women make superior teachers and students. I imagine that is because only superior women are sufficiently interested in entering the profession in the first place. In many of our larger law firms, women attorneys head estate and tax departments. Practice in these specialized areas requires a keen, analytical and perceptive mind.

"Yes, I would like to teach, as I have in the past, but on a volunteer adjunct basis in particular areas. Dean Lisle has been gracious and complimentary in suggesting it to me."

## Gardens

(Continued from Page 5)

Edie", was the sole mistress of the famous "Grey Gardens" residence after her husband left her. They have spent twenty years at "Grey Gardens", alone and uncared for, save a few friends.

The extent of their daily activities is that "Little Edie" goes for a swim, feeds the cats and raccoons and practices her dance steps. "Big Edie" is frustrated as a singer, although she has good recall and a sweet singing voice. For the camera, of course, they show off and jabber about old photographs and paintings. They are both beauties of bygone days, and they can prove it.

The incredible thing is the unique manner in which the Beales conduct themselves. It is no wonder that "Little Edie" describes herself as "staunch", but her mother is twice as much so. They have to be. How else could they have maintained themselves for so long without severe psychological impairment? They are excellent subjects. Charming hostesses both, they possess rare wit, intelligence and exuberance with an overbearing aristocratic nature. They recreate their twenty years of hermitage in a manner so illusory that one may lose track of time. You will label them "unforgettable characters", and you will enjoy your stay.

"Grey Gardens" was made by the Maysles Brothers and is being shown at the Paris Theater.