

# The Justinian

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## The Justinian

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# Justinian

Vol. XXXVII — No. 1

TUESDAY, SEPTEMBER 7, 1976

Page One

## BLS at LSD



Photo by Brian Davis

Secretary of Commerce Elliot Richardson greets SBA president Howie Peltz at the LSD/ABA convention in Atlanta.

By Kim Steven Juhase

David C. Stoup, a third-year student at the University of Missouri at Kansas City School of Law, has been elected President of the Law Student Division (LSD) of the American Bar Association. The LSD has over 20,000 members and is the largest organization of law students in the country. Stoup won a four-way race for the Presidency by running on a platform that emphasized the need for job placement and counseling services. Stoup's election took place at the LSD's annual convention held in conjunction with the ABA in Atlanta, Georgia, from August 7 to August 10, 1976.

Highlighting the convention was a speech by the newly installed ABA President, Justin Stanley of Chicago, calling for a reduction in law school from three years to two and by Federal District Judge Constance Baker Motley of the Southern District of New York, who suggested that the blame for lawyer incompetence should fall on those already in practice, rather than on law students.

### LSD

President Stoup's major goal is to organize an annual National Placement Seminar. The seminar, to be held at an as yet un-

named law school campus, would serve as a national recruitment center where, for one week-end, job recruiters and law students from all over the country could meet. In conjunction with the job interviewing, job counseling would be held, with representatives from all fields of legal practice available to answer job-related questions. Stoup would also like to see this program organized on regional and local levels. Later in the year, Stoup intends to form a national student committee to study the question of improved delivery of legal services to the poor and middle class.

### Three Years Too Much

"Faculty members, pre-eminent in the classroom, are usually not uniquely qualified to teach [practical] lawyering skills. Consequently, they tend to be taught by experienced practitioners." This, according to new ABA President Justin Stanley, is the reason that three years of law school is too long. Instead, Stanley proposed to the ABA law school accrediting arm, the Section on Legal Education and Admissions to the Bar, that the last year of law school be converted into a work-

(Continued on Page 6)

## Cheating Alleged; BLS Loses Suit

By Richard Grayson

Three BLS students who were to have graduated on June 16, 1976, were charged with cheating on the New York Civil Practice final, which was given on May 24. Faced with the possibility of not graduating and not being certified to take the July bar exam, two of the students successfully brought an Article 78 proceeding against BLS and were graduated. The third student admitted his cheating to a specially convened meeting of the faculty Committee on Scholastic Standing.

The faculty committee, temporarily chaired by Prof. Joseph Crea, held a hearing on June 10 at 10 a.m., at which time the students were separately questioned. The two students who denied cheating, Jones and Smith (all three students are referred to by pseudonyms), were told that they would receive phone calls the next day regarding the committee's decision. According to affidavits filed in Kings County State Supreme Court by the two students, they did not hear from the committee on June 11. About 3:30 p.m. that day, Jones was able to reach Assistant to the Dean William Holzman, who told him that his graduation "had been deferred until a faculty committee could be assembled to investigate the matter further."

The third student, who admitted cheating, was denied the right to graduate and therefore, was not certified for the bar exam. Smith and Jones realized that if the law school did not certify their graduation on June 16, they would not be allowed to take the state bar exam, scheduled for the following month. So they hired the firm of Fuchsberg and Fuchsberg to bring the special proceeding.

Jones summed up the problem in his affidavit: "Ultimate exoneration cannot compensate me for having to wait nine additional

months to take the next bar examination. And how can this delay be explained to a prospective employer without revealing the entire sordid and baseless accusation?"

The students' counsel brought the Article 78 proceeding before Justice Thomas R. Jones in Special Term, Part II, on June 14, 1976. The show cause order was returnable the following day, which was one day before graduation.

The students asked that:

A.i. all references to allegations of complicity or participation in cheating be expunged from all records of BLS and its committees;

ii. the petitioners be reinstated on the list of students to be graduated on June 16;

iii. the petitioners be allowed to take part in the graduation ceremonies as if no allegations of their misconduct had been raised, or alternatively,

B. the graduation be postponed until such time as the respondents (BLS, Dean Raymond Lisle, Assistant Dean Gerard Gilbride, and Prof. Joseph Crea) decide to accuse the two students of wrongdoing and to provide the latter with a full and fair opportunity to absolve themselves of wrongdoing.

The petition of Jones and Smith, also dated June 14, alleged that, although no accusation was made at the June 10 hearing of the faculty committee, "they were under suspicion of having permitted a fellow Law School student to copy answers from certain of their examinations." The name of this third student, whom we will call Doe, is blacked out on the court papers. The petition continues:

"At said conference on June 10, 1976, petitioners were not advised of any charges against

them, were not permitted to examine any of the alleged evidence against them and were not permitted to question the said student although they requested to do so and although he was then present at the Law School awaiting his turn to meet with the Committee on Scholastic Standing.

"Upon information and belief, the said student admitted to the Law School's Committee on Scholastic Standing that he had cheated on numerous Law School examinations by copying answers not only from petitioners but also from others, all without the knowledge and consent of petitioners and such others."

The students further alleged that the committee hearing lacked "any semblance of a fair procedure to arrive at a reliable determination" and that the refusal of BLS to allow them to graduate on June 16 with J.D. degrees was "without charges, without notice and without a hearing [and] is arbitrary and capricious and will bring irreparable shame and harm upon the petitioners and members of their families . . ."

Counsel for the defendants, Prof. Fabian Palomino, filed his answer to the petition on June 15. He denied the allegations and replied that the faculty had acted within its jurisdiction, and not arbitrarily, in adopting a resolution deferring the graduations of the two petitioners pending a further investigation.

The Court's decision, with a hand-dated note by Justice Jones, was a denial of BLS' allegations. Justice Jones found "nothing sinister" about the relationship between the petitioners and Doe. "That relationship forms no basis for depriving petitioners of a substantial right, namely the right to

(Continued on Page 6)

## New Library Procedures

By David Sloan

who wandered into the building.

New security procedures have been designed to cut down on the number of thefts and to insure that outsiders and potential trespassers will not be allowed entrance into the Library. All basement and second-floor exit doors have been especially locked and will only be opened during an emergency. At the main desk entrance there will be a security guard on duty during all library hours. The guard will check for proper identification as people enter the library and will search briefcases and bags as people exit. Although an inconvenience, this procedure will help to keep library materials safe from theft.

The student identification system has also been changed. New photo cards which will present students with a positive means of identification, will be issued. A new more important benefit of the student I.D. card will be the availability of other law school libraries. Under a new agreement arranged by Prof. Djonovich, BLS students will have access to the N.Y.U., Fordham and Columbia Law School libraries when they present their student I.D. cards.

Another change will be strict enforcement of the rule that prohibits food and drink in the library. In the past, the library has been quite lax in enforcing the food and drink policy. However,

many students abused the library by leaving food, coffee, soda, papers, and other garbage on the tables and floors, especially on the second floor. The problem became so acute that the threat of insect infestation was very real. Therefore, Prof. Djonovich has asked that all students refrain from bringing any food or drink into the library.

### New Copying Machines

Last year, students were forced to pay 10 cents per page for a very poor copying service. In fact, many times the machines took money and then refused to copy the material. This year, the school has signed an agreement with a different contractor. Through the

efforts of Prof. Djonovich, Brooklyn Law School will be the only law school in the New York area to have a bond copier available at 5 cents per page. The price of the service will remain at a nickel unless the contractor can show that the paper materials have become too expensive. However, the maximum the students will pay for the copying service will be 7 cents per page. The four machines to be installed will be serviced daily, including weekends, by a local contractor.

### Need for Cooperation

Even with the increased security and procedural changes there will be other problems to contend with. For instance, the smoking section has been a problem area in the past and will, unfortunately, continue to be relatively unguarded. Even though there will

(Continued on Page 2)



## Justinian

Published under the auspices of the Student Bar Association

### BROOKLYN LAW SCHOOL

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## Fresh Troops

Veterans of BLS have discarded their summer uniforms — three-piece suits and skirts and stockings — in favor of more leisurely attire. Whether or not they are ready, another year of "the grind" awaits the survivors of such past forays as Tilting at Torts, Agonizing over Business Organizations, and Memorizing Crim. No bleeding hearts will pave the rocky road for these Purple Hearted warriors. They've made it this far; they'll survive the war.

Now the new troops are being bussed and subways to the front. Although your uniforms show evidence of Battling Life and your psyches are scarred, this is a new and mysterious war you have enlisted to fight. There will be some casualties, but not as many as there used to be. Today's standards are higher than ever before, and so, the troops are better prepared to take evasive action to save their hides.

In three or four years your enlistment will be up. During that time you might learn that law school, like war, is hell. But also remember that if being an attorney were as bad as being a law student, there would be no attorneys.

Welcome to the front lines.

## Help Wanted

The Justinian is your student newspaper. And that means you are invited, nay, strongly urged, to lend your talents to our award-winning publication. We need reporters, poets, photographers, puzzle freaks, columnists and others who want to put more into BLS than just filling a seat.

Our first staff meeting is Wednesday, September 8 at noon in Room 304. The meeting for night students will be Wednesday night, September 8 at 7:45 p.m. in Room 304. If you can't make either meeting, drop into our office any day at noon, or leave a note in our mailbox near the receptionist on the ninth floor.

## Calendar

### FALL SEMESTER

Orientation and Legal Research for New Students  
 Monday, Aug. 30 thru Thursday, Sept. 2  
 Beginning of Fall Semester ..... Tuesday, Sept. 7  
 Classes Suspended (Evening Div. only) ..... Friday, Sept. 24  
 Classes Suspended ..... Monday, Oct. 4  
 Thanksgiving Recess ..... Thursday, Nov. 25  
 through Sunday, Nov. 28  
 Classes End ..... Thursday, Dec. 23  
 Winter Recess ..... Friday, Dec. 24  
 through Sunday, Jan. 2  
 Final Examinations Begin ..... Monday, Jan. 3

### SPRING SEMESTER

Beginning of Spring Semester ..... Monday, Jan. 24  
 Classes Suspended ..... Monday, Feb. 21  
 Spring Recess ..... Thursday, April 7  
 through Sunday, April 17  
 Classes End ..... Wednesday, May 18  
 Final Examinations Begin ..... Monday, May 23  
 Memorial Day, Holiday ..... Monday, May 30  
 Commencement ..... Thursday, June 16

## In Memoriam

"Consideration" ... "Fraud in the Inducement" ... "Unilateral Contract" ... "Pre-Existing Duty Rule"

### Williston on Contracts

"Nothing for nothing in America!" ... "Crookalum is everywhere!" ... "Revoked from the rooftops" ... "The Magna Carta for chiselers"

### Schwartz on Contracts

#### By Howard Peltz

"Nothing for nothing in America!" With that basic maxim Professor David Herbert Schwartz started his first year class down the road to contract formation. For those lucky enough to be his students, that road was a wondrous trip. Each class was relaxed and informal, filled with wit and wisdom, a command performance, an adventure in itself. He would tell his students not to copy down every word he said, but to wait until they saw the twinkle in his eye. And when the bell rang at the end of class it did not bring the typical sighs of relief, but rather the feeling that the hour had passed too quickly.

Professor Schwartz was a large, goateed man with a deep, husky voice who emanated warmth and sincerity as he stood in front of the classroom with one foot propped up on a chair, his tie dangling down and his back leaning against the blackboard. ("Don't tell me I have chalk on my back. It's an occupational hazard!") To call him "Professor" ignored his many other dimensions: raconteur, philosopher, satirist, moralist and friend. His lectures were sprinkled with hip street slang, old jazz terms and quotes from movies. His aim was to teach contracts not from the textbook, but from the gut. Fact patterns were translated into real-life terms. An offer in a well-known case would be embellished into, "Listen kid, don't smoke, lay off the sauce, keep away from the women, and when you're 21, I'll lay some money on you." At the same time, as a deeply moral man, he would often discard the rulebook and teach from a heart



Professor David Schwartz

### To the Students of Professor Schwartz:

It would not be impossible for me to write each of you — personally thanking you for your warm and sincere expressions of sympathy — except for the fact that I want to say the very same thing to each of you.

Yes, your letters were for me and my children, and they were deeply appreciated. But I also want to thank all of you for making the last five years of David's work truly his happiest since having entered the "Real World." Surely you all must know that your appreciation of him and the affection you displayed for him during those years was the ultimate gesture of warmth and sincerity — one for which Kay, Andrew, and I will be ever grateful. I know that David was.

We all had a good teacher.

Sincerely,  
 Lorraine Schwartz

filled with human compassion. He would occasionally break away from the ordinary syllabus to teach professional responsibility, how to deal with politics, how to be a lawyer in the real world. "Look at your client before you tell her what to do..."

To illustrate a fine point of law, Professor Schwartz might go

into an extended Woody Allenesque fantasy that would last 20 minutes. But after the punch line, and after the laughter subsided, his point would be inbedded in a way that students could never forget. There is a fine line between things that we joke about and things that we really care about, and Professor Schwartz often used humor to mask his deep concern over what he was teaching. There were times when you knew he was wrestling with a problem he felt strongly about. At the height of his passion, as he was bouncing ideas off the class to help resolve an idea, he would lean over the desk, stretch out his hand and almost plead to the class, "But don't you see..."

Everything Professor Schwartz did was done with a passion and a flair. His life would have been much more pleasant if he could have taught his students without the hassles of grades, politics, and the rest. He genuinely seemed threatened by the need to assign grades to students. Because of this, he often gave students personal critiques of their exams, quoting their answers from memory and providing instant analysis. Some criticized him for analyzing students in front of their peers. His response was, "Don't forget I'm a trial lawyer! Everything I do is for a purpose!"

Perhaps the biggest reason that Professor Schwartz was special was that he made his students feel special. He not only knew their names, but also a little bit about their personalities and backgrounds. He could make a student beam by offering a personal comment in the cafeteria or by including an individualized note next to the grade on a postcard. He was a particular inspiration to those of us who weren't sure what we were doing in law school and felt uncomfortable in the beginning months.

Professor Schwartz told us on many occasions that "Contracts are not made so easily." As we all know now, men like Professor Schwartz "are not made so easily."

We will miss him.

## Library

(Continued from Page 3)

always be a security guard on duty at the main entrance, security in the smoking section will be hard to maintain. Therefore, it will take the complete cooperation of both students and faculty to insure the proper function of the library and its facilities. Students are asked to report any problems concerning the library and its materials to library personnel or to Prof. Djonovich personally.



## Upcoming

Watch for the New  
 Dean Contest. More  
 fun than a complete  
 set of the UCC.

## The Docket

**BOOK COOP**—Save \$ on books and help fellow students at the same time by buying and selling your books at the SBA Book Coop in Room 403. Check the first-floor bulletin board for exact dates and times.

**FREE CHECKING ACCOUNTS**—The SBA has again arranged for students to get free checking at Central State Bank, 32 Court St. Just show your BLS ID card.

**LOST AND FOUND**—It's located on the tenth floor. Take the elevator to the ninth floor and walk up one flight. Ask for Bob Hudson.

**JUSTINIAN**—Help your newspaper. Our first staff meetings are tomorrow, September 8, at noon for the day students and at 7:45 P.M. for the evening students. We're in Room 304.

**KEYS**—If you've lost a BLS key (for example, to the bath-

room), you can get another from the ninth-floor receptionist.

**SECURITY**—All students must show their ID cards to the guards in the lobby and upon entering the library.

**MEDICAL INSURANCE**—The deadline for applying for the SBA-sponsored major medical insurance plan is October 15.

**FREE TIME**—Representatives of student organizations and publications will be in the lounge on Thursday, September 16 from 4-6 p.m. All groups who wish to set up a table should contact the SBA. Coffee and tea will be served.

**PHI DELTA PHI**—This legal fraternity has been at BLS since 1907. It is being reorganized by several third year students and will be open to all BLS students. Interested students are invited to a fraternity rush party on Thursday, September 23 in the student lounge from 4:30 to 6:30 p.m.



## Special Supplement

# DISCOVER BROOKLYN

By Richard Grayson

Brooklyn is more than the much-maligned borough to the east of lower Manhattan. It might have gotten its fair due if a conspiracy of no-gooders had not pulled a fast one in 1898 and convinced the leaders of the City of Brooklyn that it really belonged in the City of New York.

Although that is in the past, you can celebrate the present by taking advantage of the niceties, facilities and oddities that make Brooklyn the number one borough of the Big Apple.

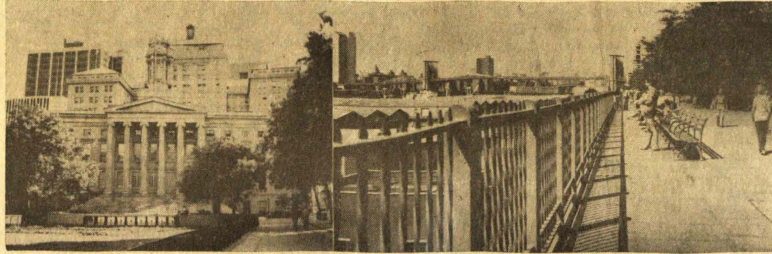
The best way to celebrate downtown Brooklyn is with a walking or bicycle tour. Incidentally, downtown Brooklyn is the area closest to downtown Manhattan. In order to perfume this travelogue with a scent of orderliness, we will follow the points of the compass. Refer to the map on page 4 for some directions, if necessary. Allow at least several hours for each walk. The east and south walks are combined.

Remember, Brooklyn has much more to offer than just BLS, which is the starting point for these tours.

### North

Directly across Joralemon St. from BLS is Borough Hall Park. To the left is Borough Hall (built in 1849) and straight ahead is the New York Supreme Court for Kings County, built in 1957 on the site of the old Brooklyn Eagle. The front of Borough Hall faces a small plaza (the building's back is on Joralemon St.), where there are lunchtime concerts during the warm months. This plaza is also a nice place to catch some sun.

Up the steps and inside Borough Hall there is a model of what the area was supposed to look like upwards of eight years ago. The corner where BLS now stands was to contain a hotel. There are those



Photos by Karen Grayson

Two views of Brooklyn Heights: Left — the front of Borough Hall with the Municipal Building in the background. Right — the Promenade as one looks north with the Brooklyn Bridge in the background.

who say that BLS fulfills that function.

A number of interesting characters also inhabit the park, including the Pigeon People and the Magician. As in many areas of the Big Apple, people-watching is one of the most relaxing sports.

Walk north through the park to the massive Romanesque Revival building with the turrets. That is the Brooklyn General Post Office. The original Romanesque Revival part was completed in 1891 or 1892, depending on which plaque you read. The building is a New York City Designated Landmark. For those letter writers who want to "speed" their missives with a touch of artistic class (some call it "lower class"), there are special philatelic windows where commemorative stamps are sold. (For the post office nearest to BLS, see Municipal Building, under EAST.)

Continue on Cadman Plaza East (also named Washington St.) past the post office, across Tillary St., and you will be at the Federal Building, home of the federal courts and various federal agencies. Two blocks east on Tillary are the basketball courts closest to BLS. Several blocks further

east, past Flatbush Ave. Extension, and under the Brooklyn-Queens Expressway (B.Q.E.), is Barry Park, which has baseball diamonds and a football field. On the corner of Tillary and Gold Streets, one block east of the Extension, is the local firehouse and the 84th police precinct headquarters.

Across from the Federal Building, to the west, is Cadman Plaza Park, with its War Memorial Auditorium and a supposedly fenced-in park.

If you continue along Cadman Plaza East, past the Federal Building and the Red Cross, you will come to an underpass with steps on the left side. Those steps lead to the walkway/bikeway over the Brooklyn Bridge, which for years was the world's longest suspension bridge. The exhilarating 25-minute walk over the bridge to lower Manhattan ends at City Hall, with both the South Street Seaport and Chinatown 10 minutes away by foot.

If you forego the walk over the bridge and instead decide to cut through Cadman Park, which is on the left, you will end up on Cadman Plaza West, formerly called Fulton Street. Continue to

walk downhill and bear left toward the East River. On your right, after you pass under the B.Q.E., will be the old Fulton Ferry Bank. It now houses a flea market on weekends and a fruit dealer on most days.

At the end of Fulton St. is the restored Fulton Ferry Firehouse, which is now a museum. The building is part of an historic district (as is most of Brooklyn Heights), and plans to transform the area into a park with a floating restaurant are slowly moving ahead. The firehouse is dwarfed by the Brooklyn Bridge and the recently built glass and aluminum skyscrapers of Manhattan's financial district across the river.

Turning around and walking up the Fulton St. hill will bring you to Henry Street, which runs off Fulton to the right. Two blocks south on Henry on the right side is an old candy factory which has been converted into an apartment building. You can still see the candy company's name painted on the south side of the building. Another two blocks south on Henry is the Brooklyn Heights Cinemas 1 and 2. New shows usually start on Wednesday, and admission before 5 p.m. on weekdays is \$1.50.

The St. George Hotel looms from two blocks south. The hotel was once the largest in the Big Apple. But hard times have hit the home of the world's largest indoor salt water swimming pool. Numerous plans have been proposed to renovate the hotel, and the latest one calls for some of the hotel's eight buildings to be converted into apartment buildings.

Continue on Henry St. two more blocks to Pierrepont St. A left turn will bring you to the New York State Appellate Division (Second Department) on the corner of Monroe Place. Among the brownstones of the Heights on the next corner is that of the Long Island Historical Society (built in 1883). The Society has many fascinating exhibits and reading materials.

At the corner of Pierrepont and Clinton Streets, walk north on Clinton (toward the Brooklyn Bridge). At the end of Clinton is the Brooklyn Public Library's Cadman Plaza branch. This library is said to be the best public business library in any of the five boroughs. Anyone who lives in Brooklyn may apply for a free library card. Since budget problems have caused the branch to cut back on its services, check directly with the library to learn its current schedule.

After leaving the library, walk south on Cadman Plaza West (Fulton St.), which now becomes Court St. You are entering bank country. Fulton used to be one continuous street, which began at the Fulton Ferry firehouse and cut through what is now Borough Hall Park. But construction in the area turned the "old" Fulton St. into an extension of Court St., and the rest of Fulton St. continues to the east of Joralemon St.

Continue on Court St. past the  
(Continued on Page 4)

## Eat Here and Get Gas?

By Marcia Knigin

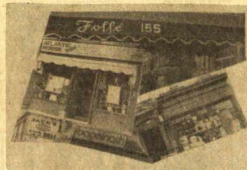
A long day of classes at BLS need not be an endurance contest. A leisurely lunch at one of the neighborhood eateries is a lovely way to break up the day. You can grab a sandwich and eat on the promenade, dine alfresco at an outdoor restaurant along Montague Street, investigate some exotic food from Scandinavia and the Middle East, or have some good old American delicatessen.

**Zum Zum and Chock Full O'Nuts** on Court Street are two obvious places to get a quick lunch. But if you walk on further to Montague Street, your luncheon can be an experience instead of just a meal.

Montague Street is one of the prettiest streets in the area. As you walk toward the Promenade, you will pass the **Patisserie** (172 Montague Street), a pastry shop with sweets that are out of this world. I especially recommend the rum cake.

Next is **Leaf n' Bean** (136 Montague Street). The food is Scandinavian-style, with specialties like Smorrebrod (imported ham, tongue, liverpate, swiss cheese, Danish sharp, Danish salami, garnished with anything you like) and Vikings Defeat (imported

ham, tongue, Danish liverpate, home-made remoulade sauce, tomato and dill). Their grilled sandwiches are quite good, and, at times, dinner beef vinegarete, roast pork with Cumberland sauce and Norwegian sausages are added to the menu. On weekends, waffles and omelettes are served, and



Montage by Marcia Knigin  
Titrating tastes.

there are always specials of the day for those who like surprises. The freshly roasted coffees are outrageous, especially Copenhagen and India Cherry. Home-brewed teas include Peppermint, Orange Pekoe, Fruit, and Black Imperial Russian. If you find a coffee or tea you especially like, you can buy it on your way out, since **Leaf n' Bean** is also a retail store. The restaurant is on the second floor, over a hardware store. Watch for Variety Mart, which

is the street level store underneath **Leaf n' Bean**. Luncheon will usually cost anywhere from \$2.50 to \$4.50, but the food is quite good and worth the price.

**Foffe's** (155 Montague Street) is a well-known Italian restaurant, where such notables as Meade Esposito are known to dine. The food is good, but not inexpensive.

**Capulet's** (151 Montague Street) has an outdoor cafe for summer dining alfresco. Their hamburgers are good, as are their omelettes and chili. **Armando's** (143 Montague Street) is an Italian restaurant that has great omelettes. During luncheon hours, if you buy one drink, you get the second one free. Both **Capulet's** and **Armando's** are moderately priced (comparable to **Leaf n' Bean**).

**Hebrew National** is at 139 Montague Street and **Burger King** at 133 Montague. For dessert, if you prefer ice cream to pastry, the **King George Ice Cream Shoppe** (131 Montague Street) has fresh Breyer's ice cream.

**Sinclair Bakers** (124 Montague Street) specializes in Ruggelleh (chocolate, cinnamon and raspberry). Next door, **Piccadilly** (122 Montague Street) is a delicatessen that sells half-sandwiches for  
(Continued on Page 4)

By Marc Aronson

Incoming BLS students should find, upon purchasing their books, that their cravings for challenge have been dulled. Finding a parking space is certainly one challenge that we can all live without. Spaces on the street can usually be found, but sometimes at a dis-



Photo by Marcia Knigin  
Parking is where you find it.

tance and always at the cost of wasted time. If you're behind schedule or simply feeling too harassed to bother looking for a space on the street, there are two convenient parking lots that you may want to patronize.

The first is the Municipal Lot, located on Atlantic Ave. This lot is probably the safest place to leave your car. You can take the keys with you, which means that

your car is less likely to be stolen than if you had to leave the keys in the car. On the negative side, it is very difficult to enter or leave this parking area during rush hours. Also, this lot is much too expensive. It can cost over \$5 to park for a full day.

The second lot is Paul's Parking, located on Smith and State Streets. An important plus is that the cost is only \$2.25 for the day. Also, you can leave the car for Paul to park, and so not waste that much time before class. This might also be a negative factor if you do not enjoy having someone else drive your car. Also, leaving the keys does entail a greater risk that your car will not be there when you return. Paul closes at 6:00, and he leaves the keys for the unclaimed cars in a predetermined place. So there is no problem of being locked out of your car if you should return after 6 p.m., but nobody else will have an inordinately hard time getting into your car, either. Paul has always been careful in parking cars, though. In fact, my car has been scratched in the Municipal Lot, but never in Paul's Parking.

If you have a new car, you may want to park in the Municipal Lot for the added safety of not having to leave your keys. Otherwise, the other parking area would seem to be the most economical choice.



## Brooklyn

(Continued from Page 3)

Brooklyn Savings Bank to Check Full O' Nuts, where you will find the cream cheese and walnuts on raisin bread a gustatory delight, and filling, too. Number 44 Court St. contains the local offices of Planned Parenthood (6th floor). The clinic does gynecological examinations, most types of abortions, and sells contraceptive devices to patients at the lowest possible prices. Fees are based on the patient's income.

Next door to 44 Court is Lamston's (similar to Woolworth's). Lamston's is reputed to contain the largest selection of candy in downtown Brooklyn.

At the corner of Joralemon and Court, walk east on Joralemon. The massive Municipal Building on the right contains the post office closest to BLS. The post office is in the rear of the lobby. And next to the Municipal Building is BLS, from which we will start on our next walk.

Again we will go north, but we will start off this time by walking east on Fulton St. (a continuation of Joralemon). The two blocks of Fulton between Boerum Place (Adams St.) and Jay St. contain Baskin-Robbins, Cozzoli's Sandwich Shop, and Burger-King on the left, Modell's (check out the bargain shirts and underwear), and Gage & Tollner's (established 1879) on the right. The latter is a restaurant that has become a Brooklyn institution. Although the interior has reportedly not changed for 90 years or so, the prices certainly have. Everything is a la carte, including the water. But the food is excellent.

At the corner of Fulton and Jay, make a left turn and walk north on Jay. One block later, at Willoughby St., make a left and then a right at Pearl St., where you will find the previous home of BLS (at number 375). It is now the Brooklyn Friends School. Retrace your steps to Jay St., and make a left. This block of Jay contains the old Brooklyn Fire Headquarters, built in Romanesque Revival style in 1892 and now a designated Big Apple landmark. Several doors past the landmark is Sid's Hardware Store (the best in the area), and around the corner on Myrtle Ave. is Pax Book Exchange. Books that you cannot get at the BLS Book Coop or on the 9th floor at BLS can probably be purchased at Pax. BLS window stickers are also sold there. Across Myrtle at number 115 is the Salvation Army Thrift Shop, where you can buy furniture and clothes in many styles, including Late Used and Early Brooklyn.

Walk back to the corner of Fulton and Jay Streets, where you will begin the next walk.

### East

Fulton is the fifth-largest shopping district in gross retail sales in the country, according to the 1972 U.S. Census of Business. Famous and not-so-famous stores line this busy thoroughfare. There is Martins, A&S, Lane Bryant, Korvettes, Chock Full O' Nuts, Woolworths, Mays, and OTB parlor and many more. One block south of Fulton is Livingston St., where you will find the Airlines Ticket Office. If you traverse the length of Fulton, you will end up on the Flatbush Ave. Extension. Two blocks north on the Extension brings you to Junior's, where the best cheesecake in New York is served. Or, you can get to Junior's by leaving Fulton St. and walking left on Dekalb Ave. at the "Panthéonish" Dime Savings

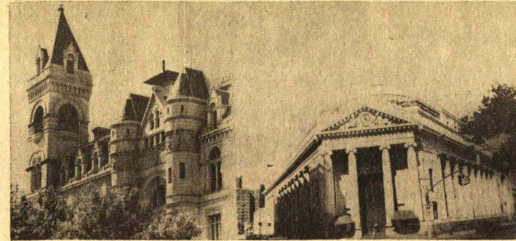
Bank. Flatbush Ave. Extension goes over the Manhattan Bridge and becomes Canal St. in Manhattan.

If you leave Junior's with a full stomach and need some exercise, walk south on Flatbush toward the Williamsburgh Savings Bank tower (the tallest building on Long Island). At Willoughby St., turn left and walk one block to Ft. Greene Park. Under the monument are the remains of some 11,000 Revolutionary War soldiers who died in British prison ships moored in the East River. More

SBA tries to make arrangements for BLS students to join the "Y" at special students rates. Check with the SBA for further information.)

Along Atlantic Ave., you will pass "The Home of Ex-Lax" and many "junque" and antique shops. Make a left turn onto Smith St., and you will be in a Hispanic area with outdoor fruit stands and the largest food store in the area (the A&P at the corner of Smith and Baltic Streets).

At the A&P, turn right on Baltic, and walk until you come to



Photos by Karen Grayson

Left — the torrets of the General Post Office. Right — the Pantheon disguised as the Dime Savings Bank.

American soldiers died in Brooklyn (notably on those ships) than in any other part of the 13 colonies during the War for Independence. The educational-looking buildings next to the park belong to Long Island University's Brooklyn Center.

Walk back to Flatbush Ave. One block before you reach the bank tower, Lafayette St. and the Brooklyn Academy of Music (BAM) will be on your left. The movies, operas, theatre and concerts performed here are becoming a legend in New York because of the top talents taking part and the reasonable prices being charged. Stop at the BAM and check out the upcoming programs.

From the top of the Williamsburgh Savings Bank (right across the street from the Long Island Rail Road station), you have a marvelous view of Brooklyn, Queens, Manhattan, and sometimes the Bronx. And it is a free view from Monday through Saturday, 10 a.m. to 3 p.m. (See accompanying story on page 5.)

From the bank, walk one short block west on 4th Ave. and then right on Atlantic Ave. Continue to 3rd Ave., where you will find the local YWCA and YMCA. (The

Court St. That puts you south of BLS.

### South

Working your way north on Court, you will find food stores, a bagel store (#111), an X-rated movie theatre, and two of the best pizza joints in the area, Queen (at #104) and Nick and Joe's (previously Nick and Alex's or vice versa, at 86 Court). Jack's Kosher Deli is at 116. Next door to Nick's is LS Lock and Key Shop, one of the neighborhood locksmiths. On the same side of Court, further north, is Barney's CutRate Drugstore, which is famous for its selection of tobacco products and other non-necessaries. The next block contains a doughnut shop, and above Nedicks (52 Court) is Boro Blueprint, where you can make photocopies for a nickel a page.

Since Boro Blueprint is on the corner of Court and Joralemon, those who are baseball buffs might want to detour to 133 Clinton (the block before you reach Court) to view that building's plaque. Everyone else should make a left on Court and then a right on Joralemon to return to BLS.

### West

From the corner of Court and Joralemon, walk north on Court two blocks to Montague. Make a

left turn and you will be on the main shopping street of the brownstoned, tree-lined Brooklyn Heights historic district. The designating plaque is attached to the church of St. Ann and the Holy Trinity, at the corner of Montague and Clinton Streets.

Montague is a self-contained shopping district, and it is reported that there are some aged denizens of the Heights who never shop east of Court St. Anyway, Montague boasts banks, bookstores, travel agents, a patisserie, hotel, bakery, supermarket, bagel store, an OTB and numerous restaurants. Also, there are laundry facilities, nature food stores, Congressman Fred Richmond's office and two ice cream parlors.

At the end of Montague is the Promenade, which is one of the few three-star ("very highly recommended") attractions noted in the bicentennial edition of the Michelin Guide to New York City. From the Promenade, you can see on a clear day from the Verrazano Bridge to north of the Empire State Building, and to the Statue of Liberty. The Promenade is an essential ingredient in the Heights' ambience.

One of the advantages to living in the Heights is that you can begin the weekly ritual of wading through a Sunday edition of *The New York Times* on Saturday night. The stationery store at 101 Montague receives an early edition of *The Times* about 8:30 Saturday night. In the North Heights, the newsstand in the Hotel St. George also sells a Sunday edition of *The Times* the night before.

If you walk back on Montague from the Promenade one block and turn right on Hicks, you will find Atlantic Avenue three blocks away. Atlantic is known for its art galleries and Middle Eastern stores and restaurants. At number 96 is the local recycling center, open Saturdays from 10 A.M. to 2 P.M. It accepts clean glass, aluminum foil, and tin/steel cans and caps. It does not accept newspapers.

Continue to walk east on Atlantic until you reach Court St. Those who are baseball buffs might want to detour to 133 Clinton (the block before you reach Court) to view that building's plaque. Everyone else should make a left on Court and then a right on Joralemon to return to BLS.

This series of suggestions for

## Eateries

(Continued from Page 3)

those with small appetites. They also have an outdoor dining area and much more than just deli. If you only want deli, however, *Hebrew National* is just as good and less expensive.

**Lassen and Hennigs Delicatessen** (114 Montague Street) is a favorite of BLS graduate Judge Nathan Sobel. It is not a restaurant, but you can take out a sandwich of hot brisket, corned beef, and any of a large variety of cheeses. For those who are brave, they also have frogs legs.

**Bagel Nosh** is at 123 Montague Street. It is brand new to the area and the prettiest Bagel Nosh in the city. For those unfamiliar with their menu, it includes everything on a bagel — roast beef, cream cheese, lox, ham, tuna, etc. Nova scotia and cream cheese on a salt bagel is especially good. If you have a yearning for something sweet, try the brownies. They are as rich as can be.

Further down Montague Street at 107 is **Clover Hill**, where one can buy fresh fruit and health food.

After you've exhausted Montague Street, take a walk down Court Street toward Atlantic Avenue. **O'Keefe's** (62 Court Street) is a big hang-out for BLS students. The beer is fine, but the burgers are better. **My Favorite Donut** (66 Court Street) speaks for itself — try the marble donuts. **Bagel Brunch** (111 Court Street) is much like Bagel Nosh. It is slightly less expensive, but the bagels are not quite as good.

**Pierre's Falafel** (111 Court Street) is the friendliest place in the area. Besides shish kebab and falafel, you can get such exotic dishes as Eggplant Munazali (tomato, onion, chick peas), Tabouli (salad, wheat germ, olive oil, with 18 vegetables), cucumber salad with yogurt, Kibbe (chopped lamb, wheat germ, pignolia nuts) or spinach and feta cheese pie.

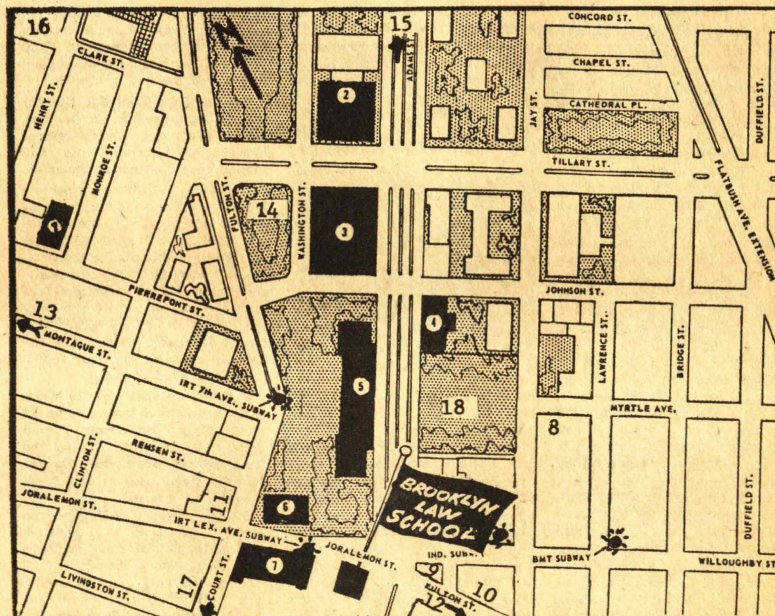
The **Queen** restaurant (98 Court Street) is an Italian restaurant and pizzeria with better-than-  
(Continued on Page 6)

local walks is intended to acquaint you with the neighborhood. We urge you to explore the area on your own.

## Key



1. Appellate Division
2. New Federal Court & I.R.S.
3. Federal Building & Post Office
4. Family Court
5. Supreme Court
6. Borough Hall
7. Municipal Building
8. Pax Book Shop
9. Cozzoli Sandwich Shop/Baskin-Robbins
10. Burger King
11. Zum Zum
12. To A & S & Korvettes
13. To Montague St. Shops & the Promenade
14. Public Library, Economics & Business Branch
15. To the Brooklyn Bridge
16. Cadman Plaza
17. To Atlantic Avenue
18. Underground Municipal Parking





## Opera

## Ring Centenary

By Paul Forman

(Special to the Justinian)

BAYREUTH, GERMANY — In the world of opera, summer is festival season. Musicians and audiences both delight in the opportunity to be involved with performances that offer the closest thing humanly possible to the ideal. A festival performance means a stellar cast well rehearsed, presented to an audience that is eager for something special, in an environment of beauty and leisure.

The music festival par excellence takes place each summer in Bayreuth, where in 1876 Richard Wagner unveiled a theater built according to his plans to enable the ideal performances of his works.

Since its beginning, the Bayreuth tradition has been maintained by Wagner's family—wife, then son and grandsons. Before the Second World War, Bayreuth was a center of musical and political conservatism. The German right wing found a warm welcome in Bayreuth, on account of the nationalistic and racial overtones in Wagner's work. Wagner's daughter-in-law, while the bearer of the flame, openly welcomed Hitler to the festival. Wagner's youthful Marxist and anarchistic sympathies gave way to the conveniences of the moment.

When Bayreuth reopened in 1951, it was with a new generation of the family in charge. They sought to make the festival an international cultural center and to reacquaint the world with the master's profundity and humanism. Bombast, rhetoric and nationalism were banished. Wagner's works were subjected to Jungian analysis and were performed on a nearly bare stage—all to emphasize the universal message. The theme of Wagner's works was no longer held to be specifically German, but the absence of the old horned helmets and shields made Wagner seem more noble, not less. Once again intellectuals took Wagner seriously.

In the entire operatic repertoire, Richard Wagner's great tetralogy, *The Ring of the Nibelung*, stands out as an inapproachable colossus. Exactly one hundred years after its first performance, the *Ring* still presents fearsome obstacles to an ideal realization. These are

not limited to the musical mechanics, notwithstanding the unprecedented length (nearly 15 hours) and fearsome demands made on all the performers.

The real difficulty is that after one hundred years of nearly constant performance and a stream of commentary that could fill a library, nobody agrees on what the *Ring* means, except that it means a great deal indeed. Analysts have found the *Ring* to be a family tragedy, a proto-fascist diatribe, a dramatization of Norse mythology, a Marxist fable and a musical representation of a Jungian mythos. The greatness of the *Ring* lies in the fact that countless intellectual and cultural movements over a stormy century have marshalled the *Ring* to their own cause.

To mark the *Ring's* centennial, it was once again reassessed. In a further break with tradition, a team of Frenchmen, including Patrice Chéreau, a young director, and Pierre Boulez, currently musical director of the New York Philharmonic, though not generally associated with Wagner, were engaged to prepare a new production.

**This Ring lurched between melodrama, Dada and slapstick.**

The result was another step in the de-Germanization of the *Ring*. Chéreau went further than the immediate postwar generation and eliminated myth altogether. He fashioned a *Ring* that seemed to take place in modern times amidst everyday settings. Present now was a vague surrealism, with an emphasis on familiar images that often clashed with one another and with the nobility of Wagner's creation.

In this production, the depths of the Rhine looked like a submerged hydro-electric station. Nibelheim, the underworld of Teutonic mythology, was portrayed as a factory. Hunding, the unsympathetic husband of the tragic heroine Sieglinde, is portrayed as a Nazi Gauleiter rather than a brutal but simple huntsman. Siegfried's sword, which is also a phallic image is forged automatically on a machine.

The *Ring's* pantheistic tendencies require that the director be prepared to bring nature into the theatre. Chéreau's solutions were so childish and simplistic that all was reduced to a foolish parody. The forest bird was a live creature held in a cage. It was no longer a nature symbol, and it looked silly. The audience was shown much fire and smoke, but little beauty and even less poetry. The stage sets were an unrelieved gray and white, when the text calls for more. It was impossible not to be reminded of the standard setting fused for the bathos of Italian opera.

This *Ring* lurched between melodrama, Dada and slapstick. It was impossible to find a unified concept.

Unfortunately all of the irrelevant stage business tended to detract from the musical excellence of the performances. Only at Bayreuth are there enough rehearsals to insure performances that are as alert and polished as these. While Bayreuth usually features performers at the verge of launching careers as Wagnerian artists, the festival's leisurely pace gives them a chance to perfect their performances before a committed audience. In spite of Chéreau's direction, which required the singers to be in motion almost constantly, the level of the performance was always superior.

The Conductor, Pierre Boulez, also tried to de-Germanize the music. But Boulez contributed an elegant, classical, Gallic approach to the *Ring* that was refreshing, although unconventional. However, in the context of this production, Boulez's contribution too often added to the emasculation of the *Ring's* majesty.

For all of the opportunities available here to obtain inspiration and understanding from great art, one left this *Ring* angered and frustrated. Fortunately, the overpowering genius of Wagner's life work will survive ephemeral attempts at wit and cleverness for their own sake. Opera—especially Wagnerian opera—should not be forced to bend to the vocabulary of today's theatre and its eschewal of the profound. The *Ring* is much more than a theatre piece, and it will always be contemporary.

## New Faces

Several new faculty members have joined BLS this year. Ms. Stacy Caplow is the instructor in charge of the criminal legal aid clinic. She was previously with the Centralized Narcotic and Criminal Court Units of the Legal Aid Society. Caplow is a 1972 J.D. recipient from N.Y.U.

William Fabrizio is teaching the evening section of Debtors and Creditors Rights. He is a partner in the bankruptcy firm of Hahn, Hessen, Margolis and Ryan and received his J.D. from N.Y.U. in 1969.

Bailey Kuklin is teaching the evening section of Property II and the day section of Land Use I. He received his J.D. from the University of Michigan in 1966 and then spent two years as a Peace Corps volunteer in Nepal. Last year, Kuklin taught at the University of Tennessee College of Law.

A returning faculty member is Nancy Fink, who spent the last two years at Harvard, where she received her LL.M. and a Harvard Fellowship in Law and the Humanities. Fink is teaching two day sections of Criminal Law.

Professors David Trager and

## Bicentennial Brooklyn

By Kim Steven Juhase

The Americans almost lost a war in Brooklyn. On August 29, 1776, General George Washington and his troops were caught in a British pincer movement in what is now the downtown Brooklyn area and Brooklyn Heights. Washington held a council of war with his generals and decided to withdraw from Long Island. After gathering all the boats his troops could find, the American Army debarked from a point, since landfilled about 150 yards inland from the Fulton Street pier. By a stroke of luck and to the astonishment of the British, the American retreat was not detected until all the troops had made it safely across the East River.

The events leading to this near tragedy are described in detail at the Battle of Long Island exhibit in the Observation Tower on the 26th floor of the Williamsburg Savings Bank, located near the in-

tersection of Flatbush and Atlantic Avenues, a 15-minute walk from BLS.

Brooklyn, the other branch would sneak through an unprotected pass in eastern Brooklyn and thereby place the Americans in the middle. The plan worked perfectly.

On August 26, while the British troops were diverting the Americans at Flatbush pass (near the Prospect Park Zoo) and at Gowanus, 10,000 British men under General Henry Clinton surprised a five-man American patrol at the Jamaica pass (near the intersection of Jamaica and Pennsylvania Avenues) and took it.

At 9 A.M. on August 27, British General James Grant at Gowanus received word of General Clinton's success. He immediately had his troops attack the Americans in force. Facing superior forces, the Americans, under the command of General William Alexander ("Lord Stirling") were forced to retreat across the Gowanus Canal. To keep the British from



Photo by Karen Grayson

The Williamsburg Bridge from the top of the Williamsburgh Savings Bank.

capturing his whole command, General Alexander, with 250 of his men, tried to hold off the British advance while the main body of his troops made it back to the American lines. The Americans made their stand at the Vechte-Cortelyou house (still standing at Byrne Park at 5th Avenue and 3rd Street), but after heavy fighting, General Alexander and his squad were captured.

Meanwhile, the bulk of the American forces had regrouped behind their inner defense line, which stretched from Wallabout Bay (Brooklyn Navy Yards) to the Gowanus Canal. However, George Washington and his generals realized that they were boxed in by the British pincer movement and decided to abandon Brooklyn and Long Island before the British forced them into the river.

After absorbing this background information, you are ready to step out on to the observation deck for a breathtaking all-encompassing view of New York. Aided by descriptive signs and photographs indicating where to look, the whole Battle of Long Island can be followed over the present-day cityscape.

This bicentennial exhibit was put together by the Long Island Historical Society and is one of the most spectacular and fascinating of its kind. Even if you are tired of hearing about the Revolutionary War, the view of New York City is worth the trip. Don't forget to bring your camera. The free exhibit is open Monday through Saturday, from 10 A.M. to 3 P.M. and ends September 30.

Fabian Palomino are still on leave of absence. Trager is the U.S. Attorney for the Eastern District, and Palomino is minority counsel to the State Senate Finance Committee.

## Decanal Search

By Richard Grayson

The Decanal Search Committee (DSC) was far from idle over the summer.

According to Dean Emeritus Jerome Prince, chairman of the committee, the initial stage of the DSC's work is basically completed. "The first stage was to encourage applicants to apply for the job. We wrote to every dean of every approved law school for recommendations and put an announcement in the American Bar Association Journal."

As a result of this effort, about 15 applications have been received by the committee. Prince expects to receive more before the second stage—interviewing—begins.

"The interviewing process will take about two months," said the dean. Applicants will be interviewed by the DSC and then by faculty and alumni committees. Prince hopes that a student committee will also take part in this stage.

He recalls that last year's SBA "had some disagreement" over the establishment of the student committee. The result was no student committee. But Prince is optimistic about the future establishment of that committee. "With a new administration coming in, I expect to hear from the SBA."

Although the faculty, alumni and student committees will have no say in the final choice of the new dean, the DSC will look to these committees for reactions to the candidates interviewed.

The third step will be for the DSC to submit four or five names to the Board of Trustees, which will make the final decision. Prince hopes that these names will be turned over to the Board by January.

Although Dean Prince would not characterize the candidates who have applied, he noted, "Some BLS faculty have applied for the job."



## Cheating

(Continued from Page 1)

graduate with other members of the class." The Court concluded:

"Brooklyn Law School does have traditional rules. But those rules have not been completely complied with; yet the Law School seeks to impose the consequences of those rules in advance of a finding.

"The Court considers the result of threatened irreparable harm which cannot be reversed — because there is no possibility of mending the harm and not because of any infringement on the part of the Law School — sufficient to enjoin Brooklyn Law School from denying petitioners the right to graduate with the other students . . ."

The final judgment ordered by the Court and filed in the clerks' office on July 6 calls for BLS to graduate the students on June 16 (which it already had under the show cause order), to award them their J.D. degrees and "to accord to petitioners all of the rights and privileges of said Degree including without limitation certification of said award to the New York State Board of Law Examiners at the same time and in the same manner as such certification is made for other graduating students of Brooklyn Law School to whom said Degree is awarded . . ."

Finally, the Court gave BLS the right to continue its investigation and "to take such action not inconsistent with this judgment or with the right of petitioners to be fully and fairly heard as may be appropriate to maintain the integrity of its award of a Juris Doctor award."

### Background

Papers filed by Prof. Palomino state that allegations of cheating against Doe were previously known to the administration. This became known when a student reported to two faculty members that unnamed other students had asked his help in aiding Doe in preparing a take home test which Doe didn't take on time, and after the answers had been given in class. An investigation disclosed, according to the BLS papers, "that the unnamed student had cheated on examination [sic], filed false certificates of attendance in class and submitted possibly false notes to the school from the emergency room of a local hospital for alleged health conditions which were

not emergencies." BLS added that the three students had attended the same high school and college and lived in the "same neighborhood."

Another BLS contention — that Smith had falsified an attendance certificate — was disregarded by the court. Prof. Brian Comerford filed an undated affidavit that Smith, whom he knew by sight, "did not attend any of the lectures in" Federal Estate and Gift Taxation during the spring 1976 semester, for which Smith was registered. Attached to Comerford's affidavit is a photocopy of Smith's attendance certificate for that semester. He lists only two absences, totaling four hours from that class, which led Comerford to conclude, "The implication to be drawn from this dichotomy between [Smith's] Certificate and the fact of his non-attendance is obvious."

In response to this accusation by BLS, Justice Jones wrote, "Since that accusation [filing a false certificate of attendance] was not discussed at the faculty meeting, it should not be considered by the Court."

### Proctor

On June 10, 1976, Doe also was questioned by the faculty committee. According to Prof. Crea's affirmation of June 15, Doe was "hesitant to respond to the committee's questions, but when confronted with the internal evidence of identical examinations in several courses with [Jones and Smith], he said that they had nothing to do with what he did, that he copied over the shoulder without the aid of either [Jones or Smith]." Doe admitted that he was responsible for "academic dishonesty."

When Jones and Smith separately appeared before the committee, each stated that he did not cheat or willingly or knowingly allow anyone to copy answers. But the proctor for the New York Civil Practice exam gave a statement, dated June 15, which contradicts the denials of Jones and Smith. The deposition of the proctor, Loretta Selby, secretary to Dean Gilbride, says that she noticed an exam paper containing multiple choice questions "left in the last row." This student was Smith and the paper was "very close" to a student seated one seat away from Smith. This second student was Doe.

## BLS at LSD

(Continued from Page 1)

study program, where students would work directly under the supervision of a practicing attorney or legal assistance organization. The program, he suggested,



Photo by Howie Peltz

BLS Delegate Brian Davis at the LSD convention in Atlanta.

should be established on an experimental basis in a state with extensive continuing legal education programs.

Stanley explained, "In states where continuing legal education programs develop sufficient depth and quality, it may be that they can assume responsibility for the kinds of clinical courses now offered during the third year of law school. At the end of two years of law school, the student could be authorized by the state supreme court to do certain kinds of legal work, but not to handle matters completely without supervision..."

One of the advantages of the program, Stanley argued, was that instead of being bored with the third year of law school, a law student would have an opportunity for earlier employment.

Besides David Stoup, other students winning LSD national office were: John Hathaway, vice-president (Suffolk University); Chris Otorowski, secretary (University of Denver); and Steve Charen (N.Y.U.) and Howard Brown (University of Delaware), division delegates.

Selby turned the exam paper upside down and placed it near Smith, away from Doe. Later, she saw Smith put a paper in the empty seat between him and Doe. Doe picked up the paper. When this was repeated, she said to Smith, "Do you know that the gentleman next to you is picking up your papers?" Smith didn't answer. After Selby repeated the question, Smith answered, "Oh, that's just some notes from my class note book. It's allowed — we can do that."

Selby said that her co-proctor later saw Smith and Doe again pass a paper.

Prof. Richard Farrell, who gave the New York Civil Practice final, recalls comparing students' papers after the allegations of cheating were made and says that two of the papers had very similar answers on the short answer part.

### Future Disposition

Since the preliminary faculty hearing in June, a special five-member committee has been named by the faculty to hold hearings sometime this fall. The five members of this committee are Professors Berger, Johnson, Sherman, Schultze and Yonge. Three members of the faculty who spoke with the *Justinian* were not certain whether the committee hearings would deal with all three students.

If the committee finds that Smith and Jones did cheat, it might recommend to the full faculty that BLS revoke the J.D. degrees in a manner "not inconsistent with the Judgment [of Justice Jones] or with the right of petitioners to be fully and fairly heard as may be appropriate to maintain the integrity of its award of a Juris Doctor award."

The administration refuses to comment on any aspect of the case or the upcoming faculty hearing. Prof. Palomino has been unavailable for comment for several weeks.

Since the *Justinian* has been unable to contact Palomino, and other members of the administration will not comment, the question of whether BLS will appeal Justice Jones' judgment is unclear. Under CPLR §5513 (a), BLS has 30 days after service of the judgment and written notice of its entry in which to appeal. As of August 23, the petitioners have not served the judgment on BLS. However, the law school may begin this 30 day period by serving a copy of the judgment on Fuchsberg and Fuchsberg, counsel for Jones and Smith.

The next move appears to be long to BLS on two fronts: the faculty hearing and the possibility of appealing from the Article 78 judgment.

(Continued from Page 4)

average food. Jack's Deli (116 Court Street) is a spectacular Kosher delicatessen. The sandwiches are over-stuffed and the cold cuts (particularly the tongue) are excellent. Be sure to try Jack's french fries — they are great!

If you want a change of taste, continue down Court Street to Atlantic Avenue. Turn right and walk toward the Brooklyn Queens Expressway. You will pass quite a few Indian and Mid-Eastern restaurants. The best one on the street is Atlantic House (144 Atlantic Avenue, between Clinton and Henry Streets). Their prices are so low that you can have a dinner feast of excellent food for \$3. The menu offers Babaghnough Bi Tahina (mashed egg plant in

## Jaworski as John Adams

By Kim Steven Juhase

John Adams with a southern accent? That is the way the Massachusetts patriot sounded as played by former special Watergate prosecutor Leon Jaworski in a recreation of the Boston Massacre trial, *Rex v. Preston*, performed at the ABA annual convention in Atlanta, Georgia.

The roots of the Boston Massacre go back to the 1760's, when American colonists began to chafe under British rule. Britain, afraid of American disturbances, sent troops into Boston. The colonists resented the troops' presence, and their favorite pastime became baiting and insulting the "lobsterbacks." On the evening of March 5, 1770, a large group of Bostonians were gathered around a lone British sentry. The sentry, fearing for his safety, called for help. A group of British soldiers, under the command of a Captain Preston, came to his aid. Suddenly the British troops fired into the crowd, killing three persons and wound-

ing that a man's right to a fair trial outweighed his anti-British feelings or the scorn he might receive from his fellow countrymen, decided to take the Captain's case.

The trial was reenacted for the benefit of ABA members as part of a special program, "Representing the Unpopular Cause." English Ely, a professor of constitutional barristers John Griffiths and Anthony Schriverer took the parts of the crown prosecutors, with Lord Justice Seabag Shaw of the English Royal Courts of Justice presiding. Because no complete trial record exists, both the attorneys and witnesses ad-libbed their parts.

After Lord Justice Shaw instructed the jury, which was composed of members of the news media, there was a 15-minute deliberation before the jury found Captain Preston not guilty of murder. However, they were deadlocked over whether he was guilty of manslaughter. In the actual trial, Preston was acquitted

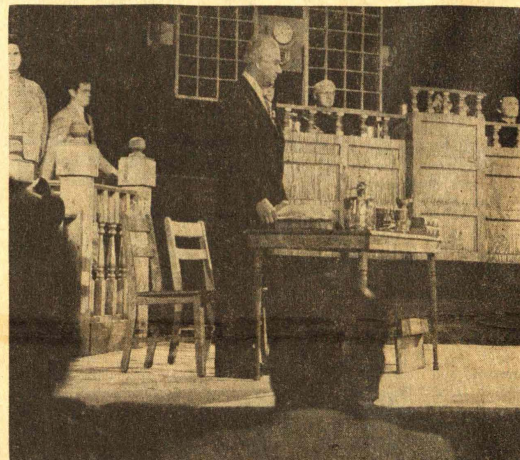


Photo by Howie Peltz

Former Watergate prosecutor Leon Jaworski in the role of defense attorney, John Adams.

ing eight, two of whom died later. Bowing to American pressure, the British authorities decided to try Captain Preston for murder.

Considering the temper of the times, it's no wonder that Captain Preston was hard pressed to find an attorney willing to take his case. However, a friend of Preston approached John Adams, at that time one of the leading Boston lawyers and also one of the leaders of the growing American resistance movement. Adams, decid-

ing of all charges,

The performance was designed to point up the dilemma which confronts attorneys upon being asked to defend cases which are contrary to personal or popular sympathy. John Adams represented a very unpopular man for an unpopular cause. There is no doubt that Adams' sympathies did not lie with the British. Yet, he still took the case and represented Captain Preston to the best of his abilities.

## Eateries

sesame butter), Yemen Rago (sautéed lamb with onion, garlic, green peppers and Mid-Eastern spices, served with rice pilaf) and Yemen Fata (Mid-Eastern bread moistened in meat broth, topped with chunks of meat and garlic sauce). All meals are served with piping hot pita bread. To make the meal a little special buy a bottle of wine on your way over. Atlantic House does not serve liquor, but welcomes you to bring your own.

Our last two stops are on Fulton Street at two of the most famous places in the area. Corzoli's (417 Fulton Street) is a sandwich shop visited often by BLS students. At lunchtime, the lines are long, but they move quickly. The men behind the counter will make any concoction

that you are willing to eat, but order a hero because the bread is delicious. The sandwiches are large and very reasonably priced.

Gage & Tollner (375 Fulton St.) is an institution. It was founded in 1879 and is probably the best restaurant in Brooklyn. It is basically a seafood and steak house, and there is nothing on the six-page menu that is less than delicious. There is also nothing on the menu that is reasonably priced. However, if you really want a special treat, it may be worth skipping lunch for a few days to save up. In the evening, the electric lights are turned off, and you can watch one of the waiters light the gas lamps. Pleasant décor adds to the enjoyment of a delicious meal. What better way to end a long hard day at the books?