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Justinian

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THURSDAY, NOVEMBER 4, 1976

Page One

Students Interview Dean Candidates

By Richard Grayson

The Student Decanal Search Committee (SDSC) will get its first opportunity to interview a decanal candidate this week.

Of the five serious candidates still in the running for the post, the two from out of state will visit BLS this month to meet the faculty, SDSC, and other groups. One candidate, Prof. Leigh Taylor, Associate Dean of De Paul University College of Law, is here this week, and the other, Prof. Clif-

Although there are three members and two alternates on the SDSC, the committee has decided that all five will interview the candidates, and the vote of each will be equal.

The student committee is looking for a candidate with different qualities than those mentioned by Prince. Among the qualities he seeks are those of scholarship and intellect. But Robinson says, "We are looking for someone to be open

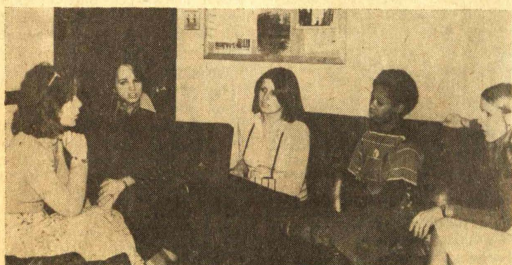


Photo by Marcia Knigin

Members of Student Decanal Search Committee, from left: Jayne R. Robinson, Kathy Paolo, Pat Vander Putten, Esmeralda Simmons and Susan Backstrom.

ford Davis from the University of Connecticut School of Law is scheduled to visit BLS on November 15.

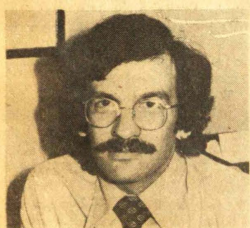
In a meeting last month with Dean Jerome Prince, chairman of the "real" Decanal Search Committee, the SDSC received an idea of how he would like them to contribute to the search. Jayne R. Robinson, chairperson of the committee, reports that the student committee will have a formal question and answer session with each of the outside candidates. Then, the SDSC will probably submit a short memo to Prince. Later a formal report, including the committee's recommendation, will go to Prince, who is expected to turn it over to the Decanal Search Committee. Robinson got the impression from Prince that the same procedure — question and answer session and a short memo — will probably be followed for each of the three "local" candidates.

New Face

Bailey Kuklin

By Marcia Knigin

Professor Bailey Kuklin is one of the newest members of the BLS faculty. However he is not new

Photo by Marcia Knigin
Professor Bailey Kuklin

to law school education. He was a professor at the University of Tennessee Law School, where he taught Housing, Property, Research and Writing for first-year students, and Trusts. Before going to Tennessee, Professor Kuklin was the Assistant Dean at the University of Michigan Law School and taught freshman writing at Stanford Law as a teaching fellow immediately after being awarded his J.D. in 1968.

A year later, he joined the Peace Corps and went to Nepal for two years. After that he spent a year in New York as a Reginald Heber Smith Fellow in Westchester County.

(Continued on Page 4)

New SBA Assembly Meets

By Howard Cohen

The Delegate Assembly of the Student Bar Association met for the first time this year on Thursday afternoon, October 14. Of the 26 elected delegates, 23 were present, well over the 40% requirement for a quorum. The delegates were welcomed by SBA President Howard Peltz, who said he hoped this year's Assembly would not get bogged down with procedural disputes, as did last year's Assembly.

As a means to this end Peltz mentioned several ideas that the SBA hoped to initiate. The major idea discussed was a "Student Senate" for the Assembly, whereby the Assembly would be divided into committees dealing with various problems within BLS. Possible committees mentioned were: Library Committee, Faculty Evaluation Committee, Entertainment and Planning Committee, Constitutional Revision Committee, Evening Student Committee, Placement Committee, and BLS 75th Anniversary Committee. These are areas where the SBA feels more work needs to be done.

Peltz went on to tell the delegates that a major obstacle to the efficient functioning of the SBA is the ambiguity of its present Constitution. As a case in point, Peltz outlined the problem of Student appointments to Student-Faculty committees. Last year the policy was for those students interested in serving to submit their names to the desired committee. The potential nominees were interviewed by the committee, which then recommended certain nominees to the SBA Executive Board. The Executive Board invariably nominated those recommended. It was then voted on in the Assembly, which, in effect,

merely rubberstamped the election. This process was often delayed by angry delegates who resented having to rubberstamp the election without having knowledge of the nominees' qualifications. Peltz asked the Assembly for alternatives to this procedure. In response a motion was made by first-year day Delegate Dave Fleisher that the chairperson of the committee in question appear before the Delegate Assembly and state reasons for recommending a particular student. Furthermore, any student who was rejected could either appear before the Assembly or prepare a statement airing his grievances. An amendment was added requiring the chairperson to inform those persons rejected that they had a right to appear before the Delegate Assembly. Both the motion and amendment were passed.

A very unusual situation illustrating the inefficiency of the Constitution then arose. In order to re-elect Linda Sueskind to the Clinics Committee, the motion just passed had to be temporarily suspended. The Clinics Committee is at present without a chairperson. It was the intention of the Executive Board to elect Ms. Sueskind as Chairperson after she was re-

elected to the Committee. After some debate as to the propriety of such action, the motion to temporarily suspend the previous motion was passed, and Ms. Sueskind was elected.

Afterwards, the Assembly was addressed by SBA Treasurer Benjamin Weinstock. Mr. Weinstock reported that the SBA's budget this year is \$19,818.38. Of this amount, \$2,708.78 has already been spent on such items as Orientation (\$677.12) and films (\$121). These amounts will be included in their respective organizations' budgets for this year. The SBA will be drawing up its budget in the upcoming weeks, deciding where to make cuts in the total of \$27,810 requested by the various school organizations.

At the close of the meeting, a motion was made by a first-year delegate concerning Professor Allan's remarks during a meeting with first-year students regarding their lack of decorum in the library. It was moved that the Assembly resolve to support Prof. Allan in his idea of maintaining order in the library, and also urge Prof. Allan to refrain from using inflammatory language to the students. In a prepared statement the delegate specifically objected to Prof. Allan's terming the first-year class a "disgrace" and "vicious." The motion was tabled for further consideration and will be the first order of business at the next meeting.

The Delegate Assembly will meet weekly until a budget is completed. Meetings will then be held once a month.



Why is this professor crying? Because he can't find his name. Try your luck. See Page 3.

For more SBA news and controversy, see Page 4.

New Face

Nancy Fink

By Rochelle Strahl

"Most legal education is deficient, and . . . one reason is . . . that it is too narrow. I don't think that we train lawyers to be professionals. I think that we train lawyers to be technicians, and I think that we need professionals," reflected Professor Nancy H. Fink in a recent interview. She went on to differentiate between a "professional" and a "technician." In her view, the professional lawyer tends to be someone who "carries a greater responsibility for decision-making and accepts responsibility for movement in his given area," while the technician-lawyer tends to be someone "who hides behind his craft." She continued to expound her view that "if one is a technician, one sort of does what the acceptable procedure is If one is a professional, I would like to believe one analyzes the existing procedures, etc., and decides whether they are good or bad, and if they are bad, goes about trying to change them. That is the responsibility of a lawyer

and was a Harvard Fellow in Law and Humanities. She noted several similarities and differences between Harvard and Brooklyn Law Schools. "The students at Harvard are very unhappy, just like the students at Brooklyn. The student complaints in the student newspaper at Harvard were reminiscent of the complaints one used to see in the student newspaper at BLS several years ago. By the time students are in graduate school, they are chafing under

(Continued on Page 6)

Photo by Marcia Knigin
Professor Nancy Fink

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(Editorials express the opinion of the Editorial Board)

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Phi Delta Phi Opens BLS Anniversary Celebration

By Miggie Warmes

Surrogate Court candidate Bernard M. Bloom and the 75th anniversary of Brooklyn Law School were honored by a group of Phi Delta Phi "brothers" at a dinner held on October 20 at the Carlyle (in Brooklyn of course).

Bloom spoke about BLS' location, saying, "The law school that you people attend is there by special legislation." He described how the property had changed hands before the special law was passed and quipped, "One day I think Abe Stark [former Brooklyn borough president] owned it."

Evarts Inn Magister Howard Rubin presented a plaque to Bloom engraved, "Phi Delta Phi Evarts Inn Honors Bernard M. Bloom on the 75th Anniversary of Brooklyn Law School In Grateful Appreciation Of His Leadership And Devoted Service To The Legal Community And His Alma Mater October 20, 1976."

Other Evarts Inn officers present were Greg Fonti, Vice Magister; Manny Taitz, Treasurer; Kim Steven Juhase, Secretary; Kathy Paolo, historian; and Patti Collins, Bailiff.

Faculty members in evidence (and Criminal, Property, etc.) included Albert DeMeo, Dean Gerard Gilbride, Judge Leo Glasser and Leon Wein.

"The many distinguished alumni of the Brooklyn Law School have enriched our government, in the legislative, executive, and judicial branches," wrote Governor Carey in a letter sent to Rubin on October 18. "My warmest best wishes to all attending the anniversary dinner and especially to my old friend Bernard Bloom."

Speakers at the dinner included Richard Kane, Phi Delta Phi Province Chief for the Northeastern Province; John McGuire, 1974 Magister of Evarts Inn; and the first editor-in-chief of Brooklyn Law Review and member of Evarts Inn, Dean Emeritus Jerome Prince.

Kane discussed the history of Phi Delta Phi, a national fraternity. McGuire told of researching the history of Evarts Inn a few

years ago to find that "Mr. Evarts was a rather prominent member of the bar in the State of New York." Among other accomplishments, Evarts served as U.S. Secretary of State and New York Secretary of State, and he represented Andrew Johnson at his impeachment trial.

Next, Dean Prince offered a capsule history of the Law School. A complete history of the school "would take two days to relate," advised Prince, who has been associated with the school for 47 years, as an undergraduate, as a graduate student, and, for the last 42 years, as a faculty member.

Prince spoke of Dean William Richardson, who was a teacher of commercial law in Maryland in

degrees were conferred by St. Lawrence. From 1903 until 1945, Richardson was Dean. In 1904, the school moved to the old Brooklyn Eagle building and later raised the money to build a seven-story building at 375 Pearl St.

"World War II virtually devastated the school," continued Prince. "In one year the total number of students in the day division was thirty. The largest class was fifteen. Bob Sugarman taught a class of two; I was in that class, and on the first day was unprepared: the other student recited all period and as a result of that he withdrew. The class of one was cancelled."

In 1943, St. Lawrence decided to liquidate the law school. The trustees wanted to sell the building and the library books and to put the money into the rest of the University.

But BLS made a deal to keep the school for \$75,000 plus all cash reserves on hand. The building was mortgaged to keep the school afloat.

When Richardson died in 1945, Judge William Carswell became Dean, and Prince was Associate Dean. Then Prince came up with the idea that saved the school: to offer a refresher course for soldiers coming home from the war. Professors Prince and Bovine volunteered their services, and soon the school was "out of the red."

Prince then began to rebuild the school, improving standards, faculty, and library. He became Dean when Carswell died in 1953 and retired as Dean in 1971.

Prince helped to design the interior of the present BLS building, while Judge Henry Ughetta, President of the Board of Trustees, helped to design the exterior.

In 1971, Dean Lisle brought BLS into the Association of American Law Schools. He gave the faculty more freedom to determine educational standards than it had had under Prince, who now inspects law schools for the American Bar Association.

Prince's official opinion of BLS: "an excellent law school."



Photo by Richard Rosenthal

Dean Emeritus Jerome Prince

1900, when he attended the New York conference where he met Norman Heffley, a business school teacher. The first Brooklyn Law School classes were held in the basement of the business school in 1901.

In 1902, all of the school's property was transported to 187 Montague St., a brownstone, in one wagonload. The entire law school library occupied but one wall of one room of that brownstone.

Until 1903, Brooklyn Law School did not have the power to confer law degrees. (Of course, nobody was ready to graduate until then, anyway.) In that year, it became part of St. Lawrence University, which retained the necessary accreditation after its own law school ceased operation.

From 1903 until 1943 all BLS

Playing Favorites

Approximately 50 percent of the second-year day class has signed a petition requesting the establishment of at least one more section of Appellate Advocacy, taught by someone other than Prof. Henry Holzer. Currently the only section contains students personally chosen by Holzer.

BLS employs stringent standards for determining the composition of its student body. In light of the limited curriculum offered to the students, it is both unnecessary and inappropriate for faculty members to restrict enrollment to any course.

Since the size of the present course is limited, and since more than 100 students have indicated an interest in taking this course, this petition presents the Administration with an opportunity for some constructive action on behalf of the student body.

Exam Schedule

Although final exams are still two months away, the posting of the tentative exam schedule two weeks ago had a traumatizing effect. It is always a surprise, and rarely a pleasant one, to discover the results of the mad machinations of the 9th floor schedule-makers. At this moment, there is a pile of requests for change of exam date in the SBA office. As an SBA memo noted when the tentative schedule was posted, no matter what changes the SBA makes, there will be disgruntled students.

Probably the most reasonable way to do away with this trauma is to post the proposed exam schedule during registration. But the 9th floor moguls refuse to give this suggestion a chance. Part of their reasoning is that they do not want students choosing their courses on the basis of the dates of their final exams.

These words float through the rarefied air of the top floor as if they were sacrosanct and handed down by Justice Cardozo himself. But the words are not sacrosanct; they are mere sanctimonious prairie apples. If the Administration were really intent on having students choose courses without any outside stimuli, it would go one better than the above comment. It would hold registration without noting the time a course is given and without listing the professor.

Why won't the Administration experiment and allow the posting of the proposed finals schedule with this spring's registration? It might decrease the already high levels of trauma among students. And that would certainly improve the atmosphere at 250 Joralemon Street.

Letter:

To the Editor:

The National Organization for Reform of Marijuana Law (NORML) is a coalition of lawyers, doctors and members of the general public which advocates decriminalization of non-commercial possession of small amounts of marijuana. NORML has main offices in Washington D.C., New York City, Chicago and San Francisco. Among the members of our National Advisory Board are

Senators Jacob Javits and Philip Hart; Professor Ramsey Clark; ACLU Executive Director Aryeh Neier; Joseph Oteri, Esq.; and Doctors Vera Rubin, Lester Grinspoon, Benjamin Spock and Norman Zinberg.

NORML advances the proposition that the social and economic costs of enforcing and administering criminal prohibition of marijuana use are unjustifiable in light

(Continued on Page 6)

Philharmonic Mahler Festival

By Paul Harris Forman

For the New York Philharmonic, October was Mahler month. While awaiting the reopening of its newly renovated home, Avery Fisher Hall at Lincoln Center, the Philharmonic was hard at work in Carnegie Hall, playing all of Mahler's nine tremendous symphonies. Gustav Mahler was musical director of the New York Philharmonic from 1909 to 1911, and he conducted at Carnegie Hall many times.

Until the mid-1960's, Mahler's works were viewed as little more than examples of romanticism and self-indulgence gone awry. But since then there has been a change in the public's view. The tortured and intensely personal music of Mahler inevitably exerts a strong appeal on modern audiences, particularly the younger generation.

Like the music, the man was full of contradictions. Born in 1860 as an orthodox Jew in a Bohemian village, Mahler died a Catholic in 1911, memorialized as the most celebrated conductor of his day. Mahler was one of the central figures in the feverish cultural life of turn-of-the-century Vienna, yet he was hounded to his death by professional intrigues and endemic

anti-Semitism.

While Mahler's feverish intensity as a conductor of the classics earned him fear and admiration from his contemporaries, his own works brought bewilderment and scorn. The art of Mahler looks forward and backward at once. The folk music of middle Europe jostles against the grandiloquence of the Viennese symphonic tradition. Yet we hear at the same time foreshadowings of the breakup of that tradition. There are moments when Mahler's music abandons traditional harmonic notions and dissolves into pure sound. Mahler's intensely personal fascination with religious experience adds yet another dimension. With all of these tendencies worked out at once, it is no wonder that for half a century Mahler's music was dismissed as little more than anarchy and bombast.

The Philharmonic's festival — nine concerts within one month — gave us a chance to experience the cumulative impact of this music. The shortest of his nine symphonies runs nearly an hour, the longest nearly two. Mahler reinforces the symphony orchestra with offstage bands, singers, choruses, organs and more. The

Eighth Symphony is called the *Symphony of a Thousand* because it requires three choruses and eight solo singers, in addition to a swollen orchestra.

It was fortunate that the festival concerts were led by three different conductors, each with a distinct personality. Each one — Pierre Boulez, Erich Leinsdorf and James Levine — was able to emphasize a different aspect of the complicated music.

Mr. Leinsdorf conducted the Fifth Symphony (famous as the score to the film *Death in Venice*) with the care and restraint that he brings to all music. He emphasized the classical underpinnings in the music. It was clear that the great paean Mahler composed for the last movement is at heart a fugue — the most traditional of musical forms.

When Pierre Boulez, a great exponent of twentieth century music, conducted, he emphasized the forward-looking aspects of Mahler. Boulez underscored the great freedom with which Mahler employed the sounds of the orchestra. There were times when Boulez' extremely tight and analytic manner seemed to go against the grain of

(Continued on Page 4)

Alumnotes: Donald Grajales

By Joyce Balaban David

Donald Grajales, who is the President of the Puerto Rican Bar Association, has just been appointed regional director of the federally-funded Legal Services Corp. His region covers New York, Puerto Rico and the Virgin Islands. Since his graduation from BLS in 1966, he has had a distinguished and varied career.

His first job after law school was with Henry Rothblatt, a well-known New York attorney. He got that job through the BLS placement office. He stayed with Rothblatt for about a year before going to the Manhattan D.A.'s office. He worked for six years under Frank Hogan, "Mr. D.A.," as the only Puerto Rican Assistant D.A. At the D.A.'s office he went through various bureaus as part of the standard training. In 1968 he became the supervisor of the Manhattan Narcotic Addiction Program, where he handled narcotics investigations. In 1970 he was assigned to the Special Prosecutor's office, where he continued his narcotics investigations. When he left the D.A.'s office in 1974, after Hogan's death, he was the supervising attorney at the Supreme Court Bureau.

According to his wife, Lynne, he never lost a case while at the D.A.'s office.

Donald Grajales was born in New York 37 years ago, the youngest of four children. His father, Modesto Grajales, held a variety of jobs—he owned a bo-

dega (a grocery store), worked in a factory, and was a porter at the Foley Square courthouse. He died when Donald was three years old. Donald's widowed mother, Ana Solano Modesto, raised her four children on welfare in the South Bronx.

City College Grad

Grajales went to public elementary schools and Stuyvesant High School. In 1961 he got his B.A. in political science from City College. He completed all his credits for a master's degree in Public Administration at Baruch. He got his law degree in 1966 at BLS, graduating 49th out of 238 students. He also has an LL.M. from N.Y.U. with a concentration in criminal law, awarded in 1973.

He has always been involved in poverty law and minority affairs. Even while at the D.A.'s office, he was a director on the board of Harlem Assertion of Rights.

When Grajales left the D.A.'s office, he became Project Director and Chief Attorney of Bronx Legal Services. He spent "two eventful years there. The Bronx Legal Services is the most militant. They organize rent strikes etc. There's always the feeling that the Bronx is neglected in all areas."

In his new job as regional director for the Legal Services Corp., he is responsible for the supervision of 23 programs staffed by over 400 attorneys. "There's very intense competition to get into legal

services now. The money is not the greatest. I get about 15 resumes a week and there aren't many jobs to give out. There are at least 100 resumes for one job. It's impossible to interview them all."

He sometimes misses the nitty gritty legal work, since his job is largely administrative. "If you're running a big program the way I was in the Bronx and will be doing in my new job, you're really doing disservice to your program if you do take cases because you can just have one big case putting you out of commission and there are all sorts of other things that have to be taken care of. You're involved in board and community activities, dealing with other agencies, etc."

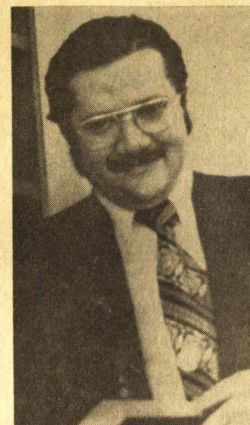
As president of the Puerto Rican Bar Association, he has been actively trying to get Puerto Rican students admitted to law schools. There are 130 members in the Puerto Rican Bar Association. New York City has only about 150 Puerto Rican lawyers, the lowest proportion of lawyers to any minority group.

Lack of Puerto Rican Lawyers

"One of the problems with the minority Puerto Rican community is that they haven't had lawyers. Lawyers are a very important function of our entire society. Throughout American history lawyers have been sort of a leadership class, going into politics, business, community organizations, providing leadership within the

community. For the success of the city, we have to produce leaders from the minority class so that we can produce a class that can be of benefit to the city in terms of all the things that have to be done."

Job prospects for Puerto Rican lawyers are good because there are



Donald Grajales

so few of them, "but ultimately you have to be able to do the job." There are many agencies that need minority personnel. The D.A.'s offices and Legal Aid offices need them to help deal with the Hispanic community, which com-

prises 35-40% of the case load.

Grajales doesn't feel that BLS is as active as N.Y.U., Columbia and many of the Ivy League schools in seeking out minority students, especially Hispanics. Although many more Puerto Ricans are graduating law school now than when he did, he feels even more are needed.

About BLS in general, Grajales said, "It has always been a nuts-and-bolts law school. Many good people came out of the night school who could otherwise never have afforded to go to law school. Some very talented people who came from other professions went at night so as not to lose their positions or because they had families to support. BLS is one of the few places to have evening sessions." Grajales went by day, with his wife supporting him, but his good friend, Herman Badillo, went at night.

Grajales is presently a member of the board of directors of the Fund for Modern Courts. He was also appointed by Mayors Lindsay and Beame to serve on the Hispanic Criminal Justice Task Force. In spite of his very active professional life, Grajales seems like a relaxed, open and unpretentious man who enjoys his wife, Lynne, and his four-year-old son, Andy. He participates in community activities in Ditmas Park.

As for his future, Grajales said, "I'd like to play it out. I have no preordained plan."

BLS Decreases Enrollment

By Richard Grayson

A recent article in JURIS DOCTOR erroneously reported that BLS is planning to reduce enrollment. But BLS has already drastically reduced enrollment over the past four years to such an extent that the target of 1030 students has been passed. The school has no plans to reduce it further.

On September 24, the Registrar's Office reported the combined day and evening enrollment to be at the lowest level ever in this building—1004 students (745 day and 259 evening). This does not include four special students.

In the fall 1972 semester, the building accommodated 1389 students, even though Dean Raymond Lisle says it was designed for 1000 students. The enrollment has progressively decreased from that high to 1357 in spring 1973, 1225 in April 1974, 1117 in April 1975, and 1005 in April 1976.

The decision to reduce enrollment, made more than two years ago by the Board of Trustees, Lis-

le and the faculty, was based on several factors, including the limited number of faculty offices and other facilities (such as the library) and the student-faculty ratio.

These figures, under a complex formula devised by two assistant deans at Columbia University and computed by Prof. Oscar Chase, gave BLS a student-faculty ratio of 29.3:1 in April 1976. This was a large decrease from the 1967 ratio of 57:1 and the 1973 ratio of 49:1.

The ratio has improved since the arrival of four more faculty members this semester. Although one of the stated reasons for the reduction in enrollment has been the lack of faculty offices, Lisle says there are "empty spaces for the [new] professors, but they are terrible offices."

There is no indication from Lisle that the standards of the American Association of Law Schools were a major factor in this decrease. (The ABA/AALS re-inspection committee visited

BLS on October 18 and 19.) Lisle notes, "AALS standards are only general standards to guide a school and besides, AALS inspectors are usually critical of any student-faculty ratio."

In order to increase enrollment to the target of 1030 students, which is to remain the size indefinitely, according to Lisle, the admissions process uses a simple formula. "We consider how many students are graduating, and then add a few students," reports the Dean. "This means that the target for admissions in September 1975 was 330 students (day and evening), while the goal the following September was 360 admissions. In order to obtain these 360 students, the school hoped to register 400 and let the attrition rate do the rest. As of September 24, the total day and evening first-year enrollment was 345 students."

This conscious effort to decrease enrollment to what is considered the "optimum size" coincides with recent tuition increases, which will continue. Students who entered BLS two months ago are paying \$2750 per year, and those entering in September 1977 will have a yearly bill of \$3000. But presently enrolled students reap the "benefits" of the tuition step formula, under which students pay the same tuition during their three or four years at BLS. Lisle claims this plan is unique among local law schools.

The Administration has not acknowledged that one reason for the decrease in enrollment might be a socio-economic awareness of the glutted market for young lawyers. But that realization could have been working subconsciously in the minds of those who made the decision to decrease enrollment.

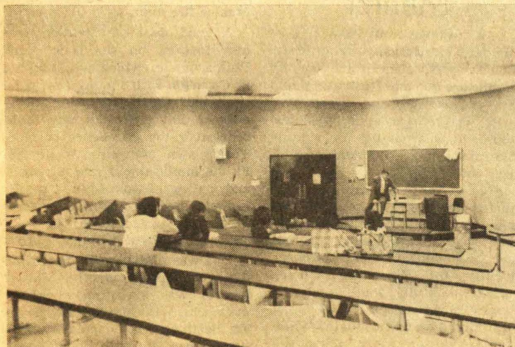


Photo by Marcia Knigin

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This puzzle contains the name of 32 BLS professors plus that of Ramsey Clark. The names are spelled vertically, horizontally, diagonally and backwards. (Puzzle by David Leibman.)

The Art Of Legal Prose

By John Rashak

Dr. Rudolf Flesch, as the introductory speaker at the Scribes' Legal Writing Institute, announced that the U.S. Internal Revenue Code represents an "all time low in readability." The Institute was held Saturday, October 16 at St. John's University of Law and sponsored by Scribes, the honor society for legal writers. Dr. Flesch, who characterized himself as "something of a radical," believes that it is "possible to simplify legal language."

Dr. Flesch stated that the Internal Revenue Code (I.R.C.) has "an average of 51 words per sentence," while the Reader's Digest has "15 to 17 words per sentence." The Tax Reform Act just passed by President Ford averages 62 words per sentence. According to a statistical formula which Dr. Flesch developed to measure the difficulty of written prose, the I.R.C. has a "minus 20" rating.

Dr. Flesch has a law degree from Vienna University, but he has not practiced law in the U.S. Rather, he is a consultant to banks, insurance companies and federal agencies, with the unique job of explaining what, to some, is a foreign language: legalese. Because Dr. Flesch made one insurance policy so easy to read, the company had to add the following in bold type: "This is your insurance policy. Keep it in a safe place."

Dr. Flesch emphasized that "in a legal document, if it is to be understood by a layman, you must give examples. This is the first time in history that anyone tried to explain a (insurance policy) 'deductible' to a layman by an example." Dr. Flesch has also applied his legal scalpel to bank loan notes, F.T.C.—mandated consumer notices, and vocational school enrollment contracts. His sights are now set on making warranties,

pensions, and traditional contracts of adhesion (e.g., used-car contracts) "simple and readily understood." Mandates to this effect are now in both the Pension Reform Act and the Moss Magnuson Warranty Act. Dr. Flesch expects the F.T.C. to have a blanket policy "in the near future," of making all legalese comprehensible to the



Photo by John Rashak
Dr. Rudolf Flesch speaking at the Legal Writing Institute.

consumer, as long as it stands up under court scrutiny.

With the sacred cow of legalese sacrificed on the altar of comprehensibility, the fun began. Dr. Flesch's speech was followed by an overview of legal writing that would have made Justice Holmes smile in his grave. Keynote speaker for this panel was Elliot Biskind, a New York Law School professor who writes a column on legal writing for the *New York Law Journal*. Biskind favored literary allusions that were "accurate and apt," as more effective than metaphors in court opinions.

Literary Cites

In one recent case, Ralph Ellison's book, "The Invisible Man," was quoted in a majority opinion. Biskind followed with a hypothetical case of a cop sued for false

arrest, and an apt allusion from Gilbert and Sullivan in the epilogue of the counsel's brief. "When constabulary duty's to be done a policeman's lot is not a happy one." Biskind emphasized that a literary allusion must also be accurate: "Its books are babbling brooks" was a misquote of Shakespeare, used in a recent case of a bribe offered for an honorary degree.

Michael H. Cardozo, a relative of Justice Benjamin Cardozo, was the third panel speaker. He found it ironic that the "leading advocate of simplified writing is German (Dr. Flesch)," and that "people think of lawyers as confusing things more than clarifying them."

Professor Julius Marke (N.Y.U.) summarized the essentials of good legal writing with a quote by Justice Brandeis (who re-wrote his opinions many times): "No generalization is wholly true, not even this one." Marke stated, "When (Justice) Holmes was wrong, he was always wrong clearly."

A panel on Writing for Publication preceded lunch.

The keynote speaker, Prof. Howard Oleck of Wake Forest University School of Law, related a letter from Lord Chesterfield to his son: "I'm sorry this is so long — I didn't have time to make it short," as the present state of legalese. Oleck continued, "Undergrad books are the most (financially) successful . . . West is not necessarily the best (law) publisher . . . Specialty (law) publishers are one of the biggest (publishing) markets . . . Most (publishers) are only telephone answering services."

Oleck on Law Review: "Law Review people think they are God's chosen and select . . . Don't write for Law Review. Write for another publication. You'll get more readership."

which he labels "one of my favorite pastimes."

Advice

When asked if he had any advice for his students, Professor Kuklin responded frankly, "Students tend to turn to the practical approach to the law. It is easier to develop a hired gun mentality. It is good for some of this to exist — the idea that people are entitled to be represented. But through the exercise of ethics, you can play a significant role in the community. An attorney should have a role in helping to form societal goals. To fully appreciate this role, law students should have a greater understanding of jurisprudential questions — what our society is about — and with this understanding, act upon it. You don't have to take every case that walks in the door — don't worry that this guy won't get represented if you don't take it."

Professor Kuklin's plan for the future is to settle into the BLS community. He is presently working on an article on housing and technology from the point of view of the mobile home experience and expects to have it published soon. He also has hopes of eventually teaching a Housing course at BLS. This course would not deal with Landlord-Tenant problems, but rather with government housing programs, condominium law, how to put up housing, government finance programs, private developments, and government housing itself. He would also like to teach Land Finance at some future date, but in the meantime, he is quite content teaching Property II and Land Use.

Re Reacts

Judge Edward Re of the U.S. Customs Court was the keynote speaker for the panel session on brief writing, which followed lunch. Judge Re orated that "philosophically you can be right in what you say, but wrong in your reason." However, because there is a "presumption of correctness in judicial decisions" and especially since "findings of fact (in the lower court) shall not be set aside," the appellate court, in its discretion, may decide not to correct an error, even where the issue or question presented is within the court's "scope of judicial review." This is where good brief writing or argumentation can be particularly effective in persuading the judge that reversible error has been committed, according to Judge Re.

"Quotation marks exalt" was the metaphor used by Judge Re for that brief which a judge will heavily quote from in his written opinion. Judge Re noted that the

"rules which govern the brief in the court to which the appeal is brought" should always be checked. The Customs Court, e.g., requires briefs after trial; briefs are also commonly submitted during trial "to elucidate questions which may arise," in addition to the respondent's and reply briefs which frame the issues before trial.

The last panelist, attorney Benjamin Busch (an adjunct professor at New York Law School), practically threw the Moot Court Room in Fromkes Hall into turmoil by insisting that the practicing lawyer's brief-writing dilemma was that "He doesn't know who the reader (of the brief) is," since the "judge may not read the brief."

Perhaps Judge Re, president-elect of Scribes, epitomized the Legal Writing Institute's theme with this comment: "There is no such thing as good legal writing; rather, there is good legal rewriting."

Exec Board 'Blackmailed'?

By Richard Grayson and Kim Steven Juhase

The second SBA delegate meeting, held October 21, ended on a note of ill feeling with Executive Board nominee Diane Fernandez defeated twice in the Board's effort to place her as a member and then as chairperson of the Student-Faculty Curriculum Committee.

Board members Howard Peltz, president, and Jayne Robinson, evening vice-president, admitted that the board sought out Fernandez for the post. According to Robinson, Fernandez "is the most qualified [member] of the student body to take this position . . . and the committee is trying to blackmail the Executive Board."

Several members of the Curriculum Committee attended the meeting in order to voice their disapproval of the Board's methods. According to the SBA Constitution, (Art. V, 6, b), the SBA Executive Board nominates, subject to approval of the House of Delegates, members of the SBA to all offices and committees. In addition, the Executive Board has power to designate, under Art. V, 6, h, a committee member as head of that committee. Since Fernandez was not a member of the Curriculum Committee, the Executive Board tried to nominate her as a member of the committee and then to appoint her as chairperson in two related moves.

But their plan misfired as her nomination for membership on the committee was first defeated by

three votes, and then, on a roll call vote, by four votes (7-11 with two abstentions).

After this final vote, Peltz noted that the Curriculum Committee cannot meet with its faculty counterparts until the number of student members matches the number of faculty members. One member of the committee noted that a meeting is scheduled with the faculty to take place very soon. There is a list of applicants to the committee, but the interviews are being held up pending the outcome of the Executive Board's moves. [Ed. Note — Although interviews have not yet been held, the committee did meet with its faculty counterparts on Oct. 25.]

Diane Fernandez was aware of the feelings of committee members. One member, Mary Tucker, a fourth-year evening student, emphasized that the opposition of the committee members was not personal. "We have no objection to Diane personally. There was a procedure usually followed to interview all those who applied for positions [on the committee.] The procedure wasn't followed here. [Diane's] coming on the committee as chairperson will cause disruption and tension."

Fernandez talked to members of the Executive Board about the controversy before the SBA vote. They decided to answer the problem by putting her name into nomination. And she and they lost — twice.

Mahler

Continued from Page 2)

Mahler's extravagant romanticism. Boulez' performances are usually a mixture of the frustrating and the provocative, and these concerts were no exception. Boulez' approach was notable for ridding the music of a good deal of rhetoric and fat.

Five of the concerts were conducted by James Levine. As a balance to the other conductors, Levine accentuated the deeply personal and child-like elements. Consequently, the climactic moments turned painfully loud, and the songful show movements dripped with emotion and nostalgia. While Levine's performances lacked the ultimate in technical polish, they

also came closest to portraying Mahler the man.

A good deal of attention was also focused on the New York Philharmonic, which was playing in Carnegie Hall for the first time since 1962. In the flattering ambience of that great hall, one could rediscover the excellence of New York's own orchestra. While the Philharmonic lacks the elegance and polish of some other major groups, they can play Mahler with a kind of sheer power that no other orchestra can match.

This was probably the first time that such a comprehensive Mahler festival was given anywhere in the world. With Mahler now rivaling Beethoven for popularity as a symphonist, it will undoubtedly not be the last.

Kuklin

(Continued from Page 1)

This term, Professor Kuklin is teaching Property II and Land Use. He says these were his two first choices when the Dean asked what he wanted to teach, and Kuklin is happy to be able to instruct students in his own area of expertise.

Professor Kuklin is particularly excited about his Land Use class, which is quite small (15 students). He says although all classes at Tennessee were limited to 72 he's never before had a class of only 15. Professor Kuklin says the dynamics between students is better in a small class. "Students get so much more turned on when they can play a more active role in class. The professor should be more of a facilitator than a teacher. Students should teach each other."

BLS "On the move"

His early opinions of BLS are favorable. "Brooklyn Law School is a school on the move, in the direction I like. It is willing to look at itself and evaluate and act upon those evaluations."

Professor Kuklin graduated Michigan Law School in 1966. He decided during his senior year of college to go to law school. He says he had always been interested in problem-solving, but in a technical sense. This is evidenced by his B.S. from the University of Nebraska in engineering. The switch from science to law was due to his feeling that engineering separates people and problems. He felt that law offered the same

but also involved people. "Once I went to law school, it took me one week to realize it was the smartest thing I'd ever done in my life."

Professor Kuklin says he was always interested in teaching. He likes to write and was on law review at Michigan, where the competition for membership lasts one full year. During that period, he worked upwards of 100 hours a week on law review alone.

Kuklin teaches by the Socratic Method. "I am a believer in that method, especially for first-year classes. It gets students to understand the workings of the law and the process by which it develops. I want students to learn to read and analyze and am more concerned that students know the issues than the black-letter law. In practice you will come up with cases against you. Unless you can tear them apart, you're gonna lose the case."

Born in 1941 in Lincoln, Nebraska, Kuklin lived there until graduating college, except for four years of his early childhood, which were spent in the Canal Zone. His father was a high school teacher and is now an assistant principal at a high school in Lincoln.

Professor Kuklin's wife of two years is a free-lance photographer who also writes educational films. Her photographic endeavors in Tennessee were principally of poverty families in the Appalachians. She has also done curriculum development for the New York City school system. Kuklin shares his wife's interest in photography.

The Question:

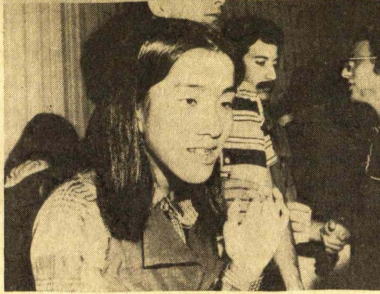
"If you were chosen to be Dean of BLS, what you would do?"

BART STROCK

"I would carpet the library, making it much more aesthetic and conducive to studying, and in addition, I would sit down with students and faculty and learn what they want, because the purpose of the administration is to advance their careers."

**MARIE NG**

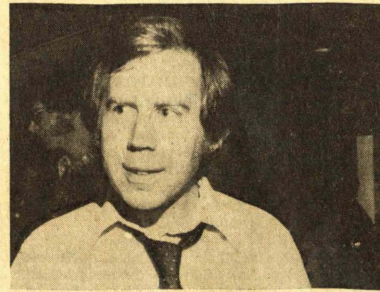
"I'd get more student involvement in school activities and more student-faculty feedback. Also, there should be new criteria for selection of faculty."

**PROF. GARY SCHULTZE**

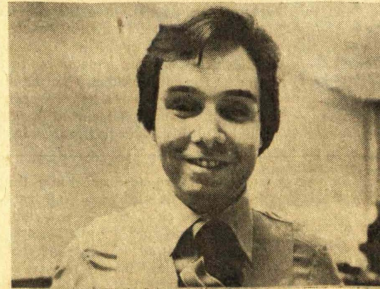
"I'd make the law school a center for interdisciplinary study and problem solving. I would also make it a four year school with a work-study program every year. I would also have coed lockers, and make the swimming pool coed. I would also like an in-house law clinic and a lot more parties."

**PROF. BRIAN COMERFORD**

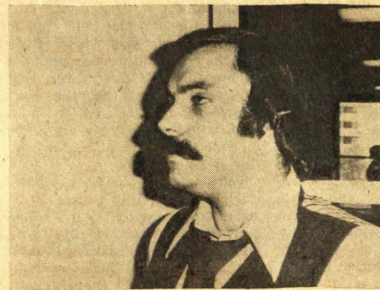
"Resign." (Prof. Comerford and Prof. Schultze: "We'd lower the faculty salaries.")

**MATTHEW TRACHTENBERG**

"I would buy a grand piano. I would like the school to spend \$20,000 per year to enhance its image by providing the most extravagant funding of those teams and organizations which represent us around the country — and establish a chair of music."

**DEAN SILVERBERG**

"Shorten the semester to 13 weeks of classes and two weeks of exams as sanctioned by the Court of Appeals, and as exists in most other law schools."



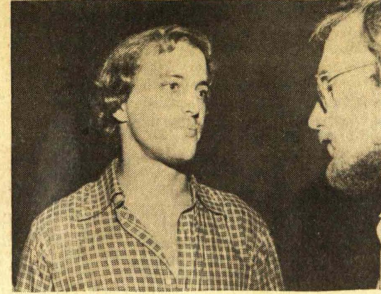
Roving Reporter



Interviews conducted by John Rashak. Photos by Ken Shiotani.

EILEEN NUGENT

"I'd try to get a university affiliation for the school."

**CONRAD DOMBROWSKY**

"I think exams are part of the educational process, and in order to learn from them, you need more than just getting a number back. Therefore, it's important to set aside some time to discuss the exams, whether on an individual or a group basis, so that the student can learn from the exam."

**PAULA DEUTSCH/
BILL SHERMAN**

Bill: "I would eliminate Friday night classes."

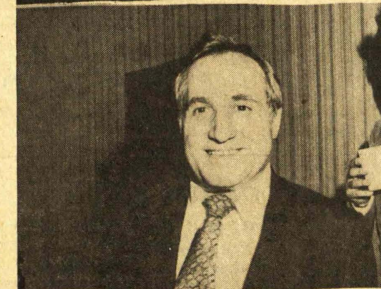
Paula: "I don't think night students get a fair share of courses."

Bill: "I would transfer the moot court program out of the first year."

Paula: "For students interested in other than business-type law, they're out of luck. We need more clinics for evening students."

**JAYNE ROBINSON**

"I'd make a serious attempt to open the lines of communication to students. I'd hire a Con Law prof. I'd meet with the SBA Executive Board periodically. I'd re-vamp the registration process. I'd make a real effort to hold class size down by hiring more faculty. I'd make the punch at every party."

**PROF. JOSEPH OREA**

"I'm not interested in the deanship. I have notions about what should be done, which I'll reserve until interviewing candidates."

**TOM DONOVAN**

"I would expand the facilities at BLS by buying a few brownstones in the area for social activities. I would offer Howie Peltz the cafeteria concession."

Commentary

By Michael Weinberger

The first week of September this author received a letter, the third in a series sent by the office of Congresswoman Elizabeth Holtzman. Earlier in the summer, the Congresswoman had sent a high-quality printed card, about 2" x 6", with the following message: Your Representative in Congress will be in the neighborhood and wants to meet you! Come on down to the local library and participate in the "outreach" program, ask questions, make complaints, etc. Three Brooklyn Law School students took the Congresswoman up on her offer.

They were prepared. Research in the local office that Ms. Holtzman keeps on Flatbush Avenue revealed that "our" Representative was not representing our views. This writer had a specific question to ask. Literature in the Congresswoman's office stated that she had co-sponsored a bill to provide federal government jobs to people who cannot or will not work standard 9-5 working hours. The question: "Is this the job of the federal government?"

We arrived on time, only to realize that there were others who wished to ask questions, complain, etc., with the Congresswoman. Finally, the moment came. After a very brief description of who this inquisitive citizen was and why he was there, the question was put, "Why did you do that?"

"WHY?... Why not?" was the response. Well, this writer thought he deserved more than that. After all, it wasn't he who was taking Elizabeth Holtzman's hard-earned money and giving it to a bunch of undeserving freeloaders, but the other way around. Yet, persist though this writer did, we got off the subject.

After considerable effort, the citizen put forth a new query. "What are you doing to control government spending?" The congresswoman stopped dead, thought for a second and said, "Plenty!" The shocked citizen stopped, thought for a second and qualified his question with: "Outside of cutting defense spending?" "Not much," was the facially communicated response.

After about two minutes of highly fruitful discourse, an aide of the Congresswoman's informed me that my time was up. It seems that since I was a student and hadn't paid very much in federal income taxes last year, two minutes was all I had coming. But, before I left, the Congresswoman told me that I had misinterpreted the bill, that it was not designed to create new federal jobs but to divvy up full-time positions into part-time ones. So that I would be convinced of this, the Congresswoman promised to forward a copy of the bill in the mail.

Sure enough, about a month later, a second letter came. This time the envelope contained a printed card, about 2" x 4", with no picture. (I had obviously fallen out of the congresswoman's favor.) The card said, in effect, "Thanks for coming, we had a nice chat. Hope to see you again." Hoping was hardly necessary. A second trip was made to the Congresswoman's office. At that time it was explained that this citizen was promised more than a 2" x 4" card, that he was angry, and that he represented an angry group of Brooklyn Law School students (an ad hoc committee for probity in Democratic Congresswomen with initials E. H.) Immediately all the chins in the office raised about three inches, noses twitched, the pungent aroma of votes was

in the air. Furious activity by the office workers ensued as they fired question after question. "What exactly transpired at the outreach" meeting? Would you like a cup of coffee? A sandwich? "Not to worry," he was told. "You'll hear from us."

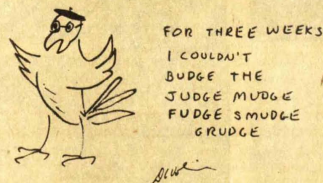
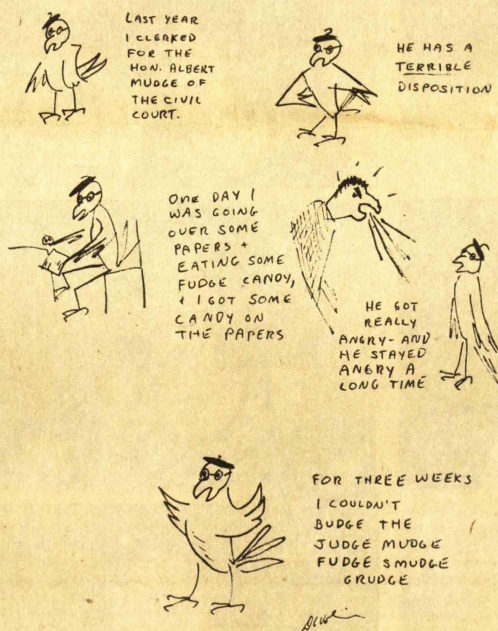
Which brings us back to the opening sentence of this column. On August 30, the Congresswoman sent a two-page letter (again without a picture, but this time with a fancy letterhead that must have cost plenty), explaining that her bill was not a "give-away." A copy of the bill was enclosed, and indeed, it proposed no new spending, although that was not how the bill was described by the stationery in her office.

And there the story ends. That night, after checking under the bed for Democrats, this author felt he could go to sleep confident that he is represented in Congress by a woman that keeps her word, albeit somewhat belatedly.

Ed. Note: The Justinian welcomes written commentaries from members of the BLS community.

BIRDBRAIN by Debra Wolin

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Nancy Fink

(Continued from Page 1)

the bit of authority." Besides the pressure at Harvard Law and gripes about administration, teachers, and courses, Harvard students find their faculty rather inaccessible. Prof. Fink painted a picture of an extremely busy faculty, which is often holed-up writing or involved with outside commitments such as testifying at government hearings or acting as consultants or members of various committees. This workload is often self-imposed because of the great degree of competitiveness among and pressure on faculty members to "accomplish." In Prof. Fink's opinion, the BLS faculty is far more accessible to students,

though presently there appears to be an air of accommodation in the Harvard administration.

Another difference between the schools is that BLS doesn't have the large amount of funding that Harvard Law has. The funding at Harvard enables that school, among other things, to expand its course offerings and experiment and develop new programs.

Though Prof. Fink noted that BLS and Harvard Law students have several similar complaints and worries, the Harvard Law student is less concerned about getting a job and less apprehensive about failing the bar exam. In her opinion, there seems to be "more pressure on the students at BLS to pass the bar exam on the first

Fulton Street Rehab To Begin Soon

By Stephen Jackel

Plans for transforming Fulton Street into a pedestrian shopping mall are now near completion. If the present schedule is followed, the work will be completed by September 1978.

The mall will be located along Fulton St., from Boerum Place to Flatbush Ave., with an extension down DeKalb Ave. to Flatbush. The plan calls for a complete repaving from building line to building line. The architectural and engineering work, to be finished December 1976, include widening the sidewalks and repaving them with an "attractive material." fifty-six of the 80 foot width will be for pedestrians. All cars will be forbidden and the road will be restricted to buses during most shopping hours. Trees and shrubbery will be planted along the street and aesthetically pleasing bus shelters will be placed at numerous intervals along Fulton St. In addition, new zoning laws are now being drawn up to make storefront signs more uniform and

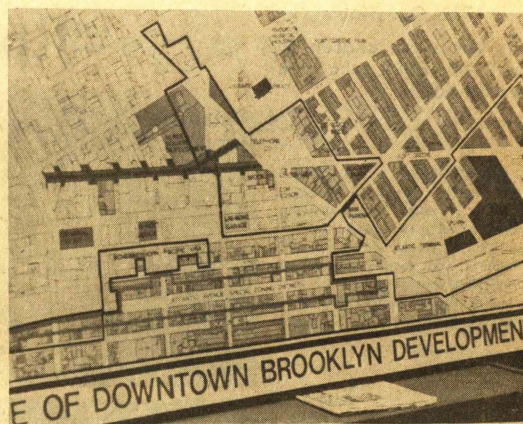


Photo by Martin Lerner

Artist's rendition of the proposed Fulton Street Shopping Mall.

pleasing to the eye.

The total cost of the mall is estimated at \$7.5 million. Of this amount, 20% will be paid for by the city and 80% by a matching grant from the Federal Mass Transit Administration.

Special Assessment

In July the Fulton Mall Special Assessment Act was passed by the State Legislature and signed by Governor Carey. This law will assess property owners within the area up to .4% per year of their assessed value with the total sum not to exceed \$300,000. The money will be used for maintenance and extra security operations within the mall. Director of Development Projects for the Downtown Brooklyn Development Association, Inc., Michael Strasser, was optimistic

about new security procedures recently adopted by some of the larger stores on Fulton St. In addition, there will be extra guards hired for the mall area.

Also in the area, a 200,000 square foot enclosed, multi-level mall will be built on Albee Square by the Rentar Development Corporation. Construction will begin soon after the demolition of the RKO Albee.

The Fulton St. shopping area is now the fifth-largest shopping area in the U.S., with sales totaling \$336,000,000 in 1972. Between 135,000 and 200,000 people shop there daily, 88% of them from Brooklyn. The new mall will go a long way toward generating new business and interest in Fulton St. and in reviving what is already there.

Letter:

(Continued from Page 2)

of Constitutional authority and public policy considerations. In New York State alone, marijuana arrests in 1975 totaled 23,193. Over 93% of these arrests were for SIMPLE POSSESSION. See F.B.I. Uniform Crime Reports. It is estimated that these enforcement actions cost New York taxpayers between 40 and 50 million dollars. Vera Institute of Justice in New York City. The effects of these arrests upon the victims defy estimation.

A special chapter of NORML has been established at Brooklyn Law School. Members of BLS-NORML will be researching such topics as the legislative history of marijuana prohibition, the Constitutional aspects of the prohibition and proposals for legislative reform. Recent developments make these inquiries timely. The Alaska Supreme Court has declared criminal prohibition of adult marijuana

use in the home to be an unjustified intrusion of the State into the individual's fundamental right of privacy. *Ravin v Alaska*, 537 P. 2d 494 (Sup. Ct. Alaska, 1975). Numerous bills have been introduced in Congress and in state legislatures. See H.R. 6108/s. 1450; H.R. 4520; N.Y. 9914, defeated in Assembly in February 1976. Eight states have recently decriminalized personal possession of up to two ounces of marijuana, providing instead for fines of up to \$100.

BLS-NORML will also be sponsoring a conference on marijuana law featuring distinguished speakers like Professor Ramsey Clark and Frank Fioramonti, New York Director of NORML.

Your ideas and efforts are needed as are your legal skills. Information about NORML and BLS-NORML is always posted on the bulletin board outside of the SBA office. If you are interested in BLS-NORML, contact Martin Rutberg or Howard Sirota.

try." Harvard does not have the reputation BLS has for a high rate of passage on the bar exam, "but Harvard has such a good reputation for legal education that students don't feel that it is a personal threat to their professional advancement if they don't pass the bar the first time. They go to work at a big Wall Street firm, and they can fail the bar and not be humiliated. I don't think that BLS students feel that they can afford to fail the bar without humiliation and severe economic repercussions." The placement office at Harvard does a very good job of placing its graduates in judicial clerkships, Wall Street firms and high government jobs. However, those students wishing to go into the less traditional areas such as Consumer and Environmental Law don't feel that the Harvard

Placement Office does as good a job in those areas.

Though Prof. Fink finds "teaching exciting" and is certainly enthusiastic about being at BLS, she would like to see more time at BLS given to faculty research and writing. The faculty, she feels, should also be more involved in professional activities such as bar association committees.

In addition to her job at BLS as a full-time instructor, Ms. Fink is wife to a practicing lawyer and is the mother of two children. She enjoys tennis, swimming, opera, music, reading, and, of course, teaching.

Professors Caplow and Fabrizio will be highlighted in our next issue.