

# The Justinian

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# Justinian

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Page One

Lisle: "No Comment"

## Minority Report Blasts BLS

By Richard Grayson

A joint position paper issued last month by the three minority student groups at BLS — Asian-American Law Students Association (AALSA), Black-American Law Students Association (BALSA), and Puerto Rican Law Students Association (PRLSA) — criticized BLS, and particularly Dean Raymond Lisle, in the school's recruitment of, and handling of applications from minority students.

The paper states that its purpose is to inform members of the BLS community of minority students' efforts over the past three years to "increase legal education opportunities for minorities," to garner support for the paper's seven recommendations, and to invite discussion within the school's community.

The minority population at BLS in Spring 1976 was 63 out of 1125 students, or 5.6%. There is no minority representation on the faculty or administration. These deficiencies are used to point out, in the words of the position paper, "the failure of BLS to commit itself to the attainment of true 'equal opportunity' in legal education."

The paper includes a short history of minority student efforts over the past three years to increase student input in the applicant's selection process. In the fall of 1973, students were allowed by the Dean to review the applications of minority applicants. According to the position paper, the students' participation had neither form nor substance, and discussion of criteria beyond those of LSAT scores and GPA was "heartily discouraged." These sessions, which were also attended by Prof. John Meehan, Chairman of the Admissions Committee, degenerated into meetings

where the students felt "taunted, intimidated and bitter." By implication, the paper states that minority admissions to BLS in the fall of 1974 decreased by four from the previous year.

In the autumn of 1974, a Law Day was sponsored for minority applicants by the three groups.

Several months later, when the student groups again tried to become actively involved in the admissions process, Dean Lisle said that the Freedom of Information Act might proscribe student review of applications. During this time at least one minority alumnus, Justice Gilbert Ramirez, now a Kings County Supreme Court judge, expressed interest in informing the Dean of the need for minority attorneys. But the Dean made known his "independence" (as it was described in a *Justinian* article of December 15, 1975) from political pressures.

In the spring of 1975, the groups resumed their recruitment activities.

The groups feel that the period of transition from Dean Lisle to his successor is a crucial time, in which questions about the school's policies toward minorities should be asked — and answered.

The paper notes "the hard reality that Dean Lisle has little to lose by adhering to his current stance. He has made it clear that any changes in admissions policies will come from his successor."

What is Dean Lisle's "current stance?" According to the paper, the lack of an official program aimed at recruiting minority students, the lack of an admissions policy and the "one man rule" in the selecting of applicants that

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## Faculty Members Quit Curriculum Committee

By Maggie Warm

"If this had nothing to do with the committee's functioning, but was the result of internal politics, then I'm sorry that the end result is what it turned out to be," said Prof. Margaret Berger, elaborating on the reasons behind the resignation of all six faculty members from the student/faculty Curriculum Committee.

The resignation, communicated by memo to Dean Lisle, the Faculty, SBA President Howard Peltz, and student members of the Committee on November 10, was the response of the six faculty members to reports of student dissatisfaction with the work of the Committee. Their reasoning, according to Berger, went something like this:

If the student body, represented by the SBA, had expressed criticism of the Committee's student members, then the Committee as a whole was being criticized because the Committee had never been divided along student/faculty lines.

The Committee had a greater degree of continuity of membership, of both students and faculty, than most other committees in the school. "Professor Meehan has been a member since 1968, served as Chairman for the last four and a half years, . . ." stated the faculty members in their memo. At least one student member was beginning a third year on the Committee.

"It disturbs me that this whole thing has happened this year in particular," said Berger, explaining that the Committee's major function this year was to have been "to sum up what has been done and what's still to be done and to prepare a report of this for the new dean."

"The school is standing at some

kind of a crossroads now," continued Berger. "It is not an ad hoc year."

In addition to curriculum changes, the Committee's report to the new dean was to have included recommendations on class size and other administrative prob-



Prof. John Meehan, former Chairman of Student-Faculty Curriculum Committee.

lems. Student members had agreed to meet each week for which bi-weekly Committee meetings had not been scheduled. The purpose of these extra meetings was to prepare a rough draft of the report to the new dean, a project for which faculty members could not afford time until after the rough-draft phase.

### Student Members "Excellent"

"Students who served on the Committee were excellent," commented Berger, who feels that there was an "oral tradition" that supplied the Committee with a continuity not completely captured in its written reports. Of four students whose membership on the Committee provided con-

tinuity for the student component this fall, two have resigned as a result of an SBA appointment of Diane Fernandez to chair the Committee.

Berger cited a *Justinian* article of May 11, 1976 to support her contention that the Committee had been a particularly effective one. In that article, John Rashak compared the Curriculum Committee with other S/F (Student/Faculty) Committees:

Only the S/F Curriculum Committee has to some degree narrowed its issues and focused on priorities in an attempt to be more than a discussion group. The Curriculum Committee worked with the faculty to produce a four-year joint-degree program with Hunter College whereby a student earns both a J.D. and a Master's in Urban Planning. The Curriculum Committee also wrote a comprehensive report comparing BLS' curriculum with that of most other East Coast law schools. This report is a solid foundation upon which to reform BLS' curriculum.

Berger sees no possibility to undo what's been done to the Committee, but thinks "that reasonable people could probably work things out."

When the initial attempt to make Fernandez a member of the committee failed to pass the Delegate Assembly on October 21, SBA president Howard Peltz "noted that the Curriculum Committee cannot meet with its faculty counterparts until the number of student members matches the number of faculty members," according to a *Justinian* article in the November 4 issue.

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## SBA Delegate Assembly Plagued by Dissension

By Howard Cohen

It was reported in the last edition of the *Justinian* that SBA President Howard Peltz welcomed this year's SBA Delegate Assembly by hoping that it would not become mired in procedural disputes as did last year's Assembly. However, it appears that the Peltz Administration is facing the same problems as its predecessor. So far the SBA Delegate Assembly has met five times, and unfortunately, no work toward the completion of the final budget has been done. Instead, the SBA has been plagued by dissension and in-fighting between the Executive Board and the first year delegates, led by Eric Brown, who is now the first-year member of the Executive Board.

At the conclusion of the second meeting, held on Oct. 21, Brown, at his personal expense, prepared a one-page report on the meeting's proceedings and distributed

the report to his section. The report, admittedly written from a subjective viewpoint, termed the meeting a "raucous affair," and in general, implied that the Executive Board was running roughshod over the Assembly. The report went on to say that the "meeting collapsed in disorder."

At the third meeting, held on Oct. 28, an obviously upset Howard Peltz responded to the report, terming it "offensive, slanted and distorted." In defense of his administration, Peltz went on to say that the Executive Board has the best interests of the school in mind and that the SBA has the trust of the school administration. Furthermore, he said that the "tone of the report was definitely in the negative," and it "made the Executive Board look foolish," thereby undermining the trust of the school administration and the student body. Peltz went on to say that the report was "so slant-

ed that it did not represent the totality of what actually happened" at the meeting.

### Adopt Robert's Rules

Because of the slow progress and the lack of procedural order which plagued the first two meetings, a motion was made by first-year Delegate Dave Fleisher to adopt Robert's Modified Rules of Procedure, in order to give the Assembly meetings a semblance of running order. However, the consensus was that the Assembly would be too restricted if it adopted formal rules, and also, many delegates were unsure of just what Robert's Rules entailed. Accordingly, the motion was defeated, but it was agreed that a committee should be organized to formulate a set of rules adapted to the Assembly.

At that point, Evening V.P. Jayne Robinson moved to suspend action on a motion passed

at the second meeting which urged Prof. Richard Allan to refrain from using inflammatory language with students when discussing problems in the library and calling for letters to be sent to the *Justinian*, the Student Faculty Relations Committee, and to Prof. Allan concerning the SBA's action on the matter. Ms. Robinson felt that Prof. Allan should have a right to speak to the Assembly before it took action which might put his career in jeopardy.

This motion was passed and Prof. Allan did address the meeting held Nov. 4.

In defense of his actions, Prof. Allan stated he was acting on complaints made by several second- and third-year students concerning the intolerable conditions created by first-year students while they were working on their Legal Method assignments. He cited the case of a student who, because of misshelved or un-

shelved books, worked on an assignment for eight hours, when it should have taken only three hours. Furthermore, Prof. Allan stated his action was the result of a meeting with Professors Schenk and Djonovich, who shared his feelings about the problem in the library.

Reiterating his position, Prof. Allan stated, "In a community, one can't hide from a situation which is deplorable by putting his head in the sand. Every student has an obligation to make sure his colleagues properly resolve the books they use."

After his remarks, Prof. Allan left the room, at which time the Assembly voted not to reinstate the original "Allan motion" and the matter was thereby dropped.

More SBA News  
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## Justinian

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(Editorials express the opinion of the Editorial Board)

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## Poor Grades

It does not take long for a student at BLS to realize that grades are the most important aspect of the entire law school experience. Students quickly learn to take the courses offering the best chance of a high grade, not those that offer the best educational experience.

While the tendency at many other schools has been to de-emphasize grades by the institution of pass-fail grading in some courses and the adoption of a generalized (excellent-good-pass-fail) scale in place of the old number or letter systems, at BLS the trend has been the opposite. Although the study and practice of law is rife with individuality and subjectivity, the BLS system of numerical grades is based on the theory that achievement may be objectively and minutely measured. This mystique is preserved because students are only under the rarest circumstances permitted to review their examinations. In addition, grades of an entire class are only rarely posted, thus eliminating a useful chance for comparison.

The few grades posted readily show the wildly differing standards used by individual professors. The number of failing grades or ninety-and-over grades differs radically from class to class. What is the difference between a grade of eighty-five and one of eighty-four, or the more crucial difference between a passing sixty and a failing fifty-nine? Such tiny differences add up over the course of three years and make a significant difference in the all-too-crucial class ranks.

Proposals for reform of our grading system go before the faculty and are almost always defeated. Pass-fail grading for a limited number of courses, elimination of the antiquated and meaningless numerical grading system, and opportunities for students to see their examination papers have often been suggested and often defeated. Elimination of the most arbitrary features of the numerical system warrants study.

Our grading system's carrot-and-stick motivation is better suited to Pavlov's laboratory than to the needs of today's mature and highly motivated law students. With the job market as gray as it is today, faculty and administration have a responsibility to lessen, rather than reinforce, competitive pressures.

## Recognition

The *Justinian* learned four days after the event that Mayor Beame had proclaimed Monday, November 7, as "BLS Day" in New York City. We are pleased that someone, somewhere, took the advice in our editorials of February 4 and September 4, 1976. We only regret that the proclamation which is on display outside the Moot Court room was so well hidden from members of the BLS community, as well as from outsiders. Positive publicity, such as the Mayor's proclamation, definitely improves the image and prestige of BLS.

## CORRECTION

The Phi Delta Phi dinner article in our November 4 issue was in error in reporting that Dean Emeritus Jerome Prince was a student during World War II. The Dean was Assistant to Dean William Richardson at that time.

## Letters to the Editor

### NORML

To the Editor:

I would like to respond to a letter to the editor in the November 4 issue of the *Justinian* by NORML (National Organization for Reform of Marijuana Law). It is at least an open question whether or not marijuana is a dangerous drug, causing injury to one's health, and until that question is conclusively settled, there should be no great hurry to decriminalize its use and possession. The latin proverb *festina lente* urges one to make haste slowly.

The reasoning of the Alaska Supreme Court is unconvincing in its assertion that one's right of privacy is unjustifiably invaded, where it is invaded to prosecute for the use of marijuana in the home. A similar argument could be made for allowing one to "mainline" heroin in the home. There is always a balance to effect between the common good and the right of privacy.

If people's health is ruined by the use of this drug, if their judgment and perception of reality is altered, whether this occurs in the home or in public, it will have an ill effect on the public welfare. The 1976 volume of *Surgical Forum* will carry articles which set forth evidence that marijuana-use causes interference with normal sexual development. A 1974 report from Columbia College of

Physicians and Surgeons reported that marijuana has a biological time-bomb effect, in that it is fat soluble and is retained in the body.

Because of its retention in the body, the drug has been linked to chromosomal damage. At any rate, it should be admitted by NORML that a controversy exists and that for NORML to be credible, it should provide a forum for a debate of the issues framed by that controversy, to determine the physiological and psychological effects of marijuana use. By psychological effects I mean the link of marijuana use to the use of

"bigger and better drugs."

Unfortunately I do not think NORML will become such a forum, because I think its push to legalize marijuana is not from solicitude for the burdens on the criminal justice system, but to legitimize a way of life in which marijuana-use plays a goodly part. Criminal prosecution for marijuana-use places a stigma on that way of life and those who follow that way of life have decided in advance that marijuana is a good thing. I think that NORML should be opposed.

Sincerely,  
 Leonard F. Villa

## S/F Committee

To the Editor:

In the article entitled "Russian-Roulette Registration" (*Justinian*, 10/5/76), the author quotes Dean Holzman as saying, "If you want to know why students got closed out of classes, ask the SBA. They were the ones who passed a resolution that class sizes be limited to 80." In the same paragraph Dean Holzman is reported as saying that "the SBA Student-Faculty Relations Committee passed a resolution last year limiting class sizes, which was later approved by the faculty." These statements concern certain untruths which demand clarification.

The Relations Committee did, on February 23 of this year, pass a resolution calling for a limitation in all classes to 80 students. However, in direct contradiction to Dean Holzman's assertion, the faculty later rejected (overwhelmingly) this same resolution. In other words, no class limitation policy binding on the administration has been promulgated by the Relations Committee, the SBA or the faculty. Therefore, the question remains: Why do students get closed out of classes? Dean Holzman?

Respectfully,  
 Student-Faculty Relations Committee

## SBA "Perversity"

By Marc Aronson  
 Director, Cultural Affairs, SBA

The Cultural Affairs Department of the Student Bar Association took a step in a new direction when 43 students and their friends went to see the play "Sexual Perversity in Chicago" Friday, October 22, at the Cherry Lane Theatre in the Village. In the past, BLS students have been able to obtain discount passes to Off-Broadway shows, but this was the first time that an event of this magnitude was arranged.

There was feeling of excitement in the air which remained throughout the night. Just seeing friends and acquaintances in a pleasant setting, minus the pressure of Brooklyn Law School, was a worthwhile experience.

This evening was the beginning

of what could develop into an extensive SBA Cultural Affairs Department. BLS is located in an area which is conducive to theatre-going and other artistic and social endeavors. If there existed any doubt as to student interest in such an organization, this doubt was put to rest by the fact that 43 students attended this show.

The show consisted of two one-act plays, which have been described by *New York Magazine* as being "two beautifully written, subtle, and wise short plays about life."

The first one, entitled "Duck Variations," seemed to be a New Yorker's version of "Waiting for Godot." It was a two-character tragicomedy, and both actors were excellent in conveying the playwright's message on friendship, loneliness, despair and hope.

The feature attraction, "Sexual Perversity in Chicago," involved four pre-middle-aged urbanites and their efforts to cope with modern sexual liberation. The space of this article and the nature of the jokes do not permit me to explain in detail what was presented in the play. But on more than one occasion I looked around and noticed everyone laughing.

Leaving the theatre, it was apparent that a harmony existed among all of us. Finding it impossible at that hour to locate one place that could accommodate all 43 of us, we dispersed into somewhat smaller groups. My hope is that this event won't be the last of its kind, but will instead be the start of something that can prove to be beneficial to everyone at Brooklyn Law School.

## Fraternity Plans Litigation Group

By Richard Grayson

Phi Delta Phi fraternity is planning to bring a class action against the New York State insurance commissioner. That is the present idea for a public interest litigation group, which is now investigating the disparity between automobile insurance rates for unmarried males and unmarried females between the ages of 16 and 25 in New York State. This litigation group, under the auspices of PDP, is looking for members among the BLS community.

According to Richard Rosenthal, one of the PDP members who is involved in the investigation, the litigation group is not necessarily restricted to the insurance rate issue. "If someone comes up with a better problem, we'll look into it." He says the reason for organizing a public in-

terest group is to give students practice and experience in litigation. "School really has nothing to do with the law. The experience you get from litigating, you can't buy."

The group is looking for approximately 10 students who can donate an average of three to five hours per week on whichever project is finally chosen.

Once the research is completed, the litigation group will seek qualification under the state's Student Practice Act. This will allow the students who researched the case to act officially as attorneys for the class, and not just pro se.

Rosenthal says that the dollar value of these alleged discriminatory rates may reach \$150 million a year. "Our contention is that there is age, sex, and marital status discrimination. That's why we're looking for injunctive re-

lief against the insurance commissioner. The average male can drive from the ages of 16 to 25 with a perfect record, and he'll still pay higher insurance rates than a female of the same age with one or more accidents. And then when a teenaged male gets married, he automatically becomes a 150% better driver. That's fantastically inequitable. And this also affects parents' auto insurance rates."

Even if the group does not win its case, one of its members thinks that it can change the system by making a big enough noise.

To join the public interest litigation group, volunteers need not be under 25, nor male, nor unmarried. But they should speak with one of the three Phi Delta Phi organizers — Richard Rosenthal, Kim Steven Juhase or Greg Fonti.



## Second Circuit Conference

By Kim Steven Juhase

Affirmative action in law school admissions and legal hiring was endorsed by the Second Circuit of the Law Student Division (LSD) of the American Bar Association at the Circuit's annual fall conference at NYU Law School on October 30, 1976. The endorsement came in the form of a resolution which was unanimously passed by the LSD delegates. The resolution, while condemning the "erosion of affirmative action policies," urged that they "be continued and expanded in order to insure that this society will be free of discrimination, and also free from the vestiges of past invidious discrimination."

The resolution was the yield of day-long activities centering around the conference's topic "Affirmative Action/Reverse Discrimination in Law School Admissions and Legal Hiring." The highlight of the conference was a panel discussion on the issue of affirmative action, chaired by NYU Law School Dean Norman Redlich and attended by about 55 law students.

Paul Wooten, Northeast Regional Director of the Black American Law Student Association, and Eric Schnapper of the NAACP Legal Defense and Education Fund took the position that affirmative action programs were necessary to correct past injustices. Wooten pointed out that affirmative action programs began in the early 1960's in order to wipe out de facto segregation in employment. However, statistics show, according to Wooten, that the income gap between whites and blacks has increased since 1965. Wooten also referred to statistics indicating that blacks have not improved their status over the past 15 years. "Our notion is that the purpose of affirmative action programs was to cor-

rect inequalities in society and since this has not been corrected, they should continue."

According to Eric Schnapper, "Racial discrimination is very good for white folks. Many white people who are practicing now would not have been able to go to law school if blacks had an equal opportunity to do so." Schnapper, a white NAACP attorney, also stated that he does not think affirmative action in law schools has been as exclusionary as many people believe.

Joy Meyers, the Assistant Legal Director of the B'nai B'rith Anti-Defamation League (ADL), feels that the concept of affirmative action is not bad in itself. However, she agrees with the ADL position, which opposes any program in which a qualified person could be displaced. She stated that in place of quota systems, the ADL backs active recruitment drives for minorities and more financial aid. She also noted that when a school sets up a quota for only certain minorities, it ignores the fact that other minorities, such as Italians, have been discriminated against and also cannot compete on an equal basis.

Dean Redlich summarized the whole controversy in one sentence. "One must be insensitive to the issue here not to see that no matter which side you take, someone will get hurt."

According to Second Circuit Governor Andy Goodman, he will soon appoint a committee to come up with a substantiating report. This will be submitted to the LSD Board of Governors and the LSD Delegate Assembly for approval. If they approve it, it will then become national LSD policy, which that organization may then attempt to have the ABA adopt.

## Decanal Nominees Come to BLS

By Richard Grayson

Two candidates for Dean from outside the BLS community have visited the school and have been interviewed by the faculty and the Student Decanal Search Committee (SDSC). The Committee spent 1½ hours on November 1 with Associate Dean Leigh Taylor of DePaul University Law School in Chicago. Prof. Clifford Davis of the University of Connecticut School of Law visited on Nov. 15.

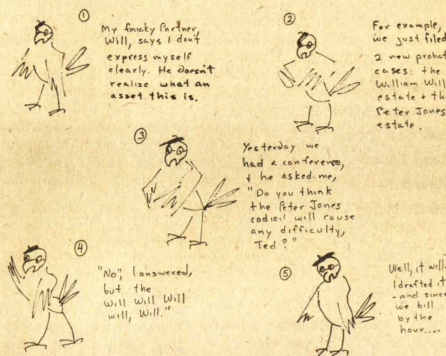
The SDSC supplied the Justinian with a memo detailing its interview with Dean Taylor. SDSC took special note of Taylor's feelings about alumni support for both placement and scholarship funding, minority recruitment and admissions, legal research, career counseling and the nationwide recruiting of students, with an eye toward diversifying the student body. Dean Taylor also expressed his commitment to the evening division. The SDSC memo on Prof. Davis has not been issued yet.

The number of candidates being seriously considered to replace Dean Raymond Lisle recently increased with the addition of Prof. Charles Ehren, Jr., former Dean of Pace University School of Law and now a visiting scholar at Columbia Law School. The other "serious" candidates, in addition to Ehren, Taylor and Davis, are Judge I. Leo Glasser, adjunct professor at BLS and Family Court Judge, and Judge Edward Thompson, a member of the BLS's Board of Trustees and Administrative Judge of the New York City Civil Court. A sixth candidate, who is also a member of the BLS community has, for personal reasons, requested that his name not be released until mid-December.

## BIRDBRAIN by Debra Wolin

S. R. B. R. A. N.

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## SBA Budget Requests

By Maggie Warm

At delegate assembly meetings held on November 11 and 15, the SBA heard representatives from the student groups that had submitted budgeted requests. Speaking on Nov. 11 were members of the National Lawyers Guild (NLG), the Women's Action Group, the Women's Clinic Committee, the Evening Women's Group, and the Asian-American Law Student Association (AALSA).

On Nov. 15, speakers defended budget requests for the Black American Law Students Association (BALSA), Day and Evening Divisions of Moot Court Honor Society, and the Justinian. Speakers for NORML and for an SBA general fund allocation will appear at a meeting on Nov. 29.

Budget requests range from a high of about \$9,000 for the general fund and \$7,800 for the Jus-

tinian to a low of \$150 for sports equipment. Student groups asking for allocations in the \$2,000 range include the Women's Action Group, Women's Group (Evening Division) NLG, and BALSA. Those requesting about \$500 are the (SBA) Cultural Affairs Committee and AALSA. Most other requests were in the \$1,000 range.

From the cross-examination of speakers by the delegates, it appears that items likely to be cut down or eliminated when the funds are voted will include: (1) convention stipends for the women's groups, BALSA and NLG; (2) Moot Court party funds, depending on whether these parties are to be schoolwide or for eligibles and members only, and whether they are to be separated as to Day and Evening Divisions and (3) speakers, where the number of speakers for a group is greatly in excess of the number of speakers provided by the group last year.

Other issues briefly considered and then tabled by the assembly were: (1) the formation of an SBA delegate orientation committee; (2) a broad budget policy in which certain items were to be designated to be reimbursed from a general SBA fund rather than being allocated to groups in advance; and (3) the extent to which separate day and evening division groups (Women's Group, Moot Court) should be funded.

SBA delegate committees were formed to deal with the Library, Constitutional Revision and Procedures, Evening Students, BLS 75th Anniversary, Placement Office, Entertainment and Speakers and Cultural Affairs. By Nov. 15, delegates had each signed up for up to two committees. Committees with no volunteers may be opened up to the student body at large, pending a vote of the delegate assembly.

Meetings at which funds will be voted are open to all students, as are all delegate assembly meetings. A special invitation to these meetings has been extended by the SBA to groups seeking budget allocations.

## The Docket

**SPEAKER** — Meir Shamgar, justice on the Israeli Supreme Court will speak on "Legal Aspects of the Middle East Conflict" on Wed., Dec. 1 at 1 pm in the Moot Courtroom.

**MOVIE** — "The Sting" will be shown Dec. 2 and 3. Tix are 35c in advance (50c at door).

Stacy Caplow

## New Faculty Faces

Special to the Justinian

The clinical education program at BLS has doubled its professional size with the addition of Prof. Stacy Caplow, who is in charge of the criminal legal aid clinic.

Prof. Caplow's major work is with a class of 15 third-year students who work in the Criminal Court at 120 Schermerhorn St. An order of the Appellate Division allows students to work as lawyers with attorney assistance which Caplow provides. These students usually work with indigents who are charged with non-felonies.

The 1972 graduate of the N.Y.U. School of Law has some definite feelings about the operation of such a clinic. "The clinic should be run so that the student is an

attorney rather than a student, and has a one to one relationship with his/her client. Although I'm the backstop, the students have a lot to know about criminal procedure and evidence." She hopes that everyone in the clinic will get an opportunity to do everything from arraignment to trial.

Prof. Caplow worked 4 years with the criminal defense division of the Legal Aid Society before coming to BLS. She is most impressed by the friendliness and the large degree of student-faculty contact here. N.Y.U. in comparison was "cold and institutionalized."

Before graduating from Smith in 1969, Prof. Caplow had decided that law was the field she wanted to enter. "I wanted to go into law because I was interested in urban planning, but the latter field wasn't too open. In my years in college, law was seen as a powerful mechanism to get things done."

The combination of teaching and practice which the clinic entails is a "nice combination because I'm not completely divorced from practice."

When she has free time, she renovates a brownstone in Brooklyn. "It's more a matter of necessity than a hobby because it's my home." Tennis is also a part-time relaxant for Caplow. ("I'm an intermediate player.") She lives close enough to BLS to ride a bicycle to school, but hasn't done it that often because "it's uphill on the trip back home."

William Fabrizio

Special to the Justinian

"Bankruptcy is the most stimulating, exciting field of law imaginable." While one might expect this type of comment from a new professor of Debtor's and Creditor's Rights, Prof. William Fabrizio means it. "In bankruptcy practice, you become a specialist in a very refined area of the law, while at the same time, you get involved in almost every field of law, such as real estate and corporate law." However, he does not allow his enthusiasm to blind him to the realities of a legal factory. With an honesty atypical of BLS professors, Prof. Fabrizio told his first class that since much Bankruptcy law is statutory, the course will be boring in parts.

This forthrightness is not unusual for the new adjunct professor. At N.Y.U. Law School, he took Creditor's Rights with Prof. Charles Seligson, one of the foremost authorities on bankruptcy. According to Prof. Fabrizio, it was "one of the most boring classes I ever had."

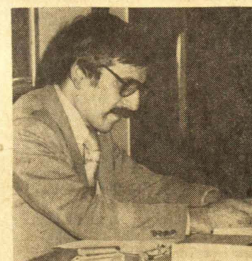
However, Prof. Seligson took an interest in him. He took Fabrizio into his firm upon graduating in 1969. Prof. Fabrizio is currently employed with Hahn, Hes-

sen, Margolis and Ryan, 350 Fifth Avenue, New York, New York.

The professor admitted that he might tend to favor creditors in his lectures since his law firm's policy is to represent creditors only. He explained that this policy was necessary to avoid conflicts of interest. His firm handles mostly corporate bankruptcy.

Prof. Fabrizio is a self-described "sports nut." He is interested in most sports, but he especially likes to watch hockey and football. Like many New York residents, he hates most New York teams.

In his spare time, he likes to go camping with his wife, play softball and bowl. Soon the Fabrizio family will have an additional camper in the family. Mrs. Fabrizio is expecting their first child in March.



(Photo by Marcia Knigin)  
Prof. William Fabrizio



(Photo by Marcia Knigin)  
Prof. Stacy Caplow



## Mooters to Finals

By Robin Capaccio

Secretary, Moot Court Honor Society

Within the staid and somber chambers of the Association of the Bar of the City of New York, on the chilly nights of October 27 and 28, Brooklyn Law School's National Moot Court Team of Peter Liska, Helene Pascal, and Gail Resnick distinguished themselves and our school by their outstanding performance in the Regional Rounds of the 27th Annual National Moot Court Competition. By finishing 2nd out of a field of ten law schools, St. John's, Columbia, Hofstra, Fordham, New York Univ., New York Law, Rutgers, Camden, Rutgers Newark, Seton Hall and Brooklyn, our National team, along with the Regional winner, St. John's, will represent this region in the National Finals to be held at the Bar Association of the City of New York on the nights of December 13, 14 and 15. The December 13 round begins at 8 p.m.

The victory achieved by Liska, Pascal and Resnick was the culmination of several months of intense and exhausting work, which primarily involved researching a complex problem concerning the constitutionality of a state tender offer statute.

On the first night of the competition, each school was scheduled to argue two rounds, switching sides for each round. Two of our team members, Liska and Resnick, argued only one side each, while Pascal, the "swing person," argued both sides. Therefore, for each side, two team members argued the issues. Brooklyn's first round opponent was Rutgers Newark, which was defeated by BLS. The judges' decision was based upon the written brief and the oral performance. In the second round of the evening, BLS lost to St. John's. That round, however, did have its rewards since the St. John's team, Tom Etter, Linda Ullis and Peggy Valentine Turano, was such a gracious and professional competitor. Despite this loss it was soon announced that BLS had been chosen, along with St. John's, New York University and New York Law, as a semi-finalist.

BLS returned the following night to crush an old nemesis,

New York University, in the third round. The victory was particularly meaningful, since NYU had dominated the competition in prior years. At this point, Brooklyn's place in the National Finals was assured, since each region sends two teams to this event. Therefore, Brooklyn's loss to St. John's, in the fourth and final round, while disappointing, did not terminate Brooklyn's chance of faring well in the National Finals.

The Brooklyn Law School student body was well represented in their show of support for the team. One observer commented after one of the Brooklyn victories that this was one of the rare moments when she felt proud of the school. Other students voiced their disappointment with the BLS faculty, who, with the exception of Professor Deborah Schenk, were conspicuously absent.

Probably the most significant aspect of this triumph is the personal effort of the team members which made the victory possible. Although the rules of the competition permit faculty involvement, the team encountered apathy and even hostility from some of the faculty who were approached. Only Professors Johnson, Holzer, Schenk and Chase agreed to judge the team's practice rounds.

The team is now preparing for the National Finals, in which two law schools from each of the thirteen regions in the country will argue. The bench for the final round of the National Finals usually includes a Justice of the Supreme Court, and this year Justice Byron White will preside. The arguments at the City Bar Association building (42 West 44 St., Manhattan), are open to all who wish to attend. Student attendance is encouraged, not only for the learning experience, but for the moral support of our team.

During the course of the Regional Rounds, BLS students spoke to faculty advisors and students from other schools. In the course of those conversations, it was discovered that the Moot Court programs in other schools receive a vastly different treatment than in ours. For example, St. John's provides scholarships for its National Team

members, and at NYU, Moot Court is a three-credit course. Neither our Executive Board members nor our National Team members receive any recognition whatsoever for their efforts. Despite the fact that BLS's Moot Court program receives substantially less support than the programs of other law schools, the members of our society refuse to roll over and play dead.

## Minorities

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Lisle perpetuates are parts of the "failure" of BLS.

The student groups looked into the Dean's methods for selecting students and called these methods "arbitrary if not discriminatory." According to the minority groups, Dean Lisle's criteria for accepting applicants is "primarily derived from LSAT scores, GPA and class standing — the most effective means of insuring the continued exclusion of all but a handful of minority students." The student groups note that although several studies have found the LSAT test to be culturally biased, the Dean has still "professed faith" in the test as the "most reliable indicator of a candidate's academic potential."

### Recommendations

The paper recommended that in the area of admissions criteria, less reliance be placed on such strictly traditional factors as LSAT scores, GPA and class standing in minority admissions. The criteria according to the minority groups, should "be restructured to allow into legal study minority applicants who have demonstrated that they can perform the work and are willing to take the initiative in meeting the legal needs of their communities."

The second recommendation is to restructure the admissions committee. At present, Dean Lisle has sole control over admissions, as was documented in an article in the December 15, 1975 *Justinian*. That article called the Office of Admissions "nothing more than a clerical department" and it described the faculty Committee on Admissions (the third prong of the admissions machine at BLS) as "a body whose function has not yet been realized." The position paper notes the student groups' feelings that one person cannot effectively be both Dean of the School and Dean of Admissions. In order to bring student and faculty perspectives to the selection of new students, the paper recommends that the Admissions Committee be re-formed so as to include faculty, students, and a Dean of Admissions.

### Financial Aid Lack

The student groups feel that financial aid is an area where the school's commitment to minority applicants is clearly shown: only one scholarship is specifically set aside for a minority student. In addition, most of the minority students are evening students; and receive little, if any, financial aid from BLS.

The faculty and the administration have no minority members. The last minority professor at Brooklyn Law School was here during the 1974-75 school year. The groups recommend that the school make a concerted effort to find qualified minority candidates for faculty positions.

The addition of a minority member to the administrative staff, such as a dean of minority affairs, would show BLS' responsiveness to the minorities of New York

Ed. Note: Marathon

On October 24, the New York Marathon wended its 26 miles, 385 yards through five boroughs. Two of the starters were Olympic medalist Frank Shorter and our managing editor, John Rashak.



(Photo by Marcia Knigtn)

The start of the New York City Marathon.

By John Rashak

Helicopters cast against gray skies,  
Horde of runners move with the starting gun,  
Men, women, young, old,  
All are swept across the link between history and time.

Five thousand pounding feet up Fourth Avenue,  
A parade of sneakers, and well-muscled legs,  
A few Olympians, a mayor, many from the silent majority,  
One common goal,  
A Sunday flight of self-propulsion thru five boro.

Noontime: a thousand road-runners have passed the B.A.M.:  
Navy Yard, Pulaski Bridge, Queensboro Bridge,  
Names recall wars, heroes, wealth;  
A misty rain descends on sweat-beaded heads as  
Race timers, water bearers, crowd cheerers, onlookers,  
Watch the wall become a thin line, panting but proud.

The cold mist slowly numbs the limbs,  
No one curses, but pain-filled faces are endemic,  
Shirts are uniformly stained with sweat,  
Conversation ceases, minds meander,  
Fatigue waves flow like the tide,  
How far and fast can the body move?  
How strong is the mind?  
Gracie Mansion is just ahead, less than ten miles to finish,  
No sun shines, a few cameras flash at their favorites;  
Legs leaden, arms stiff, eyes glassy, feet blistered,  
Pain courses like cancer through every nerve fiber,  
Joy is the freedom of this flight into fantasy,  
The sensation of extremes, the sacrifice of training,  
Stamina makes distance a dream;  
Suddenly, finally, the Tavern on the Green is a castle in the fall.

## Faculty Resign

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The provision in the SBA constitution, however, requires that the number of student positions must match the number of faculty positions on any S/F committee before that committee may meet. Whether or not all positions have been filled is of no importance in determining whether the committee may legally meet.

Student members of the Committee had opposed Fernandez' appointment to the Committee only because they knew of the SBA's intention to make her chairperson as soon as her membership was approved. When Fernandez was appointed to chair the Committee, student members Bonnie Anker and Lenore Liberman resigned.

City, according to the position paper.

Other recommendations call for the creation of a committee on minority affairs and the addition of courses to meet the needs of students who plan to practice in minority communities.

The report contained an appendix with two articles from the *Justinian* (one from December 15, 1975, dealing with admissions and another from May 11, 1976, dealing with faculty hiring). In addition, the minutes of the March 5, 1976, Student-Faculty Relations Committee were reproduced. Dean Lisle was at this meeting to dis-

"I would have welcomed Diane as a committee member, but not as chairperson," explained Liberman. "I felt that someone who had served on the Committee last year should chair it, and I resigned from the Committee because of Diane's appointment to the chair."

With no faculty members and only seven student members remaining, the Student/Faculty Curriculum Committee is now non-functional.

Profs. Meehan, Hoffman, Hauptman, Berger, Comerford and Brandt, in the memo of November 10, "suggest that the Dean and Faculty proceed as soon as practicable to the appointment of a new Faculty component of the Committee so that the disruption necessarily incurred by these personnel changes will be held to a minimum."

cuss minority student recruitment at the school. The footnotes added to these minutes by the minority student groups indicate their dissatisfaction with the Dean's comments, many of which are noted in the body of the report.

When the *Justinian* contacted Dean Lisle for his response to this position paper, he said that he had not officially received a copy with a covering letter from the student groups. But since the Dean had seen the position paper, he was asked to comment on it. He responded: "No comment. I won't comment."

## In Vino Veritas

By Dale Mark Ross

The Cabernet Sauvignon is widely recognized as the greatest of the red wine grapes. It is responsible for the greatness of many of the Bordeaux wines and America's own finest red wine—the Cabernet Sauvignon of California.

The Cabernet Sauvignon is a shy bearer and consequently never cheap. The outstanding characteristic of the grape is its high quantity of tannin. Tannic acid, when accompanied with a high concentration of fruitiness, gives backbone to the wine, allowing it to be laid away for several years. In fact, some of the world's greatest wines, such as Chateau Lafite-Rothschild, Latour and Haut Brion are quite worthless their first 10 years. However, upon maturation, the nuances of bouquet and taste place these wines in a class almost by themselves.

Many people ask if California Cabernet Sauvignon is as "good" as the fine French Bordeaux. The answer is that though they can both be great, they are not the same wines. In Bordeaux, the hardness of the Cabernet Sauvignon is somewhat offset by skillful blending with other grapes. This

makes for a wine with even more subtleties of flavor and bouquet. Blending is rarely practiced in California, where the wine is often 100% Cabernet Sauvignon grapes. As a result, the true character of the grape comes through. Thus one must wait longer for the American wines to be ready to enjoy—a practice rarely followed.

Buying strategy for the wine newcomer is tricky for this grape. Vintage years in Bordeaux are extremely important, though less so in California. I recommend asking an honest wine merchant for a petit chateau, that is, one of the smaller vineyards from the Medoc subregion of Bordeaux. Try a 1970, or better still, a 1966 or 1967. Plan to spend between \$4.00 and \$8.00. For California, get the oldest wine available from a reliable vineyard. (Again, you must trust the merchant.) Prices vary widely. However, The Christian Brothers Cabernet Sauvignon, which is nonvintage and priced at \$3.99, is a good introduction. For all these wines, open the bottle at least one hour before serving. Cabernet Sauvignon goes well with red meat and cheeses. Enjoy!