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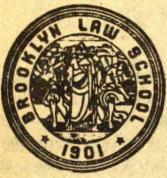
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Justinian

VOL. XXXIX

THURSDAY, MARCH 8, 1979

NO. 6

Jessup Team Wins Regionals



Photo by Ken Shiotani

The BLS Jessup International Law Moot Court team, the defending international champion, won the Eastern regional competition held at New York Law School last weekend. The team, consisting of Judith Miles, Brandon Davis, Paula Schaap and Jeanne Isenstein, won all four arguments in which they participated, and Judith Miles won the award for best oralist. The team will compete in the semi-finals in Washington D.C. in April. In addition to BLS, the eight other law schools competing were: Columbia, Fordham, N.Y.U., Pace, Rutgers-Camden, Temple, the University of Pennsylvania and New York Law School.

Students Confront 'Real World' at Elderly Clinic

By Rachel Roat

Participation in a clinic can make law school more tangible. It allows the *practice* of the law learned in the classroom and provides the experience of dealing with clients.

The first time most students in the Elderly Clinic interview a client they have a pile of envelopes, scrap papers and legal-looking documents dumped in front of them. Even for an experienced attorney, it usually takes a few minutes to understand the problem, and often the client cannot be counted on for help, particularly if he or she is distraught and angry. One solution for the inexperienced student is to leave the office under the pretext of photocopying the client's papers and ask one of the attorneys what it all means and what to do next.

Gradually, students become more comfortable with interviewing clients and being put on the spot to give advice. The experience is not one that can be learned from law school classrooms or homework assignments. For instance, one day a client came into the office yelling and screaming incoherently. She would not stay in the chair or even in the room where she was being interviewed. Within 20 minutes, she had scattered her papers and personal belongings all over the office. Even for the calmest person, this experience was unnerving.

On another occasion, a non-English speaking client wanted to contest the divorce proceedings he thought his wife had brought against him. A careful examina-

tion of his papers revealed that he was not being sued for divorce but rather that his wife had obtained an Order of Protection from the Family Court. There are no easy rules to follow for informing a client that he has been accused of molesting his wife and/or children. This is even harder when speaking through a translator, especially one who is related to the client.

One woman told a student over the telephone that she was going to jump out of her window because she was tired of waiting for the New York Housing Authority to give her public housing. Later, it was learned that this client had a long-standing relationship with a social worker and a history of trying to manipulate those persons who tried to help her. Anger was the student's initial reaction upon learning that the woman had tried to exploit her sympathetic feelings. On the recommendation of the supervisor of the social work students, Linda Acevedo, the client was confronted and the student felt better able to deal with manipulative clients in the future.

Another client complained to the Department of the Aging, the granting agency for the clinic, because he felt a student had not been working hard enough on his case. In fact, many hours had been spent in trying to get the necessary information to proceed in this very complicated case and several unanswered letters had been written. Imagine the stu-

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Cure For First Year Blues; Tutors Offer Helping Hands

By Stephen Ganis

First year students who are having difficulty keeping up with the work in any of their courses can now enroll, on an anonymous basis, in the free tutoring program sponsored by BLS.

This pilot program was installed at the school at the beginning of the current semester, and is designed to meet the most specific of students' problems. The tutors selected are second and third year students who, having been through the first year mill, are now willing to give their time and effort as volunteers. To maximize the effectiveness of the program, students are matched up with a tutor who had the same professor for that course. In case

the student's professor is teaching the course for the first time at BLS, the tutor will meet with that professor to discuss his or her approach to the course.

"I want the day and evening students to understand that this tutoring plan is open, that we're available, that we're here," explained second year student Sheila Moran, the administrator of the program. "We're all students and we're all in the same boat. The people who have volunteered as tutors want to give help."

To enroll in the program, a student must fill out a form found on the 8th floor reception area and put it in the tutoring folder. On this form, a student can identify himself or herself by exam identification number or by name, and will also be required to indicate the subject(s) for which help is needed. The completed form can be either given to the 8th floor receptionist or left in the folder. A tutor will contact the student shortly thereafter.

"Students need help in different ways," continued Ms. Moran. "Some have problems not with the subject matter, but with time allocation. Many first year students would have loved to have had a tutor last year. But the realities were that you had to pay someone to teach you, or else you had to put up a sign requesting help on the bulletin board, which

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Photo by Ken Shiotani

Second year student Belle Heller counsels clients at Elderly Clinic.

Phi Delta Phi Launches Charity Drive

By Christine Short

The Brooklyn Law School Easter-Passover Charity Drive for the benefit of the National Multiple Sclerosis Society begins today and will run through April 10. The Drive is sponsored by the BLS Chapter of Phi Delta Phi.

Fund-raising activities will include a disco dance and raffle. Change collection canisters will be conveniently located throughout the school.

Multiple sclerosis (MS) is a neurological disease that affects the brain and spinal cord with resultant interference with vision, locomotion and speech. The disease is thus far incurable (though periods of remission do occur) and affects people primarily between the ages of 20 and 40.

The Disco Dance is scheduled for March 15 at Colorado East, located at Seventh Avenue and

Ninth Street in Brooklyn. Tickets are on sale at \$5.00 and are available in the SBA office and from fraternity members. The tickets, having been pre-printed by the National MS Society, do not indicate that the event is for the benefit of the BLS drive but proceeds have been so designated.

Raffle tickets will also be on sale at 50¢ each. The winners will be announced at the conclusion of the Drive. Tickets are only to be sold to and by BLS students and their friends and families, thus ensuring that prizes will be awarded to members of the BLS community.

The National MS Society has been active in providing organizational and financial support for the Drive. In addition, the SBA has budgeted \$200 to Phi Delta Phi for such purpose. Plans call for money received to be depos-

ited in a separate bank account until the Drive is over. No dollar goal has been set.

The Italian-American Law Student Association has pledged support for the Charity Drive. The administration, through the office of Dean Henry Haverstik III, has also promised to support the Drive.

The planning committee is chaired by third year student Sal Aspromonte. While fraternity members are currently active in developing the Drive's program, other students are welcomed and encouraged to participate in all aspects of the fund raising.

Further information will be posted throughout the school. Any questions may be referred to Mr. Aspromonte or other Phi Delta Phi members.

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Students Confront 'Real World' ...

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client's chagrin when this same client offered her money to spend extra time on the case!

Other ethical issues have arisen from time to time in the clinic. One recurring problem is the relative who translates for a non-English speaking client but who also has some interest in the legal matter or may be too closely involved in the problem to be suf-

ficiently disinterested and objective. For this reason, foreign language skills are a valuable asset to participating students.

One of the cornerstones of the clinic is the interdisciplinary experience it provides. Over the past year law students and social work students from the Hunter School of Social Work have jointly interviewed and worked with clients in an overall atmosphere of supportive cooperation. The working relationship is flexible and has for the most part been left up to the individual students to define and refine. One law student has found that where the social work aspects of a case are easily identifiable—such as a domestic problem where a 14-year-old

has lots of money and men friends constantly calling her at her grandmother's apartment—the social worker takes over. The same is true where there is clearly a legal issue. But, when the two disciplines intersect—as with the client who wants to make a will in order to disinherit a child he or she feels has been uncaring or ungrateful—both may be required and the greatest challenge results. How this challenge is met, along with its ethical and professional ramifications, offers one of the best learning opportunities for those interested in legal services and poverty law careers.

This is the first in a series of articles dealing with BLS clinical programs.

Judicial Internships

The law student State Supreme Court internship program initiated in New York City in 1973 has proven most successful and has been extended and intensified each year.

The program is not funded and students must subsidize themselves. Students who wish to volunteer should send their resumes to Hon. Abraham J. Multer, Supreme Court, Kings County, Civic Center, Brooklyn, New York 11201. They should also indicate the dates between which they can serve.

During the summer, students must serve during court hours 9 a.m. to 5 p.m. on every court day for a minimum of five weeks.

This intern program has no connection with that of the school presently conducted by Prof. Henry Holtzer.



Photo by Ken Shiotani

Left to right: Jack Governale and Gary Gregory, 1979 BLS Tax Team which will compete on March 30-31 in Buffalo.

Form Over Substance

Suppose Dean Glasser had a meeting and nobody came. Well, he did.

The meeting was scheduled by the dean for 2 p.m. on Thursday, February 27. At 2 p.m. on Thursday all three sections of the first year day students are in class and a large number of second and third year students are in Corporations and Wills. Of the remaining upperclassmen, many have clinics or jobs. It took *Justinian* less than a minute to check out the schedule of classes for Thursdays at 2. Surely Dean Glasser could have checked it out too. According to SBA President Pat Smillie, it was suggested to the dean that he hold his meeting at 1 p.m. — a time when no classes are scheduled. The dean went ahead with his plans for the 2 p.m. meeting.

Some students charge that the dean did not adequately publicize the meeting. That is not the point. Had the dean announced his meeting in skywriting it would not alter the fact that a large percentage of the student body was unable to attend because of other academic commitments.

The dean told *Justinian's* reporter that he was "disappointed" at the outcome of the meeting. So are we.

Please Give

The cause is unknown. No cure has yet been discovered. It strikes primarily young people. It is multiple sclerosis, a disease of the brain and spinal cord that interferes with vision, speech and locomotion.

Phi Delta Phi is running a charity drive for the benefit of the National MS society. *Justinian* strongly supports this drive and urges the full cooperation of the entire BLS community.

Buy a raffle ticket, go to the disco dance, drop the change from your lunch money into a cannister.

Give what you can. It can only help.

Letters

Rational Inquiries

To the Editor:

Why are the "smoking prohibited" signs totally ignored by the students and the instructors? Is the smoking lobby at BLS that strong? Is not the spirit of the prohibition destroyed by the immediate "light-up" within the classroom, at the break before commencement of class?

2. Why can there not be installed pay phones on each floor—not the "full booth-Superman type" but rather the demi-booths, which consume less physical and visual space?

3. Is the "climate control" system so complex that a standard 68°F-70°F cannot be maintained?

4. Can we not have more photocopy machines, maintained so that they spend more time in a "function" mode than in a "call key operator" mode? How is it that we now pay 10¢ per copy when outside commercial rates are 5-7¢ per copy? Who needs such greater legibility at a 100% premium?

**T.A. Coppola
Second Year Day**

Buckley Amendment Rules

Dean Haverstick has asked Justinian to inform students of the following which affects access to student records.

20 U.S.C. §1232(a)(5)(A) and (B) (The Buckley Amendment to the General Education Provisions Act) and §99.37 of Title 45, part 99 of the Rules and Regulations of the Department of Health, Education and Welfare provide as follows:

§99.37 Conditions for disclosure of directory information.

a) An educational agency or institution may disclose personally identifiable information from the education records of a student who is in attendance at the institution or agency if that information has been designated as directory information (as defined in §99.3 under paragraph (c) of this section.

(b) An educational agency or institution may disclose directory information from the education records of an individual who is no longer in attendance at the agency or institution without following the procedures under paragraph (c) of this section.

(c) An educational agency or institution which wishes to designate directory information shall give public notice of the following:

(1) The categories of personally identifiable information which the institution has designated as directory information;

(2) The right of the parent of the student or the eligible student to refuse to permit the designation of any or all of the categories of personally identifiable information with respect to that student as directory information; and

(3) The period of time within which the parent of the student or the eligible student must inform the agency or institution in writing that such personally identifiable information is not to be designated as directory information with respect to that student.

"Directory information" is defined in §99.3 as follows:

"Directory information" includes the following information relating to a student: the student's name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, the most recent previous educational agency or institution attended by the student, and other similar information.

In accordance with the foregoing, notice is hereby given that the law school will disclose upon request the following directory information pertaining to students:

- (1) name and address;
- (2) date and place of birth;
- (3) dates of attendance;
- (4) degrees and awards received;
- (5) the most recent previous educational institution attended by the student.

A student who wishes to exercise the right provided for in §99.37(c)(2) should so inform Dean Haverstick in writing.

Cafeteria Controversy: Different Versions

By Steven M. Berlin

A representative of the United Service Employees Union, Local 377, was refused access to BLS last month to discuss the plight of cafeteria workers who lost their jobs when Food Concepts, Inc. took over the BLS franchise vacated by Automatique, Inc.

Cloyd J. Holmes, representative of Local 377, sought to generate support for a student boycott of the cafeteria run by Food Concepts, which replaced Automatique at the end of last semester. He said he responded to an invitation extended by the National Lawyer's Guild (NLG).

"We wanted to invite a union official, a representative of the BLS administration, and the food service people to discuss the issues with the students," said Bob Boyle and Fern Adelstein of the NLG, but, according to NLG, the administration refused to authorize a room for the forum because they did not want to get involved in the dispute.

"As a practice we do not deny students rooms for speakers," said Dean Henry W. Haverstick III, "but the law school was within its legal rights to prohibit the union representative from coming onto school property."

"We have no objection to the union following legal proceedings to unionize this cafeteria," said Dean Haverstick, "but it is strictly a matter between Food Concepts and the union, and not a matter involving the law school."

The labor dispute arose when Automatique, Inc. informed the law school at the end of September of their decision to discontinue operations on November 22, and the school began looking for a new vendor.

Mr. Holmes said he contacted Prof. Jerome M. Leitner, who was involved with the search and negotiations for a new food service. He said that Prof. Leitner assured him that any organization which bid for the food concession would give the union workers a chance to prove themselves and be hired.

Prof. Leitner said that all he promised to do was recommend the old personnel to the new caterer and that he did do this.

Food Concepts, Inc., a small, non-union company which, according to Mr. Holmes, does not pay wages on a union scale or provide union benefits, was able to underbid union food services and get the concession at BLS.

With intentions of negotiating with the new service, Mr. Holmes said he called the president of Food Concepts. "We were willing to work out a compromise so that these people would not lose their union benefits."

According to Dean Haverstick, Automatique, Inc. had from the end of September, when they first knew they were going to terminate operations at BLS,

to reassign these people to other Automatique units in the area. Their failure to do so was in effect to fire those workers, he said.

"It is not our responsibility to hire them, they were never employees of BLS and Food Concepts chose not to hire them," said the Dean.

Some of the Automatique personnel were relocated by the Union, said Mr. Holmes. One of these workers who was not placed, however, is Ernestine Arrieta.

Ms. Arrieta said that Prof. Leitner promised her a position with the new food service. "Up until the end he told me not to tell anybody, but he was always promising that I would stay with the law school."

Prof. Richard Allan gave her similar assurances, Mrs. Arrieta said, and told her that if Prof. Leitner told her not to worry she should not worry.

While expressing his fondness for Ms. Arrieta, Prof. Leitner said that he made no such promise nor could he have because he lacked the authority to do so.

"If I promised Ernestine a job here, she would have one," he said, "But I have nothing to do with whom they hire."

Prof. Leitner said, "I told Ernestine that I would recommend her to the new service, and I did. I cannot speak for what Ernestine understood."

Prof. Allan said that he was one of the first people wanting the old cafeteria service out, but that he was not on the negotiating committee and could not promise Ms. Arrieta anything. He said that he spoke to her and expressed concern for her circumstances and asked if she had applied to the new service, but he did not give her any assurances or guarantees.



The first of several Career Information Seminars sponsored by the Placement Office, was held on February 28th in the Lounge. Speakers from the U.S. Attorney's Office, the Special Prosecutor's Office, the Manhattan D.A.'s Office and a private firm discussed their jobs and answered questions.



Photo by Ken Shiotani

A message from Dean Haverstick: Additional janitorial services are being provided to cope with the increased patronage of the revamped cafeteria. It is hoped that the students will cooperate in the effort to keep the cafeteria clean by disposing of their own trash.

Dean Boos Booze at SBA Parties

Students who attended one of the last three SBA parties may have noticed the addition of a new variety of beverage beside the standard fare of beer, wine and soda. In response to the many demands received from students over the years, the SBA has begun offering mixed drinks.

Apparently the new offering has met with disapproval of Dean I. Leo Glasser. After the SBA Valentine's Day party held on February 15, Dean Glasser sent a letter to Patricia Smillie, President of the SBA, notifying her that the unauthorized sale of alcoholic beverages by the SBA and any other student organization is prohibited on these premises.

Dean Glasser stated that the unlawful sale of alcoholic beverages and beer is a misdemeanor in this state and is punishable by fine or imprisonment. In addition, he pointed out that such sale confers a right of action to anyone injured by an intoxicated person against any person who unlawfully sold or procured liquor for such intoxicated person (ABCL

\$100(1); §130; §97; GOL §11-101).

The dean's prohibition is to be effective until the appropriate licenses and permits are obtained by the student organization wishing to sell alcoholic beverages and sale is authorized by the Assistant Dean for Student Services.

In response, Ms. Smillie sent a letter to the dean and stated that she believed that he was misinformed about the circumstances of the February 15 party. Although beer, wine and liquor

were available at the party, she noted, they were not sold. Beer and wine, along with soda and snack foods are available to students at all the SBA parties, free of charge. However, because the SBA social committee's budget could not afford to provide the luxury of mixed drinks, students were asked to make donations to defray the cost of the liquor, mixers and ice. Ms. Smillie said students realized this and were quite willing to make the contribution.

—S.M.B.

First Year Tutoring Offered...

Continued from Page 1

rarely, if ever, was answered."

"We want to emphasize that this is an important new service the school is providing," Ms. Moran said.

Impetus for the new tutoring program came from the BLS Affirmative Action Committee. It was originally designed to help minority students with their studies, but the program's scope has been enlarged to include any student who is having trouble with

schoolwork.

Anyone seeking more information about the program should contact either Sheila Moran, Box 425, or Prof. George Johnson. In addition, any upperclassmen who want to donate time as tutors should fill out the form available on the 8th floor. No credit is given, and to be eligible a student must have had a minimum grade of 85 in the particular course as well as an overall grade average of 83.



Photos by Ken Shiotani

The first of several Career Information Seminars sponsored by the Placement Office, was held on February 28th in the Lounge. Speakers from the U.S. Attorney's Office, the Special Prosecutor's Office, the Manhattan D.A.'s Office and a private firm discussed their jobs and answered questions.

How Not to Make An Impression

By Barbara Naidech

Somehow, somebody liked your resume. Or they have a thing about matching credentials with faces. In any case, you got the interview.

You go to the predesignated spot at the predesignated time. The previous interview appears to be running a bit long. You are sure your's will be short. Your predecessor emerges smiling. It is your turn.

The haggard look on the interviewer's face tells you that this

is far from his first interlude of the day. He has seen a lot of law students. He is not in a good mood. To make matters worse, you have neglected to fill out the necessary application containing several questions that clearly infringe upon your constitutional rights.

He insists you follow him downstairs to get the application. For some reason neither of you can go it alone. You uncomfortably ride together in the elevator. He is angry and will not speak. He

is studying the bow in his shoes, possibly in an effort to remember for the next time. You wonder why he is doing this to you.

You both go back upstairs. You attempt to appear relaxed as others' completed applications are disconcertingly and loudly shoved under the door. You begin to make sense and an acquaintance bursts in. He proudly hands in his form.

The interviewer, not chosen for his gracious manner, reads through your resume and begins to question each entry. You do not clearly remember exactly what you did in your job two summers ago. He appears unimpressed.

He gives you what is known as a hypothetical. It is a situation loosely based on real life. You are expected to comment on it. Your comment is that it is an interesting case. You both look at your watches.

When asked why you wish to go into this particular area of law, you unconvincingly insist that you have always wanted to do this. He unsuccessfully checks through your resume for any supporting evidence.

He mentions that if offered the job, you would be expected to give a multi-year signed commitment. You assure him that you would be happy to remain at that low-paying position in an incredibly bad neighborhood for the balance of your productive years.

He announces that your time is up. Not surprisingly, the next candidate has not yet arrived. You sit down and complete the application. You cavalierly answer questions concerning your schooling and your sanity. When finished, you shove it under the door as meaningfully as possible.

Alumnotes

Selecting Judges

By Kim Steven Juhase BLS '77

Is merit selection of Supreme Court Justices against the best interests of BLS? This is the position of Justice William Thompson, class of 1954, who called for his fellow graduates at the 1979 Annual Alumni meeting on January 31 to rally together and oppose this "merit panacea." According to the Justice, who is the Administrative Judge of the Supreme Court for Kings and Richmond counties, if merit selection is instituted for Supreme Court Justices "Brooklyn Law School will soon be bereft of representation on the state Bench."

Justice Thompson based this statement on a survey he made. He found that of the 47 Supreme or acting Supreme Court Justices in Kings County, 44 graduated from either BLS (15), St. John's Law School (19) or New York Law School (10). However, among the 32 federal judges in the Southern District of New York, only one BLS graduate represents the above three schools while 26 graduated from ivy league law schools. The federal judges are subject to committee recommendation.

From these statistics, the Justice concluded that becoming a Federal District Judge depends on whether your parents are rich enough to send you to an ivy league school. The jurist implied that merit selection committees give a conscious or sub-conscious preference to graduates of law schools such as Harvard or Yale. Therefore, he reasoned, if merit selection is instituted for the state Bench, the so-called "city schools" will be as shut-out on a state level as they are in the federal courts.

Another problem with merit selection, he added, is that the selection committee may confuse

judicial merit with a "fashionable political outlook."

As for the argument that judges should not have to campaign for office, Justice Thompson argued that there is nothing undignified about campaigning. In fact, campaigning makes for better judges, he explained. By going before various civic groups and clubs during the campaign, the judge can find out what the people's concerns are. "I believe that the public can best be served by a judge made aware of its views through the personal interaction of election campaigns."

Judge Thompson concluded his speech with a warning. "Don't let them take away your vote. You will lose, our beloved law school will lose, but the greatest loss of all will be that of the Bench."

In a subsequent interview with *Justinian*, the Justice was asked about the problem of elections creating a one party judiciary. In response, he revealed a plan whereby minorities and Republicans would gain some representation on the Bench. He proposed that Supreme Court Justices should be elected from small districts. In this way a heavily Republican or minority district outnumbered by a majority in the County would be able to get their candidates elected.

When asked what the difference would be between elections and gubernatorial appointments when in fact the party leaders actually select the Supreme Court Justices and the electorate is basically a rubber stamp, he replied that with elections, at least reformers, Republicans and minorities have at least a chance of winning. He noted that insurgents do sometimes pull an upset.

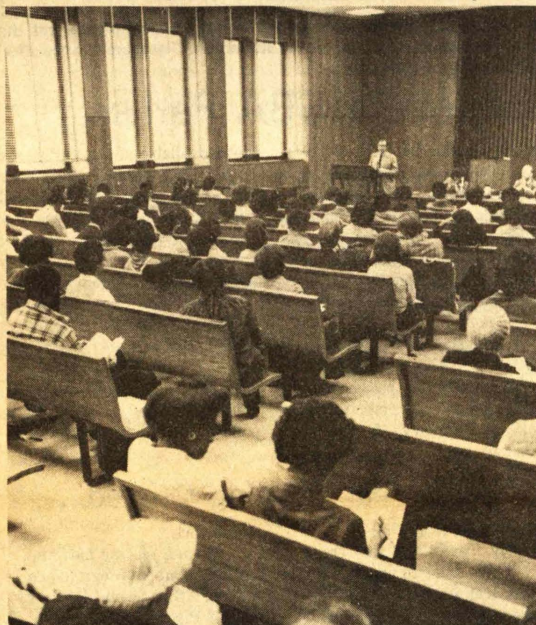


Photo by Ken Shiotani

One hundred and fifty Metropolitan Area College students and their advisors attended a meeting sponsored by the SBA Student-Faculty Affirmative Action Committee in the Moot Court Room on Tuesday, March 6. The group was welcomed by Dean I. Leo Glasser and Professors John Meehan and Bailey Kuklin spoke to them about admissions procedures and the first year of law school. Federal District Judge Mary Johnson Lowe and BALSA president Debbie Lashley also spoke. The formal meeting was followed by an opportunity to ask questions over tea in the Lounge. Judith Spektor was Chairperson of the event.

Moot Etiquette

By Martin Edelstein

As a service to the participants in Moot Court, *Justinian* is publishing the highly secretive list of "don'ts" used in evaluating Moot Court Competitors.

1. Do not point a finger at your adversary, especially the middle one.
2. Do not refer to the judges as a wimp, a pimp and a simp.
3. Do not write your brief in crayon.
4. Do not vomit on the podium.
5. Do not appear in a Grateful Dead T-shirt unless you're built like Dolly Parton.
6. Do not address the judge as "c'mon Irving."
7. Do not refer to your adversary as "that shmuck."
8. Do not cite cases that don't exist.
9. Do not respond to the judge's question with "that's a stupid question to ask" even if it is.
10. Do not pronounce "Erewohn" as Irwin.
11. Do not laugh in the judge's face, even if his face demands it.
12. Do not engage in a pie fight with your adversary.
13. Do not describe the judges as The Three Stooges in drag.
14. Do not reserve rebuttal time unless you think you're a combination Clarence Darrow, F. Lee Bailey, and Melvin Belli.
15. Do not argue your case while attempting to impersonate Groucho Marx.



Photo by Ken Shiotani

A scene from last year's Second Circus Review. This year's Review is tentatively scheduled for April 5, 6 and 7 in the Moot Court Room. The Review will include music and sketches satirizing your favorite professors and current events. The cast of approximately 20 students is under the direction of Barbara Naidech and Larry Becker.