

The Justinian

Volume 1982
Issue 5 November

Article 1

1982

The Justinian

Follow this and additional works at: <https://brooklynworks.brooklaw.edu/justinian>

Recommended Citation

(1982) "The Justinian," *The Justinian*: Vol. 1982 : Iss. 5 , Article 1.
Available at: <https://brooklynworks.brooklaw.edu/justinian/vol1982/iss5/1>

This Article is brought to you for free and open access by the Special Collections at BrooklynWorks. It has been accepted for inclusion in The Justinian by an authorized editor of BrooklynWorks.



Treasurer Resigns Amid Controversy

By Carol Milder

Three weeks after the popularly elected SBA treasurer Manda Weintraub resigned in protest, Bruce Feffer was elected by the House of Delegates to take her place. Feffer, a Weintraub supporter, won by five votes in an election which indicated a split in the House between the newly elected delegates and the delegates who have been active in student government for the past three years.

On October 6, 1982, Weintraub tendered her resignation to SBA president Bobby Steinberg. In a letter sent to all of the delegates, Weintraub cited the denial of her request "that the treasurer be responsible for co-signing every check that is written" as one of the grievances which precipitated her action.

In her letter, Weintraub itemized the obstacles she had encountered as treasurer. These included claims that she had been obstructed from doing her job by the failure of the other board members to give her a key to her desk, that checks had been written without her knowledge and without sufficient funds to cover them, and that when the checks had been written, information concerning amount and to whom the check was given was often not recorded. In fact, the JUSTINIAN has been provided with an overdraft statement sent by the SBA's bank on October 4, 1982.

As of October 13th, Steinberg had not formally accepted Weintraub's resignation. However, he informed the JUSTINIAN that although he "didn't ask for her resignation. She didn't discuss it. If that's the way she

feels, I've accepted it." Additionally, Steinberg had not yet answered Weintraub's serious charge that "(w)hen Executive Board members handle SBA funds (in) a sloppy manner, this harms not only the entire student body—to whom these funds belong—but . . . constitutes a breach of trust to the students they represent."

Steinberg exclaimed "People think this is a great crisis," but there is no need to call an emergency House of Delegates meeting, because "things haven't changed." Steinberg explained that Weintraub had not been around during the summer. He pointed out that "had Manda been the one to sign every check, there would have been no orientation booklet, no coffee and cake over the summer, . . . no summer party," and no SBA representatives sent to the conventions.

Steinberg indicated that there would be an Executive Board meeting on October 14th. "Instead of making a big deal, we'll handle it in a manner the Executive Board deems correct," he stated. Dean Kerman had suggested arbitration. Steinberg indicated his willingness to participate. However, the arbitration never took place because the executive board met the next day.

The executive board decided to hold an emergency House of Delegates meeting on October 25th for the purpose of electing a new treasurer. Candidacy was open to any student at BLS.

On October 19th, Steinberg formally responded to Weintraub's letter accepting her

continued on p. 4.

The Student Bar Association met on Wednesday, November 3, to consider a budget for the 1982-83 year. The following budget was approved by the full House of Delegates pending an investigation into part II:

Part I—SBA Operations

1. General Operations and Activities	5,500
(Films, Parties, etc.)	
2. Office Expenses	350
3. Race Judicata	700
4. Faculty Evaluations	100
5. Orientation (Net)	400

Part II—Special Activities

1. ABA/LSD (3 Delegates)	1,600
2. NYS Bar Assn./LSD (3 Delegates)	400
3. Center for the Study of the Presidency (1 Delegate)	400
	9,450

Part III—Student Organizations & Clubs

Second Circus Revue	2,350
Women's Volleyball League	1,050
National Lawyers Guild	1,150
Natural Resources Society	500
Softball League	250
Phi Delta Phi	200
Labor Law	375
Legal Association of Women	1,150
Basketball League	1,450
Entertainment, Sports Law Society	1,050
Black American Law Students Association	2,250
Justinian	6,850
Moot Court Honor Society	50
Cabaret Night	525
Law Students Civil Rights Research Council	500
Asian American Law Students Association	300
Hispanic American Law Students Association	550
	20,550

Total Budget—30,000

Published by BrooklynWorks, 1982

Curriculum Under Study

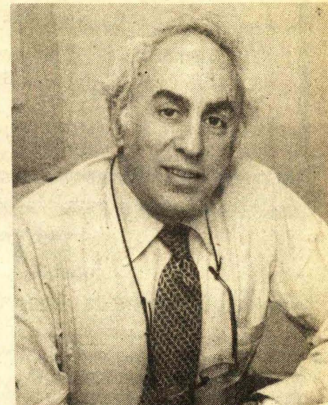
by Risa Gerson

The curriculum committee, chaired by Professor Poser and consisting of Professors Fullerton, Caplow, Yonge, Hauptman, Pouncey and Associate Dean Kuklin, as well as student representatives Richard Pomerantz and Harvey Jacobs, has been meeting since September 1981 when former Dean Glasser formed the group to re-examine the school's curriculum.

The committee developed a questionnaire and asked faculty members whether their courses fulfill a legal skills function, and whether they would recommend changes in the content or credit allotment of the course. The faculty has been meeting with the curriculum committee in groups according to the categories designated in the catalogue: (1) business and financial law (2) civil practice and litigation (3) commercial law (4) criminal law (5) estate and family law (6) international and comparative law (7) law and economic regulation (8) public interest law (9) urban law.

Professor Poser estimates that about 75% of the faculty groups have already met. He stated that the committee is taking a "nuts and bolts" approach to examining the curriculum. Student representative Richard Pomerantz said that at the meetings, faculty members have recommended credit changes in certain courses.

The committee is also looking to the "state of the art" of law school curriculums. Last week Professor Minda, Chairman of the Forum Committee, held a forum with Dean Halpern of CUNY Law School at Queens College. CUNY Law School will be the first publicly supported public interest law school in the country. CUNY is operating under the presumption that traditional legal education is not performing its function of adequately training lawyers to



Prof. Poser

represent clients. CUNY will take an integrated approach to learning law, and will place more of an emphasis on negotiating skills than traditional law schools. The first year curriculum of 32 credits will consist of: Adjudication and Alternatives to Adjudication (4 credits), Liberty, Equality, Due Process, in Historical and Philosophical Context (5 credits), Law and Market Economy (6 credits), Responsibility for Injurious Conduct (4 credits). Minda reported that the faculty reaction to Halpern's talk was mixed.

As the Curriculum Committee gears up to make a recommendation to the faculty, the Brooklyn Law School Chapter of the National Lawyers Guild has decided to study the curriculum and submit their report to the committee. Additionally, interested students can bring their ideas to Richard Pomerantz or Harvey Jacobs. Richard Pomerantz's mailbox is No. 1167; Harvey Jacobs' is No. 966.

Fit to Print?

by Bridget Asaro

In response to an administrative policy that the *Justinian* be subject to review by a faculty member for any possible defamatory statements, the editorial collective is presently negotiating the hiring of outside counsel with Acting Dean George W. Johnson III.

After the *Justinian's* first issue, Warren Shaw of the editorial collective, was informed by Prof. Jerome M. Leitner that Leitner was appointed by the administration to review the paper's copy before printing. Leitner said his function was to call to the Dean's attention any potential defamation liability. This policy was implemented to protect both the school and student writer alike, he said, and had been done with the consent of previous editors. Leitner added that he had "never exercised, didn't want to, and would have refused to exercise control over the paper, except for this minimal interference." Dean Johnson said the school is "in fact, the publisher" of the paper.

According to Prof. Leitner, in 1970 the *Justinian* was reorganized by an ad-hoc student/faculty relations committee. The committee decided that the *Justinian* was to be "printed in the future with no faculty advisor," said Leitner, thereby affording the paper "complete freedom of publication."

Because it was recognized that material published in the *Justinian* might constitute a risk of defamation suits, Leitner was asked by the then Dean to investigate the availability of insurance. This insurance was "prohibitively expensive," he said. The Dean subsequently asked Leitner to review the paper before its publication. In the 12 years that Prof. Leitner had reviewed the *Justinian*, he said there was only one instance where four words were deleted. These words were potentially libelous, and the editor consented to removal of the words.

According to Steve Richards, a member of the editorial collective, Dean Johnson said "he wants a letter (from any counsel) pointing out possible problems, and that he (Johnson) would make decisions about any problems. That disturbed us."

Carol Milder, another member of the editorial collective, said the editors "don't want the school looking at the entire paper (before publication). That's censorship."

After hearing from Prof. Leitner, and in response to rumors that the paper was going to be reviewed by a faculty committee, collective members Larry Cary and Richards spoke with Dean Johnson. Although Johnson said that this policy was very important,

continued on p. 4

Justinian

BROOKLYN LAW SCHOOL
230 Jonathan Street, Brooklyn, NY 11201
Telephone: (212) 625-2300

Editorial Collective... Tom Gordon, Deborah Henkin,
Lisa Heide, Carol Milder, Steve Richards, Warren Shaw.

Staff... Bridget Asaro, Bruce Feffer, Ann Galen, Risa
Gerson, Joan Gottesman, David Howe, Tom Kranidas,
Anthony Paonita, Adam Pollack, Ethan Wolfe.

Photography... Allan Young

Business Manager... Ken Esrick

Contributors... Evan Gordon, Leslie Gruenwald, Judy
Shouse

Editorials express the opinions of the Editorial Board
Copyright 1982 by The Justinian

LETTERS:

The views expressed in the following letters are not necessarily those of the members of the Editorial Collective.

Open Letter to William Kunstler

Dear Bill

If I had a Mercedes I would run it right over you.

As far as filling my belly goes, you are absolutely right—I'm more concerned about that than anything these days.

Your arrogance astounds me. I must question the morality of any man who would accept \$25,000 a piece for the paper work on each of thirty eight planes. You have the audacity to sneer at a room full of sheep because they won't be of use to you. Fuck you. Are you supposed to lead us? Can we trust a bejeweled pharisee who is full of contempt for us any more than the three-piece photo-copies that lurk in the corporate world (an arena in which you thrived)?

I look at the causes you espouse: the Berigan Brothers; bad poets with big hearts. Physical courage (willingness to "take the risk")—yes, they surpass you there. Achievers in the "greater sense?" Mere gadflies, but worthier than you. *Dreamers of the Grand Illusion*. The Chicago 7? Aren't most of those loud-mouthed white boys cruising the Gucci scene and regaling *Esquire* magazine with tales of the way it was? What have you done to inspire me lately, hypocrite? You've taken the back of that rather pathetic revolutionary Kathy Boudin, who layed her cards on the table when the chips were down (*I didn't shoot! It was him!*) Doesn't it fill you with shame that every time a white revolutionary preaches violent action to the black man he's never around when the deal goes down?

Would you ask me to stick my neck on the block for a coward like Boudin? *You do it, sucker.*

I look at your record closely, Kunstler. I wouldn't follow you to the bathroom. As for the revolution you are laying ground for, it's a joke. The upper middle class whites who made up the underground are being laughed out of the high schools in which they preach. The brand of revolutionary action they advocate is surpassed in its stupidity only by its viciousness. They are losers, and they have done more for Reaganomics than Carter ever did.

A case in point: the Nyack fiasco. Brutal, cowardly, full of pack-dog hysteria. Another case in point: the Springboks atrocity at Kennedy Airport (I know one of those poor bastards, and he is not the *Urbemensch* who is keeping Brooklyn works, brooklyn.edu/justinian/vol1982/iss5/1

kindly asked us to partake in.) One last telling point: Eva Rosahn, who put it all in a nutshell when asked how she could justify the murder of a black small town cop working for eighteen grand a year—"You can tell the enemy by the uniform he wears." Right, Eva. Isn't little Eva lucky that her mother scratched up the two hundred thousand it took to get her released?

You are a very powerful man, even for a radical lawyer. When you speak, T.V. cameras roll and newspaper reporters listen. But you're such a smug, artificial phoney that you can't resist showing your hand. I care very much about the things that trouble and concern you, but I can't follow you.

I don't trust you.

Richard F. Maher

continued on p. 8

Answer to last month's puzzle:

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

Attention: STUDENT GROUPS

All student organizations are invited to contribute to the *Justinian*. Please inform us of upcoming forums, meetings and other events. If we know about it we'll write about it.

EDITORIALS

A Change of Course

The report in this issue of the *Justinian* describing the work of the Faculty-Student Curriculum Committee should not go unnoticed by the student body. Having severely criticized certain aspects of the curriculum in our first editorial of the year, it is entirely fitting that we applaud this effort to improve the course of study.

Certainly any time a group of faculty members take the time to seriously evaluate the most important element of a law school education they deserve every student's wholehearted support. However, many students may be unaware of the very existence of the Committee, so quietly has it gone about its work.

Too quietly.

One might have thought that the Committee would have been anxious to hear what students think about the current curriculum and proposed changes. If one assumes that the purpose of teaching is the education of those who seek to learn, one must concede that the opinions of the objects of this exercise are entitled to some weight. The mere presence of two student representatives on the Committee is not an adequate guarantee of student input.

Therefore, we urge the Committee to hold open hearings on the curriculum before it submits its recommendations to the faculty.

The hearings would give the Committee an opportunity to present what it has learned about the "state of the art" in legal education. They would also give students an opportunity to share their opinions of the current curriculum and proposed changes with the Committee. In any event, the Committee should certainly present its recommendations to the student body at the same time as it presents them to the faculty.

In the event that open hearings are not held we urge all students to present their views to the individual faculty and student members of the Committee. The proposed changes may not be far away. Third year students would do well to remember the fiasco of legal process, given without credit, in the 1980-81 term. They might also remember that when legal process was given credit in the 1981-82 term, the resulting congestion in the first year curriculum was relieved by the dubious expedient of moving Constitutional Law to the second year. While the faculty should and must exercise the ultimate power to make changes, students can and should have a strong advisory role.

Education is too important to be left to the professors.

Race to the Swift?

I returned, and saw under the sun, that the race is not to the swift, nor riches to the wealthy, nor yet wisdom to the men of understanding, but time and chance happeneth to all.

Ecclesiastes

At Brooklyn Law School the words of Ecclesiastes do not always ring true. First year students may have begun to realize what second and third year students already know: the race does go to the swift. Grades matter. The higher paying jobs and the more prestigious clerkships have gone, and will continue to go, to the top 10% of the class.

In a way there is nothing wrong with this state of affairs. Competition spurs each student to excellence. While mediocrity is nothing to be ashamed of, neither does it merit special consideration. And there is certainly no reason to decry the fact that rewards inevitably go to those with a gleam of ambition in their eyes, and a touch of avarice in their hearts.

Yet competition at BLS does not always lead to the pursuit of excellence. Indeed when BLS students speak of "competition" they are often not speaking of true competition at all. The true competitor, like a runner in a race, is motivated to do his best by the knowledge that his competitor is trying to best him. However, if the first runner should step out of his lane and trip his adversary his actions are not truly "competitive." Both runners will clock slower times. The result is not excellence, but mediocrity.

And this is precisely the kind of conduct which we commonly speak of as "competitive." We can put to one side obviously destructive actions like razoring pages out of reporters, stealing books from the library, and the like. The spectrum of "competitive" conduct is much broader. Everyone knows a fellow student who continually boasts of his own intellectual prowess, laughs when another student gives the wrong answer in class, or feeds false information to the unsuspecting. Everyone knows that person because, at one time or another, each and every one of us has been that person.

The object of such "competition" is not so much to help oneself as to hurt others. It produces mediocrity. Measured relative to others the "competitive" student may succeed, but on any absolute scale he must, and will, fail.

The prevalence of such attitudes reduces the quality of every student's education. BLS cannot, of course, escape the influence of the larger society. American culture is unique in its choice of "winning" or "success" over such traditional values as loyalty or courage or honor. Moreover, the uniquely adversarial nature of our Anglo-American legal system encourages us to think of competition as combat, fight to the finish. But an explanation is not an excuse. And there can be no excuse for behavior which has the tendency and effect of impoverishing the education of each and every one of us.

We would all do well to remember that even true competition has only a limited value. It is a means to an end, not an end in itself. People pursue excellence for many reasons. If, as seems obvious, a law school exists in order to generate and transmit knowledge of the law, then the best means to attain excellence must surely lie in the love of legal learning.

Moreover, the main handicap to every BLS student in the "race" for the best jobs is the undeservedly low repute of BLS. BLS is in a competition with other law schools, a competition it is rapidly losing. Concentration on individual success to the exclusion of all other goals is keeping Brooklyn from attaining academic superiority. It is no secret that the collective life of Brooklyn has atrophied in recent years. If we would all concentrate on making Brooklyn a better school, the competitive position of each of us would improve.

After Year in Jail Exiles Still Face Ouster

By Bruce Feffer

After more than a year since their arrival on the shores of the United States, 49 Haitian refugees seeking political asylum have been ordered released from detention pending final determination of their asylum applications. Their incarceration for such an extensive duration, under conditions indistinguishable from those of a prison for convicted criminals, raises serious questions about the United States Government's ability to enforce immigration policies without violating human rights.

As of this writing, early in October, the detainees have yet to be released despite the order of the Immigration and Naturalization Service. Details as to what persons or organizations will be responsible for their supervision have not been finalized.

The 49 are members of a group of almost 2,000 Haitians who arrived in Florida from Haiti in make-shift boats during the summer of 1981. In July, 1981, the 49 were sent to the Service Processing Center (SPC) in Brooklyn, where they remain today. The SPC is a jail ordinarily used to detain aliens for a few days at most. Originally, there were 53 detained at the SPC, but after several months of confinement, three agreed to return to Haiti and one obtained a release on medical grounds.

The stated reason for their fleeing Haiti was their actual or threatened persecution in that country on political grounds. One of the detainees stated that his criticism of the ruling Duvalier regime had led to the appropriation of his land and his brothers' arrest. He himself was subsequently arrested and, after a five minute "trial," sentenced to an indefinite term in prison. He escaped and fled to the United States.

Another case involved a peasant farmer whose land was confiscated by the Tonton Macoutes, the Haitian police. His father was arrested when he tried to reclaim the land and subjected to physical abuse in jail. The farmer criticized the Haitian regime for arresting his father, but fled Haiti when he learned the police were coming for him as well.

According to the Lawyers Committee for International Human Rights, which has been providing legal assistance to the detainees, the 49 Haitians at the SPC have suffered from a lack of exercise, physical abuse, and inadequate medical care. The male Haitians had been allowed out of doors only four times in fourteen months. This, says the Committee, is particularly painful for those detainees who were farmers in Haiti and spent most of their lives outside.

The principal recreations at the SPC are a television set and a ping pong table shared by all the detainees. Most of them spend entire days with nothing to do.

Imprisonment and idleness have led to tension. Several detainees have complained that they have been harassed by the SPC guards. One detainee was placed in solitary confinement for three days because he refused to wear the prison uniform (a red jumpsuit) which he said irritated his skin.

In an effort to improve health conditions for the detainees, several physicians had offered free care either at the detention center or at their private offices. In addition, free care had been offered by ophthalmologists, optometrists, and dentists. The Immigration and Naturalization Service (INS) refused to permit these services.

"... Impossible to keep 2,000 whites in jail for so long."

New Policy of Detention

According to the *New York Times* (6/29/82), about 40,000 Haitians have come to the United States in the last decade. Most have been allowed to stay. In the summer of 1981, after a large influx of Cuban refugees, the Reagan Administration instituted a new policy allowing for the detention of "undocumented" refugees. "Undocumented" refugees lack passports, prior visits to the United States, or proof that someone in the United States will take responsibility for them.

The arriving Haitians claimed they were seeking refuge from the politically repressive Duvalier government. The Reagan government called them economic refugees, and as such they would be ineligible for admission. In addition, said the Administration, since they entered the country without documentation, they technically never entered the country and can be "excluded" without the procedural requirements attached to deportation.

In June, 1982, a Federal District Judge in Florida, Eugene P. Spellman, ordered the release of 1,900 Haitians from detention while hearings on their political asylum claims were conducted. *Louis v. Nelson*, 81-1260-Civ-EPS (S.D. Fla. 1982).

The release of the Haitians into the custody of "responsible sponsors," however, was held not to apply to Haitians detained in Brooklyn, since they had pursued a similar but separate action in the Second Circuit and lost. *Bertrand v. Sava*, —F2d— (2d Cir. 1982)

Charles Sava, District Director for the INS in the New York area, had denied the Brooklyn Haitians' applications for parole because he believed they would abscond if temporarily allowed to enter the country. Such decisions are statutorily in the discretion of the Attorney General but may be delegated to the District Director to render in his own discretion. Although the detainees successfully challenged Sava's decision in the Southern District of New York, on grounds that Sava had not properly exercised his discretion and had violated the *United Nations Convention and Protocol Relating to the Status of Refugees*, the Court of Appeals reversed, upholding the propriety and legality of the INS decision.

In July, 1982, after the Haitians had been detained in Brooklyn for over a year, lawyers for the detainees wrote a letter to Sava requesting that he "re-exercise" his discretion and release the Haitians. This re-exercise was an option specifically permitted by the Second Circuit. The lawyers based their request on the Spellman decision in Florida as well as several other factors: 1) that the Haitians stood "a good likelihood of success" on their appeals for asylum to the Board of Immigration Appeals, 2) that relatives of many detainees, living in the United States, had offered to confer "potential immigration benefits upon them", 3) that voluntary agencies such as the U.S. Catholic Conference, the Lutheran Immigration and Refugee Service, and the Church World Service of the National Council of Churches, had offered to provide sponsors for the detainees, 4) that many detainees would be able to post bond as a condition for their release during the period of time needed to determine their asylum cases, and 5) that the Haitians had been subjected to "prolonged imprisonment."

Despite this request, it was not until September of 1982 that the Justice Department and the INS agreed that parole was warranted.

Humanitarian Reasons

The Justice Department, in announcing its intention to release the Brooklyn detainees, cited "humanitarian reasons" as the basis for its decision.

Lawyers for the detainees felt there was more to it than that. Most of them agree that both the decision to detain the Haitians, as well as the decision to release them, were politically motivated.

Published by BrooklynWorks, 1982

Deborah Prosser, an attorney for the Haitians, said that while she could only speculate as to the reason for the Government's decision, she believed the Government no longer saw a political benefit in detention. "The Government feels it has succeeded in stopping the influx of Haitians," she said.

Another attorney, Stephen Shapiro, of the New York Civil Liberties Union, said the detention had become a "political embarrassment" to the Government. "At some point somebody looked up and said this no longer makes sense."

Shapiro added that pressure from the New York Congressional delegation as well as critical editorials in the *New York Times* and *Washington Post*, may have prompted the decision.

Just prior to the release decision, a *New York Times* editorial protested, "If the Immigration Service and Attorney General Smith are not moved by logic, if they are not moved by humanity, then how shall they be moved? For this is not law enforcement at all. By any standard of comparability or fairness, it is incomprehensible cruelty." (9/9/82)

Racist Element?

In addition to the good relationship the United States currently maintains with the Duvalier regime, lawyers for the Haitian detainees indicated that racism may have played a role in their detention.

Stephen Shapiro commented, "They were imprisoned because they were Haitian. Less so because they were black."

But, he added, "It would have been impossible to keep 2,000 whites in jail for so long." (Even the Haitians covered by the Spellman decision had been in detention for an entire year.)

Judge Robert L. Carter, whose District Court opinion granting parole to the Brooklyn detainees was reversed on appeal, stated in his opinion that the detainees were denied parole by the INS "because [the petitioners] were black and/or because they were Haitians." *Bertrand v. Sava*, 535 F. Supp. 1002 (S.D.N.Y. 1982).

Government Discretion

The Second Circuit thoroughly reviewed the statutory and case law applicable to the case of the Brooklyn detainees. It found that 8 U.S.C. 1182(d)(5) grants to the Attorney General broad discretion to determine whether unadmitted aliens may be paroled pending final determination of their applications for asylum. In the words of the court, "his decision may not be challenged on the grounds that the discretion was not exercised fairly in the view of a reviewing court or that it gave too much weight to certain factors relevant to the risk of abscondance and too little to others. Indeed, section 1182(d)(5) permits the Attorney General to deny parole to all or to certain groups of unadmitted aliens on the ground that he finds no emergent or public interest reasons justifying their release on parole." *Id.* at 3579.

Although the court goes on to say that the discretion may not discriminate invidiously against a particular race or group, the Attorney General's discretion must be viewed as "presumptively legitimate and bona fide in the absence of strong proof to the contrary."

Reforming the Immigration Laws

The "Immigration Reform and Control Act of 1982"—also known as the Simpson/Mazzoli bill—is currently being debated in Congress. Its intent is basically to prevent illegal immigration by imposing penalties upon employers who knowingly hire illegal aliens.

Congress is also contemplating revisions of the Immigration and Nationality Act of 1952 (McCarran/Walter). And the Government has also increased the level of raids into factories to "root out" undocumented aliens.

It appears that the government strategy is to use illegal aliens in this country as an example for those who may be thinking of coming here in the future.

Lawyers representing the Haitians detained in Brooklyn state that they have no panaceas. They do indicate, however, that better education of the public as to why refugees come into this country and why they are entitled to a fair hearing when they get here would be a major step toward insuring that government policies are not enforced at the expense of individual rights.

Food or Fear

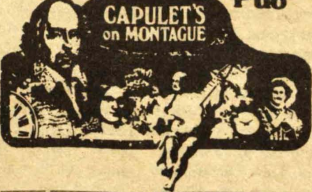
In the case of the Brooklyn detainees the Government has asserted that at least some of the refugees have come to this country for economic reasons rather than fear of political persecution, and thus are not eligible for admittance into this country.

Arthur Helton, Director of the Political Asylum Project of the Lawyers Committee for International Human Rights, disagrees. Helton says that, while it is hard to know exactly what political conditions are like inside Haiti (because of restrictions on information gathering by the Duvalier regime), the Haitians who have remained confined in the SPC do have a genuine fear of political persecution in Haiti.

"The fact that they've stayed here over a year is a testament to that fear," Helton said.

"The Neighborhood Pub"

CAPULET'S on MONTAGUE



is

the ale house and gathering place of Brooklyn Heights. Open seven days for business lunch and dinner—serving a fine fixed-price Sunday Brunch with live chamber music—darts every day and N.Y.C.'s finest bluegrass band every Saturday Night.

Open-air café
151 Montague Street
852-3128

New Treasurer Elected: Steinberg, Weintraub trade charges

continued from p. 1.

resignation. Steinberg countercharged that Weintraub's failure to appear during the summer months constituted "either misfeasance or malfeasance in office." Additionally, he claimed "(I)f the system you seek to impose (Treasurer having sole check-writing power) had been in effect, the S.B.A. would have ceased to function" and "(S)pecifically, items 1, 3, 4, and 5 of your letter would be moot, if you took office on June 1, 1982, as mandated by the constitution."

The issue of Weintraub's absence over the summer is fraught with contradictions. Steinberg claimed that he called Weintraub at least ten times during the summer months. He also claimed that Weintraub didn't show up for certain meetings. Weintraub contends that Steinberg called her about three times, that he never returned her calls and that she was never informed of certain meetings. Additionally, Steinberg was aware of Weintraub's late working hours as well as certain personal problems which cut down on her availability during the summer months. In fact, nearly every charge and countercharge mentioned has been disputed by the other side.

that the controversial resolution was passed. Two signatures had always been required on SBA checks. One signature was required to be either the president's or the treasurer's. The other signature could be that of any other Board member. The resolution changed the requirement. Two signatures are still required. The difference is that the mandatory signature must be the president's only.

The timing of this resolution left the impression that it was a brilliant political maneuver designed to keep Steinberg in control of a newly constituted Executive Board. This charge has been denied by all of those responsible for the resolution.

Rationales for last year's resolution include strict constitutional interpretations of president's role in the SBA, principles of accounting, and the claim that last year's SBA treasurer Richard Petty was never around.

Steve Richman, credited with drafting the resolution claimed that the SBA constitution is "amateurish." He indicated a desire to "eventually abolish the elected offices of treasurer and secretary." According to Richman, the constitution holds the SBA presi-

dent that he disagreed with Petty. From a "control standpoint," he explained, "the treasurer can't solely have responsibility because of the possibility of fraud," but from an "operational standpoint, in an organization of this sort you can't have several members aside from the treasurer" signing checks. McLaughlin stressed that Weintraub had a point because "if anybody can write a check that the treasurer doesn't know about, there's a danger of overdraft or any number of consequences."

In fact, McLaughlin who was a delegate last year, voted against the resolution. Additionally, he was the only returning delegate to vote for Feffer for treasurer. The check-signing issue may have been the decisive factor in Feffer's victory in the House of Delegates.

At the emergency meeting on the 25th, very little was brought up about the Weintraub incident. Each of the three nominees for treasurer, Ceil Schneider, Judy Fensterman, and Bruce Feffer, gave a short speech and then responded to questions by the delegates. The delegates were primarily interest-

ed in the time the candidates were willing to put in and in the candidates' opinion of the role the treasurer plays in SBA government. Feffer was the only candidate who stated that he thought the treasurer should be one of the two people signing checks because it's "inefficient to have the treasurer not seeing the checks going out."

After the election, McLaughlin stated that he originally supported Ceil Schneider who lost the treasurer's race last year. However, after hearing the candidates speak, he voted for Feffer. McLaughlin stated that Feffer would be "stronger against the tight members" of the House and "more of an advocate than Ceil." He concluded that Feffer would "better serve the interests of the school" because he would not "just go along."

Weintraub's resignation letter and Steinberg's reply are on page 9.



(l.-r.) Candidates Judy Fensterman, Bruce Feffer, and Ceil Schneider fielding questions.

After reading Weintraub's letter, last year's president Dave Breschel stated, "I can see how some of these things might irritate her." He pointed out that "if there wasn't so much hostility on both sides, it could have been worked out." Breschel claimed that the hostility grew out of last year's controversial resolution regarding the check-signing power.

Much of the hostility stems from last year's elections. Last Spring elections were held for positions on the Executive Board. For the first time in several years there was a hotly contested battle for the positions of SBA president, vice-president, treasurer, secretary, and LSD rep. Several students who had not previously been involved in SBA government were candidates. Working together they used sophisticated techniques which threatened to keep the "incumbents" out of office. Some of the delegates along with last year's Executive Board seized upon the fact that some of the new candidates were members of the National Lawyers Guild. The NLG has been charged with Communist affiliations in the past. The new candidates countered with charges of McCarthyism. To some extent all sides inflamed the issue.

The result of the elections was a successful sweep for most of the newcomers. One was elected treasurer, one was elected secretary, one was elected LSD rep, and one, Bruce Feffer caused a run-off to be held between himself and Bobby Steinberg for the presidency.

In between the first election and the run-off election, the House of Delegates held its last meeting of the year. It was during this meeting, traditionally held in a restaurant

dent to a direct line of accountability. Therefore, the president is directly accountable for SBA funds and ought to be one of the required signatories. "If anything," admitted Richman, there was a "conflict because I thought I was going to be president."

According to Breschel, Richman "didn't draft those resolutions until after he lost the elections." "The whole idea," stated Breschel, was that "last year we had a problem since different people could sign, we didn't always know if someone did." Therefore, the decision was made to "make one person responsible." Breschel pointed out that "the treasurer is still welcome to look over the books, and be one of the signatories. No power was taken away," he insisted, because it was never exclusive.

Steinberg claims that since Petty was never around, he had to pre-sign his name to ten checks at a time. "That's not any way to run an office," he exclaimed. Petty vehemently denied that he had been unavailable. He insisted that he "did not leave presigned checks in the drawer." Nevertheless, Petty claimed that the resolution didn't go far enough.

According to Petty, who is an accountant, allowing the treasurer to sign the checks is "totally opposed to any concept of accounting practice." "The premier standard of accounting," he explicated, is that the "person that does record keeping should have nothing to do with the disbursement and receipt of funds." Petty claims that when he first took office, his request that he not be permitted to sign checks and receive funds was denied.

Winston McLaughlin, also an accountant, who ran for treasurer last year and lost,

continued from p. 1.

he "agreed that there was a conflict of interest in having a faculty member review the paper," said Richards. Johnson also agreed that the *Justinian* could find an outside attorney to review the paper's second issue. James Reif, a Court Street attorney who specializes in libel, was hired for this purpose. "(Reif) said there was nothing within 100 miles of libel," said Richards.

Prof. Deborah H. Schenk, chairperson of the Publications Committee, said, "Technically, the committee has a mandate over all (school) publications," but for freedom of speech reasons, the committee decided not to exercise control over the *Justinian*.

The *Justinian* and the administration are "still discussing" whether they can hire counsel, said Johnson. Although the administration has not yet made any proposals to the *Justinian*, Johnson said he intends to propose "a couple of other names" of attorneys who would possibly work on a pro bono basis. However, if outside counsel cannot be agreed upon, after considering all of the relevant factors, Johnson said he might have to decide that BLS must "run the risk" of printing without screening.

Attorney fees for this screening cost \$100, in addition to the *Justinian's* present publication costs which range from \$500-\$800 per issue. According to Miller, the paper was not in a bargaining position when they contacted counsel, since Reif was hired on the same day of Johnson's approval, and their second issue would have been delayed had they not acted fast.

New York University's *Commentator* and New York Law School's *The Advocate* do not have outside counsel or an in-house advisor who actively screens the contents of their papers. Both the *New York Times* and the *Village Voice* do not have counsel routinely check all copy to ensure against defamation, but only submit copy which editors feel is questionable. Dean Johnson said that BLS's actions concerning counsel were more "professional" than that of NYU and New York Law.

The *Justinian* is not the only law school student newspaper to fear censorship. Last year, the Cardozo Law School administration cut off their student newspaper's funding for the spring term. This action occurred after the *Forum* ran a personal ad which criticized a student. The ad said the student "sucks a hairy lemon." The student named in the ad sent a letter of complaint to the president of Yeshiva University. After accusing the *Forum* of printing "defamatory and libelous" material, the administration refunded half of the student activities fee collected, which accounted for about 50 percent of the *Forum's* funding. The *Commentator* reported that Cardozo's Acting Dean, Lester Brickman, said his move to cut off funds was prompted by an attempt to shield the law school from "legal liability for the tortious conduct committed by (the *Forum*)."

"When you hear about things like (Cardozo) you can hardly think of four words deleted some years ago as being minor," said Milder.

Fit to Print?

continued from p. 1.

he "agreed that there was a conflict of interest in having a faculty member review the paper," said Richards. Johnson also agreed that the *Justinian* could find an outside attorney to review the paper's second issue. James Reif, a Court Street attorney who specializes in libel, was hired for this purpose. "(Reif) said there was nothing within 100 miles of libel," said Richards.

Prof. Deborah H. Schenk, chairperson of the Publications Committee, said, "Technically, the committee has a mandate over all (school) publications," but for freedom of speech reasons, the committee decided not to exercise control over the *Justinian*.

The *Justinian* and the administration are "still discussing" whether they can hire counsel, said Johnson. Although the administration has not yet made any proposals to the *Justinian*, Johnson said he intends to propose "a couple of other names" of attorneys who would possibly work on a pro bono basis. However, if outside counsel cannot be agreed upon, after considering all of the relevant factors, Johnson said he might have to decide that BLS must "run the risk" of printing without screening.

Attorney fees for this screening cost \$100, in addition to the *Justinian's* present publication costs which range from \$500-\$800 per issue. According to Miller, the paper was not in a bargaining position when they contacted counsel, since Reif was hired on the same day of Johnson's approval, and their second issue would have been delayed had they not acted fast.

New York University's *Commentator* and New York Law School's *The Advocate* do not have outside counsel or an in-house advisor who actively screens the contents of their papers. Both the *New York Times* and the *Village Voice* do not have counsel routinely check all copy to ensure against defamation, but only submit copy which editors feel is questionable. Dean Johnson said that BLS's actions concerning counsel were more "professional" than that of NYU and New York Law.

The *Justinian* is not the only law school student newspaper to fear censorship. Last year, the Cardozo Law School administration cut off their student newspaper's funding for the spring term. This action occurred after the *Forum* ran a personal ad which criticized a student. The ad said the student "sucks a hairy lemon." The student named in the ad sent a letter of complaint to the president of Yeshiva University. After accusing the *Forum* of printing "defamatory and libelous" material, the administration refunded half of the student activities fee collected, which accounted for about 50 percent of the *Forum's* funding. The *Commentator* reported that Cardozo's Acting Dean, Lester Brickman, said his move to cut off funds was prompted by an attempt to shield the law school from "legal liability for the tortious conduct committed by (the *Forum*)."

"When you hear about things like (Cardozo) you can hardly think of four words deleted some years ago as being minor," said Milder.

Upcoming Meetings at BLS

Check the board in the Lobby for room numbers

NLG

Wed. Nov. 10 — Membership meeting — 5 pm

Wed. Nov. 17 — Speakers program
Judge Bruce Wright — 5 pm

LAW

Mon. Nov. 8 — Membership meeting — 5 pm

Thurs. Nov. 11 — Consortium meeting
NYC area law school women's organizations. NYU's Goulding Lounge — 6 pm

Reaganomics and Women: Impact Explored

By Ann Galen

President Reagan's economic policy is rapidly erasing the line between economic issues and women's issues. This was the harsh reality depicted by the speakers at a program called "Reaganomics and Women" sponsored by the Legal Association of Women last month. The speakers were Carol O'Cleireacain, Chief Economist and Assistant Director of Research at District Council 37 and Marjory Fields, an attorney at the Family Law Unit of the Brooklyn Legal Services.

Ms. O'Cleireacain began by giving an overview of woman's current role in the economy. Almost half this country's labor force is composed of women. 53 % of all women work, compared to 38 % in 1960. The contribution of woman's earnings to her family's income is significant: the median income for two earner families was \$28,000 in 1981, compared to \$19,000 for one earner families headed by a man. The number of women on their own in the labor force has also grown tremendously: 10 million in 1981 compared to 4½ million in 1960. One out of six U.S. families is maintained by a woman, one out of eight women in the labor force runs her own family.

Turning to the question of the impact of the Reagan Administration's economic program on working women, Ms. O'Cleireacain spoke bluntly. Suggesting that the Reagan Administration is still living in the 1960's with regard to the importance of women's role in the labor force, Ms. O'Cleireacain said "The Administration doesn't understand that its total policy is an anti-female policy due to an out of date view of who women are." The Reagan economic policy, she said, is not geared to the reality of women's current economic status. One third of all families maintained by a woman are below the poverty line. On the average women earn 59 % of what men earn. An economic program designed to encourage investment is "not something of particular relevance to women who need their take-home pay."

Perhaps most hard hit by the Reagan budget cuts are single women who head families. These women depend upon Federal programs, food stamps, and fuel assistance programs. Stricter eligibility guidelines for these programs have left many families headed by single women barely able to meet expenses.

Oddly enough, Ms. O'Cleireacain said, the message single working women with dependant children are getting from the Reagan Administration is that they are better off on welfare. Citing a University of Chicago study, Ms. O'Cleireacain said that before the cuts the difference between the spendable monthly income of a working mother receiving income maintenance and that of a mother receiving income maintenance alone was \$162.00. That difference is now down to \$15.00. "There is no

incentive whatsoever for a marginal worker to get out there and work."

Ms. O'Cleireacain sees Reaganomics as an overall strategy to "keep women down, to keep them out, if possible, of the labor force, to keep them at home and to keep them poor." She illustrated the Reagan Administration's general attitude towards women by referring to two recent incidents. One was Lyn Nofzinger's explanation for supporting the President's tax increase as his being "just like a woman, I changed my mind," and the other was a reference to a Reagan press conference at which Reagan responded to journalist Sarah McClendon's embarrassing question about sex discrimination by making a joke about whether the press conference was going to get an X-rating. These events exemplify for Ms. O'Cleireacain the Administration's perception of women. Her message was clear: "This President has surrounded himself by white males who do not understand that the times have changed, that jokes about women not being able to make up their minds aren't appropriate anymore. And I think and I sure hope, that this election is going to tell them that the last joke is on them."

Marjory Fields explored the question of how the Reagan policies are affecting women in terms of job opportunities. For law school graduates, public sector freezes have closed off the areas of law traditionally associated with women, namely Government and legal services. Scarcity of job openings has given the large corporations justification to discontinue non-discrimination practices.

Generally poor job opportunities compound with what Ms. Fields calls the myth that women have achieved economic equality to form a barrier to women's economic prospects. A small group of professional women, who Ms. Fields says she once referred to as "the overeducated women," is the source of this myth. They are the daughters and wives of "the liberal men in power, the men who sit on the bench in the courts, and project for these men the image of every woman in the job market. Then, when a judge adjudicates an alimony settlement, he associates the woman before him with 'his daughter the lawyer,' believes her job opportunities are excellent and assigns rehabilitative alimony on a declining scale to prevent her from becoming 'a lazy alimony drone.'" This hinders many women from financing the education they might need to actually improve their job possibilities.

Ms. Fields also spoke about the effect the Reagan Administration is having on the kinds of cases seen at Legal Services. It has become financially unfeasible for attorneys to promote sex discrimination litigation due to changes in the standards for fee recoveries and in the amount of evidence required. Legal Services is also seeing more battered women, women who are "taking the brunt of the frustration of unemployed males."

Ms. Fields' interpretation of the current Administration's economic policy is as bleak as Ms. O'Cleireacain's: "I think the logical extension of the mentality of the Reagan Administration is that they want to go back to the days when we didn't have the right to vote." She also agreed with Ms. O'Cleireacain in her belief that the solution lies at the polls: "If we don't vote, we'll be giving them what they want on a silver platter."

Doing Time In and Out of School

by Leslie Gruenwald

It is an unpredictable experience since each time is different. Sometimes the guard buzzes us in through the locked door immediately, other times we wait. Sometimes we empty our pockets, then go through the metal detector; other times our hands are stamped, we show our identification, and then we empty our belongings. Is it to keep us from learning the security procedures or is it a function of an arbitrary and chaotic organization? These are the questions running through our minds as we wait to visit our clients as participants in Brooklyn Law School's Inmate Legal Counseling Program. Through the clinic our education is expanded beyond the walls of Brooklyn into an all too real area of society.

The lobby of the Metropolitan Correctional Center (M.C.C.), a detention facility mainly for pre-trial detainees, where we visit our clients, resembles a modern office building. Fake brown bricks furnish the wall design instead of iron bars. Black vinyl chairs and paintings by inmates, (one representing a solitary black figure fleeing) serve as decoration. The M.C.C. represents a new phase in prisons; an attempt to have them appear hospitable instead of ominous. Initially, the open areas on each floor were carpeted and the windows had no bars on them. The cells do not have iron bars but doors with windows about the size of a child's head. On our tour through the M.C.C. we peered into the rooms equipped with a toilet, bed, and space enough to walk a few steps in each direction. Inmates are locked in from about nine o'clock at night until the next morning and are dependent upon guards to hear their cries should they need assistance. The M.C.C. stands as a vindication of all the poets who have written that iron bars do not a prison make. The fact of confinement, the fact that once inside the M.C.C. an individual's every movement is controlled, his privacy is banished, and he is at the mercy of his jailers, allows the M.C.C. to effectively accomplish its role as a prison.

Our task of providing legal advice to inmates becomes less difficult as we improved our skills and knowledge of the law. At first, we would emerge from interviewing the clients lacking necessary information. We would know the date of conviction but have forgotten to ask the expected date of parole release. Does the inmate have a detainer lodged against him (this usually means that he is facing additional charges) or a record of disciplinary incidents? Often the clients would be more familiar with the law than we were. Clients ranged from contemnors who were refusing to speak to a grand jury to accused drug dealers to people convicted of more serious crimes facing charges of parole violation. Although we did not assist clients with their criminal charges but only with collateral issues such as parole and civil matters we had the opportunity to speak with and assist the people behind the newspaper headlines which daily warn of the growing crime rate.

Following the initial client interview, we had to determine how to assist the client, do the legal research, draft a letter or pleading if necessary and follow through on the case. Each case produced three versions of a story, the inmate's, the prison administration's, and our own views about the truth. To assist our clients we often had to intervene administratively on their behalf. Sometimes the administration would be cooperative; other

times the administration would not return telephone calls, would deny us prison policy statements and would withhold information for security reasons. In one case the administration transferred all of the M.C.C. parole violators without warning or notice while they were in the process of preparing defenses, many with attorneys, to another institution over seventy miles away. Assisting clients often meant contacting their families, friends, or former employers for information. A former employer who would speak highly of the client when asked about his work performance would suddenly be too busy to write a recommendation when informed that it was needed for a parole revocation hearing. Sometimes the letters from families never arrived perhaps because they did not know how to write them and were wary of becoming involved in a judicial system they did not understand or trust.

Through our client contact it was hard not to notice that our clients were individuals and not stereotyped criminals. Our clients ranged from intelligent to illiterate, from polite to manipulative. Sometimes the individuals accused of the more heinous crimes seemed more polite and honest than the ones charged with minor offenses.

One evening in the M.C.C. attorney-client visiting room, an attorney not with the clinic, after waiting over forty-five minutes to be released from the locked room began banging on the glass windows trying to catch someone's attention. He tried to telephone for help using the one telephone provided in the room and when a guard did answer at last, the attorney began screaming about the corruption present in the M.C.C. Another time two inmates in the visiting room, recently released from solitary confinement cells, discussed whether the experience had calmed them down or made them more agitated. Clients complained of sexual harassment, lack of adequate food, attacks by other inmates among other problems. Tension is all over the M.C.C. People are afraid of each other, afraid of their lack of freedom, afraid of their lack of power. Each time we left the M.C.C. to step back into the cluttered streets of downtown Manhattan the air was fresh and invigorating.

In our weekly seminars for the clinic, besides studying the due process rights of prisoners, parole laws and other relevant topics, we debated among ourselves whether we should be assisting people accused of criminal activity, whether we should assist robbers but not rapists, burglars but not drug dealers? Should we help our clients to be released for technical violations of procedural laws and do we strengthen our constitutional rights by vindicating a procedural right even if the client is obviously guilty?

Clinical education forces law students to apply their skills and begin confronting the question of how they should practice their profession. It takes the logic of the classroom and expands upon it by requiring that students analyze how the law will effect their clients, the judicial system, and society. It offers to students the practical experience of drafting legal documents based on real situations, and allows them to witness the effect of these legal products. Clinical education allows the classroom professor to concentrate on teaching students how to think, reason, and advocate a position instead of spending time on insufficient attempts to offer practical advice or on reciting rules of law to be memorized. We do not need to spend classroom time being told what it is like to practice law; we need to learn how to do it ourselves. Through the experience of applying the law in a clinical setting students cannot help but learn practical rules of law and practical skills, not in a piecemeal fashion as often happens in our legal jobs—but through participating in a case from its inception through its resolution. Perhaps a balance between clinical and classroom education would better prepare law students to competently practice their profession and would provide clients such as inmates and the elderly, who cannot afford private lawyers, more access to the judicial system. Clinical education should be more than an interesting change of pace from routine classroom instruction. It should be an integral part of law school education.



Dial A Date

Listen to recordings of New York's
most interesting Jewish Singles

Men: Call (212) 772-1901
Women: Call (212) 772-1902

Little Hope for Grads in Showbiz

by Warren Shaw

Under the leadership of newly elected president David Kaminsky, the Entertainment, Arts and Sports Law Society commenced its third consecutive year of guest speaker programs with an "in-house" meeting on October 14 featuring Brooklyn Law School's own professor Richard Allan, who spoke on career prospects in the various areas of entertainment law.

Professor Allan began his presentation with the assertion that "there is no such thing as an entertainment attorney." Later, this paradoxical statement was clarified: an entertainment attorney is an attorney with the broad general knowledge of a seasoned lawyer, supplemented by expertise in a specialized area within the entertainment industry. Each area of the industry—sports, music, motion pictures, television, cable, etc.—presents differing opportunities and challenges to the aspiring entertainment lawyer.

Sports is markedly distinct from the other fields of entertainment law: contract negotiation in professional sports primarily involves labor law, in addition to the types of law more typically involved in entertainment, e.g., corporations, federal tax, business organizations, antitrust, domestic relations, estates and wills. Entry into professional sports is accomplished by attaching oneself to potential pro-ballplayers. The likelihood of success is greatly limited by the fact that only a tiny percentage of promising athletes actually become pros. On the other hand, the acquisition of a "stable" of 4 or 5 professional clients is sufficient for quite a lucrative career.

The music business is currently in its deepest recession in modern times, said professor Allan. The slump is illustrated by the Columbia Broadcasting System's recent announcement of the closing of its largest record plant. Record sales are depressed, while piracy is skyrocketing. At present, Professor Allan sadly observed, the most likely positions in the music industry are with Southern or Southern California record companies, where an attorney's duties consist largely of signing young musicians to lengthy recording contracts.

These contracts usually bind the artist exclusively to the record company for a term of years, but do not obligate the record company to release the records it produces. Hence, a typical record company strategy is to pick from among its contracted artists a few candidates for recording and heavy promotional campaigns, and leave the rest in the limbo of unreleased records.

As for motion pictures, there is simply no work in New York. The movie industry is in California; New York firms only handle distribution, cable, and foreign deals. Although the networks—ABC, CBS and NBC—do produce some films, and are based in New York, they too are in recession and hence offer limited prospects in this area.

The television industry is in a more robust state, but professor Allan warned students to avoid jobs in network legal departments. The excitement and opportunities of TV are to be found in the "business affairs" departments—and there are jobs to be had.

The nascent cable industry likewise offers some jobs, but note that cable law as such is a matter of communications law, i.e., FCC

regulations. Most of the interest in cable lies in business and economics, not law, since the highly publicized companies such as HBO and SHO are actually cable *distributors*, not cable station *owners*. Work in these firms is directed to the typical concerns of a growing business.

The publishing business is perhaps in the worst condition of all the components of the entertainment business. However, the structure of the publishing industry is very flexible, and thus permits certain avenues of entry not present in the other branches of the entertainment business. Professor Allan recommended seeking a job indirectly through the networks, or directly with a publishing house itself, in a low-level entry position.

Whatever field interests the would-be entertainment attorney, she must be prepared for an uphill struggle, said Professor Allan. A mere liking for "showbiz" is insufficient. A Juris Doctor degree is next to worthless. Entry into this extremely competitive and closed world is achieved only by those with a unique selling point, a big ego, and the willingness to "make enough noise" to attract the attention of the few firms that comprise the entertainment bar. A unique selling point frequently can be developed by working with promising young actors/athletes/artists, in hopes of latching onto a future star. Without a single, definitive, individual selling point, and without contracts, entry into entertainment law is unattainable.

And even if entry is found, the entertainment lawyer may soon find that he is the "personal slave" of his entertainer client, handling all of his legal problems, from estate planning to tax writeoffs. Ultimately,

the attorney must also act as a combination therapist and confessor to his often befuddled clients.

Professor Allan concluded his rather pessimistic presentation with an admonition that underlying any hope of a career in entertainment law, is the willingness to take risks—especially economic risks. This is an interesting point, inasmuch as one of the attractions of lawyering for many is the *avoidance* of economic risk. The aspirant must ask herself: "What is my field going to be? What do I have to offer? Where are my best chances for a job?" Professor Allan recommended getting the most thorough legal education possible, and working and saving money while planning the "leap of faith" into the entertainment business—which leap will often necessitate moving away from New York.

A question and answer period followed professor Allan's presentation, and raised several issues. Work with young talent is available *pro bono* through organizations such as Volunteer Lawyers For the Arts, and the Kennedy Center in Washington, D.C. Presentations in entertainment law are rare in New York; the Practising Law Institute is the only source, and their programs are usually either uninformative or too specialized to be beneficial to students. For the student with connections, professor Allan suggested summer associate work with the connection, even at no salary. This experience can later be used as a bargaining chip, so that the student can trade off between salary, a step up the ladder, or a share of ultimate profits. On that note, the program concluded.

The Entertainment, Arts, and Sports Law Society is in its third year of existence, and plans to hold four more guest speaker programs this year. It welcomes new members.

RES IPSA LOQUITUR

The Pieper New York State - Multistate Bar Review offers an integrated approach to the New York Bar Exam. We emphasize sophisticated memory techniques, essay writing skills and a concise, organized presentation of the law. You will be prepared and confident.

PIEPER NEW YORK-MULTISTATE BAR REVIEW It Speaks For Itself.

REPRESENTATIVES

Primo Flores (Eve)
William Battista (Eve)
Kate Huffman (Day)
Thaddeus Kwasnik (Day)

1517 Franklin Avenue
Mineola, New York, 11501
(516) 747-4311

Limited Enrollment. Early Registration Discount to Dec. 1, 1982

Fast Food Foibles

By Evan Gordon

"Just say 'The Whopper Beat the Big Mac' and when you buy one Whopper, we'll give you another one free!"

As I walked into the place I didn't really know what I was going to do. I wasn't that hungry to begin with.

I picked the shortest line and ended up standing behind this kid who looked like he was going to have enough trouble getting his chin over the counter, let alone making the right sounds so that the orange and red pumpkin with the beanie on top would know what he wanted to eat. Let alone helping me out. Besides, I have trouble talking to anyone born during the glory days of Jody Powell and Sylvester Stallone.

I had figured it wasn't going to be so easy to give the extra one away for a song, or even the usual jingle, or a crass commercial slogan. But given the relative gravity of the situation, I hadn't given the whole thing a helluva lot of thought. I hadn't even really planned on going to Burger King for dinner, even if it had occurred to me to get out and support my very favorite fast food chain now that they had publically embarrassed the Monster Fryer nationally. Occurred, yes, but planned, no. And now here I was, just Gary Coleman's littler brother and one other guy away from either entering the permanent record as having groveled for an extra fan-chise burger by (in my mind) buckling at the knees, pitching myself headlong into some archetypal American family's TV-set, and breaking that promise I made to myself a long time ago—no product endorsements, or wasting the opportunity to go a dollar-eighty value up on the world.

A woman who had been standing quietly on the next line suddenly turned and bent down to the kid in front of me. "Remember, just say 'The Whopper Beat the Big Mac.' That's all you have to say." She had whispered it, conspiratorially-like, but I had made sure that I had heard. I was getting desperate for advice.

By now it was certainly time to figure out what else to order with, ah, the burger portion of my meal. I decided on fries. I'd bring it all back to the cafeteria, just have water to drink. Yeah, water.

The kid's mama was back. "The Whopper Beat the Big Mac. The Whopper beat the Big Mac. OK?" It must have been too much for the kid even to put his stamp on all this. With an "uhhhuuuhhhhh" and a shove, he got rid of her. Just in time. "Yes, can I help you?"

"The Whopper Beat the Big Mac."

She soon returned with his matching

styrofoam set and smiled at him when he didn't offer any payment in return. I felt some of the pressure lighten on me. When he received a nickel back from his two dollars and complained at the meager return, I jumped at the opportunity to show off my expertise in the ways of the world and explain to him that yes, yes, he had been correctly charged. That was all for that, though. Time now for me to make a decision.

"I'd like (had she asked me yet what I wanted?) a Whopper and a small order of fries."

She punched in the order. A pause.

"Do I get a free Whopper with that?"

"If you say the words," she said, not looking my way. Another pause.

"Can't you say them for me?" I asked her.

Now she was looking at me.

"What, you can't just say the words?"

I smiled at her.

"Forget it, I don't need it."

A casual observer might have taken me for an AA member who had just turned down a free drink, rather than a hamburger eater, who, this time, was able to not say anything, and thereby, say no.

I walked out on Fulton St. and immediately began to look for anyone I knew who I could've made a big joke out of the whole thing with, and who maybe I could have even talked into saying "The Whopper beat the Big Mac" all by himself.

Natural Resources

The Natural Resources Law Society will hold its first meeting on Tuesday, November 9 at 5:00 in the third floor lounge. All students are invited to attend. Refreshments will be served.

The purpose of the BLS Natural Resources Law Society is to interest students in natural resources law, environmental law, and environmental policy. Membership is open to all students. The NRSL space on the student bulletin board and *JUSTINIAN* will provide information and announcements of coming speakers and programs.

You are invited to submit news, graphics, and articles for our newsletter to the NRSL mailbox in the SBA office, or Phil Russell from now until the April deadline. *Natural Resources, No. IV* will be published in May, 1983.

Student Fare

by Joan Gottesman

When I set up my first apartment I was working all day for peanuts and going to school at night. At first I lived on bread, black coffee and eggs, and I'll never forget the el cheapo cookies I bought at the Five and Dime, which tasted mainly of fresh paint from sitting all alone in my kitchen cabinet. When I finally could afford meals, I decided that cooking at home was better than eating out, since I would get more for less. Still, I didn't want to spend hours cooking up intricate recipes, or to be left with a load of stuff to wash, so I developed my kitchen philosophy of cooking lots of hearty food with small expenditures of money, time and effort. If you keep reading this column, I will pass this wisdom on to you.

If you need to get kitchen equipment, you can do exceedingly well with a few versatile items. They should cost less than \$40. Most essential is a cast iron skillet, or for even more uses, the deeper version called a Dutch oven. Either way, it should be 10 inches wide, with a Pyrex lid to fit. Cast iron is best because, no matter what the gourmet chefs tell you, you cannot ruin it. Feel free to scrub it with soap and steel wool. If you've really encrusted it with burnt-on food, hack at the stuff with a knife, screwdriver, hammer. Leave it in the sink for a week so it's coated with rust. Have you destroyed it? No way.

Scrub it clean, re-season it, if necessary, by oiling it and heating it, and it's as good as new. This item can be used on top of the stove for stir-frying, sauteeing, steaming, and stewing. It bakes and roasts inside the oven, and goes under the broiler too. However, you shouldn't use it to store food in the refrigerator, since the iron leaches out, flavoring and coloring the food unpleasantly.

To complete the list, you'll need another pot and a decent knife. Get a knife that can be sharpened, and a sharpening stone or steel. Choose a knife size that feels comfortable in your hand, keeping in mind that you'll be cutting small things like garlic and large things like bread and meat. A good pot to choose is a 2 quart enamel one with lid that you can get for cheap at Woolworth's.

Now that you're fully armed, here is a delicious dinner you can make with your new equipment. It's even better the next day. In this recipe, feel free to vary the amounts of any ingredients, or to substitute chicken or meatballs for the beef.

Meat and Potatoes

1 1/2 lbs. beef brisket, or any cut of beef on sale
4 or 5 potatoes, unpeeled
1/2 lb. stringbeans
1/2 cup water
1/4 cup soy sauce
1/4 tsp. black pepper
1/2 tsp. paprika
1 large onion

Cut the meat into 4 or 5 pieces, so it is easy to turn as you brown it. Heat the skillet, uncovered, over medium heat. Peel and quarter the onion. Put the meat in the skillet, turning it until it is browned. Add the onion and let the meat cook, covered, while you quickly wash and cut the potatoes into 1/4 inch thick slices.

Mix together the water, soy sauce, pepper and paprika. Uncover the meat, spread potatoes over the top of the meat, pour the liquid over all.

Replace the cover. When the liquid starts to simmer, reduce heat to medium low. Let cook about one hour.

Wash and trim stringbeans. Add them to skillet and cover. Continue cooking for about another half hour, or until the meat and potatoes are tender.

As this dinner cooks, check every so often to see if liquid has evaporated. If so, add a little more water. By the time meat is done, the liquid will have thickened and reduced itself somewhat.

A salad is nice with this. For the fixings, you might want to visit the Farmer's Market on Atlantic and DeKalb, across the street from the LIRR Station. It is held every Wednesday until Thanksgiving, and is a great place to get all kinds of fresh fruits and vegetables from local farms at very reasonable prices. Enjoy.

Summer Refunds

by David Howe & Adam Pollack

Several students have expressed confusion about whether they were entitled to refunds of their summer tuition if they had withdrawn before classes began.

On a recent visit to the 9th floor, Dean Kerman was kind enough to remedy the situation.

Tracking the rumor to its source we found that according to the minutes of last year's S.B.A. final meeting (p. 1, n.3) President Bresch told the House of Delegates "That according to Dean Johnson, the amount of money that students paid for their summer school courses (\$160.00) will be credited to the Fall Term."

Such was not the case, and has not been the case, at least for the last three years that Dean Kerman has been at B.L.S. The Dean thought that it was made clear that the \$160.00 was non-refundable. This mix-up was possibly the result of the confusion with the Student Loan Program at the federal level.

Patience may be a virtue but even the virtuous do not always get their refunds.

the Fourth Annual RACE JUDICATA

Sunday, November 14, 1982

5 km run from BLS to Manhattan and back

Prizes and Refreshments

For registration information contact the SBA at 780-7962 or the SBA office.

HAIR STUDIO



HAIR & SKIN CARE SALON
FOR MEN & WOMEN
Personal Touch
with a
Warm Atmosphere
By appointment - 1/2 Flight Up
522-5010
93 COURT ST.

15%

Discount on
all Salon Services

with BLS ID card
and this ad

All Other Sale Prices
Not Included in this Ad

SBA

By Judy Shouse

"A new year, a new SBA," was a phrase used frequently in the first general meeting of the Brooklyn Law School Student Bar Association held Tuesday, September 29. However, discussion of perennial concerns such as budget allocations, committee appointments, summer activities of the Executive Board and old problems which had not been solved dominated the meeting.

Bobby Steinberg, President of the SBA, welcomed the newly elected delegates with the announcement of new responsibilities for each member in order to make a more active, involved and effective student government. Along with the old responsibilities of meeting attendance, party clean-up and transmitting information from the SBA to the student body, the 1982-83 delegates are now required to sit on an SBA Standing Committee. The Standing Committees are Budget and Finance, Constitution and Government Operations, Academic Affairs and Education Policy, Student Activities and Cultural Affairs. They are also required to sit office hours so that they will be available to help in the book co-op and with T-shirt sales. Each of the new duties will enable the delegate to be more aware of the problems and needs of the student community. Office hours are posted on the SBA door on the fourth floor.

A majority of the first SBA meeting dealt with a heated discussion of the proposed budget submitted for operating expenses of the SBA, which includes funding for parties, general office expenses, the Spring Formal, Race Judicata, and the Chamber Music Concert. As many of the delegates are new to the SBA and student government there was considerable confusion as to which "standard" expenditures were necessary and which were optional. In a compromise move by the president, funds for the Spring Formal and the Chamber Music Concert were held in abeyance until a future meeting while funds for Race Judicata, the SBA parties and general operating expenses were passed.

It has been learned from David Breschel, former SBA president and presently sitting with the BLS Board of Trustees, that when the Board passed the 1982-83 budget for the SBA on October 12, funds were earmarked for the Chamber Music Concert. A failure to use these funds for the designated purpose will mean a loss of the funds to the SBA. The funds cannot be spent elsewhere.

In its October 12 meeting, the Board of Trustees approved the proposed budget of \$23,500. At the next regular meeting of the House of Delegates in November, the delegates will vote on appropriations for student organizations. Student organization budget proposals were required to be submitted by October 15 for consideration.

Select committees were also formed at the opening meeting. It was unanimously voted by the delegates to continue the drive begun last year by the SBA to petition for a change in the academic schedule. The proposed schedule would have upper class students beginning class in August and ending fall finals in December prior to Christmas. They would enjoy a two to three week break before the beginning of the spring semester.

Other select committees were set up to formulate the proposal of a Job Fair in the Spring and a committee to propose names for graduation speakers. The idea of a job fair was submitted by Treasurer Mandy Weintraub in an attempt to get corporations and smaller firms exposed to graduating BLS students and vice versa.

Third year delegates were put on the graduation speaker selection committee. The prime concern of the SBA is to get a person of state or national reputation to deliver the graduation address. Disappointment was expressed over last year's selection of Carol Bellamy, New York City Council President, as it was felt she did not have the prestige desired for a graduating law school class.

General business at the meeting concerned

items of information which delegates are required to take back to their schools. The Justinian Vol 1982/ISS5/1. Students should be aware of a school sponsored blood drive coming up (no date has been set yet, please check bulletin boards), the Cabaret Night in November (a talent show put together by BLS students) and SBA parties which are held periodically.

T-shirts and sweat shirts with the BLS insignia are available in the SBA office; as are car decals. For further events or opportunities available through the SBA students are urged to check the SBA section on the lobby bulletin board (on the left as you come in the front door).

Health insurance and personal property, fire and theft insurance are available for BLS students at discount rates through Blue Cross-Blue Shield and the ABA/LSD supported insurance companies. Application forms for both are available outside the SBA office.

Cabaret Night

Music and comedy skits will be performed by our talented BLS students at the fifth annual Cabaret Night, d/b/a Talent Show, on Wednesday, Dec. 1, at 8 P.M. in the third floor lounge. Tickets are \$1.00 in advance, \$2.00 at the door.

Bob Hudson

At the top of this building, the tenth floor, is the boiler room and the office of Bob Hudson. He was a Scot—a merchant marinemanager—and the only Chief Engineer this building has ever had. Bob Hudson died on October 19, 1982.

I cannot tell you how much each of us will miss Bob. His men know: this was his home, we were his family and he cared for us. He kept this building safe, comfortable and spotless in spite of the demands each of us has made on it. And he did it as a quiet, firm, gentle Scottish engineer.

—Dean Johnson

Moot Court

The society is very pleased with the response to the second year competition, particularly with the number of non-eligibles competing. We wish all those competing the best of luck and look forward to welcoming you into the society.

There is an area that students may be overlooking to demonstrate their writing and arguing ability. This is the outside competitions. There are several competitions available to BLS students, ranging from Labor Law to Constitutional Law. Participation in one of these competitions is rewarded with one academic credit and automatic membership in the Honor Society.

In today's tight job market participating in these outside programs can go a long way in distinguishing yourself and your resume from the next person's. It is also a tremendously rewarding experience to know that you are representing the entire school.

There are deadlines for these programs, so please come by the society's third floor office for more information. All are invited to attend the finals of the second year competition on Thursday, November 11 at 4:00 in the Moot Court Room.

Lesbians & Gay Men at BLS

Come to an off-campus gathering to meet one another, exchange ideas and consider organizing

call 777-1800

Since we are everywhere,
we must be here!

THE BLS NATIONAL LAWYERS GUILD PRESENTS
JUDGE BRUCE WRIGHT
Speaking on

**"Media and Political
Attacks on the Judiciary"**

Wednesday, November 14
at 5:00 pm
in the Student Lounge

Friends of the Constitution

by David Howe & Adam Pollack

As most of you must know, the SBA Treasurer formally tendered her resignation on October 6. Let us remind the reader that this Treasurer was popularly chosen in the first round of a hotly contested election. Without dwelling on the relative merits (or lack of merits) raised by the ex-Treasurer and the SBA President we would like to suggest that there is more here at issue than just personal differences. The Treasurer's resignation suggests, but leaves open, questions as to 1) the check writing power (who signs the checks?), 2) the efficient allocation of SBA funds (especially now, when it is incumbent upon the House of Delegates to appropriate student organization budgets), and 3) the scope of each executive office (is the Treasurer merely a bookkeeper or does the office encompass any true budgetary authority? And, if so, can this authority be usurped by the President? Or can the House of Delegates, without a constitutional amendment, take away the Treasurer's

power, or, give its power to authorize a budget to the Standing Budgetary Committee?).

The S.B.A. Constitution provides in article VII, §2B, that "in the event of a vacancy in the (Treasurer's Office)...the House of Delegates shall elect a person to fill the unexpired portion of the pertinent office's term."

We admire the initiative of the Executive Board in calling for nominations from the student body at large to fill the Treasurer's position, but the Executive Board's action points out the passivity of the House of Delegates. Why didn't the House of Delegates call a special meeting pursuant to article V, §5? And why wasn't an investigation conducted by the House of Delegates pursuant to article V, §1f, to probe the allegations raised by the S.B.A. President and those raised by the ex-Treasurer?

Although we question the constitutionality of the Committee on the Constitution & Governmental Affairs (another remnant of the former House of Delegates), it is their responsibility and within their jurisdiction to clarify such constitutional ambiguities. In other words, even though we deny its *de jure* status, we recognize its *de facto* existence. So, what the hell is it doing about this situation?

At a September 28th meeting, the 1982/83 SBA Budget was proposed to the House of Delegates. Without going into detailed analysis of that budget, we would like to air a few particular gripes.

The Budget, amounting to \$15,000, was presented in three parts, two of which were in fact the product of the *Permanent Standing Committee on the Budget*. This committee itself is of questionable constitutionality. The Committee was established by last year's House of Delegates, to function beyond the Delegates' terms of office which ended on May 31, 1982.

A "Special Activities Budget" for \$3,700.00 (approx. 11% of the total budget) was approved. This encompassed \$2,700.00 for 3 (we thought we elected one) ABA/LSD Delegates; \$400.00 for 3 Delegates to the N.Y.S. Bar Assoc./Law Student Division; and \$600.00 for The Center For The Study Of The Presidency (One Fellow). Query: What the hell is going on here?

We believe that there is no justification for last year's Delegates to continue to wield authority over the present student body.

The purpose of the proposed Budget was to have it approved *in toto*, avoiding the traditional debate on each separate allocation. This scheme was only partially successful. To their credit, the Delegates vigorously rejected spending \$2,000 for a semi-formal dinner (perhaps they were holding out for a Formal dinner) and \$600 for a chamber music concert (a loss to serious music lovers).

It seems that last year's House has succeeded in extending influence beyond its elected term. Procedure (the May '82 Budget Committee) has triumphed over authority (our present elected Delegates).

Letters, cont.

Dear Editor,

I am an inmate at the Queensboro Corr. Fac. Since my confinement all my friends have abandoned me and I have no family in which to write to. I am writing to you in hopes that you will print a small article in the students' newspaper asking the students if they would mind corresponding with a lonely inmate: Sex, Religion, Creed, etc. does not matter as my only interest is to correspond. I thank you for your time and consideration.

Very truly yours,
Juan Cordova

Juan Cordova, 77A-1425
47-04 Van Dam St.
L.I.C. New York, 11101

Treasurers Resignation and Reply

October 6th, 1982

Dear SBA Delegate:

As of Wednesday, October 6th, I am submitting my resignation as Treasurer of the SBA. I am taking this action because it has become impossible for me to discharge my duties. I am writing you this letter to explain the reasons for my decision.

I will try to summarize the obstacles I have encountered during the last month as briefly and as accurately as possible.

1. Checks are written on the SBA checking account without my knowledge and, on at least one occasion, without funds sufficient to cover them.
2. When checks are written, the date, to whom the check was made out to and sometimes the amount are frequently not recorded. Coupled with the fact that these checks are written without my knowledge, it is difficult for me to keep track of how much money is in the SBA account, nor am I able to maintain an accurate record-keeping system.
3. I have no copy of the key to my task, which contains SBA checkbooks and financial information. The other board members have copies. I was informed at the last Executive Board meeting that I would have to obtain my copy from last year's treasurer (who has since graduated).
4. At the first House of Delegates meeting in September, an operating budget was presented to the delegates for a final vote. I was never given a copy of this budget. I was not informed that it would be presented to the student government for a vote. One week before this meeting, when I asked the President what the status of the budget was, I was told the Bureau had not yet given it to the Executive Board. After I asked the President why I had not yet received a copy after the meeting, he told me I never asked for it.

October 19, 1982

Ms. Nanda Weintraub
34 Monroe Place, 86D
Brooklyn, New York 11201

Dear Nanda:

I was quite surprised and saddened to receive your letter of October 6, 1982. While I honestly believe that there is no "real or substantive reason" behind your action, I shall honor your wishes, and in accordance with established procedures, accept your resignation as Treasurer of the Student Bar Association with deep regret.

I am truly sorry that you find yourself in a position where you believe that you cannot continue on the S.B.A. Executive Board and the House of Delegates in a cooperative and effective fashion. Each officer and delegate is elected for the sole purpose of serving the best interests of all Brooklyn Law School students. Together with the honor that election to high office brings, comes serious duties and obligations. Positions of responsibility are not designed to satisfy one's personal ambitions or ego, nor a means to effectuate a special interest or group. Given this basis, I feel constrained to set the record straight and disabuse you and your colleagues of the baseless allegations and innuendos which characterize your Oct. 6, 1982 letter to the S.B.A. delegates and others.

Each executive officer of the Student Bar Association, the President, Day and Evening Vice-Presidents, the Secretary and the Treasurer, was elected in May, 1982 pursuant to Article IV, Section II of the S.B.A. Constitution, took office on June 1, 1982. It was the responsibility of each officer-elect to arrange a smooth transition with his or her predecessor during the period between May 5, 1982 and June 1, 1982.

It is my understanding that your predecessor, Richard Petty, offered each candidate for election to the Treasurer's post, a briefing on the duties, responsibilities and standard operating procedures prior to the election. Two of your challengers, Cell Schneider and Winston Mclaughlin, both of whom were given the opportunity; however, you did not. Regardless, after the election it became your personal responsibility to seek out Mr. Petty and arrange for the proper transition of responsibilities. You did not speak to or meet with Mr. Petty prior to the end of classes last spring. I arranged a post-election meeting between you, Mr. Petty and myself to discuss S.B.A. finances. Not only did you not attend, but didn't have the courtesy to call. Additionally you were invited to attend the May 10, 1982 meeting of the Standing Committee on Budget and Finance which considered the 1982-83 proposed budget. Again you failed to participate in the formation of SBA fiscal policy. In fact almost one-quarter of your term in office passed before you even started to inquire into your duties and responsibilities. Throughout the months of June, July and August you did not visit our office, assist in the management of the S.B.A. or even meet or speak with your colleagues on the executive board despite several invitations to do so. In the opinion of some, this action constitutes either misfeasance or malfeasance in office.

Under the present Constitution, the Executive Board is the sole policy and decision making body of the S.B.A. during the summer months. Your unfortunate and inexcusable absence during the formation of my administration has in great measure contributed to your "dissatisfaction".

In spite of your absence, the Executive Board did quietly, effectively and efficiently function. During the summer session, we served the needs of the Student Body by:

- (a) providing coffee & cake to summer session students; (under the leadership of Peggy Motusau)
- (b) preparing the Orientation Handbook (under the direction of Vice-President Gruber);
- (c) participating in Freshman Orientation Activities;
- (d) representing Brooklyn Law School at the ABA/LEO Annual Meeting/Convention;
- (e) running the Summer Party;
- (f) operating the Book Co-op (traditionally a Treasurer's function, ably covered by Secretary Tom Gordon).

These activities, among many, required the expenditure of S.B.A. funds. Fortunately the procedures adopted by the House of Delegates in May, 1982 concerning fiscal disbursements proved to be both necessary and correct. If the system you seek to impose (Treasurer having sole check-writing power) had been in effect, the S.B.A. would have ceased to function. Moreover, the time when such procedures should be discussed and/or established, is the start of a new administration, not almost halfway through its term.

Most of your other "criticisms" of this administration are the direct result of your failure to properly discharge your duties. Specifically, items 1, 3, 4 and 5 of your letter, can be met, if you took office on June 1, 1982, as mandated by the Constitution. In addition, the allegation that money was expended without sufficient funds to cover it is a misleading and dishonest representation. A simple deposit of funds on hand (which you should have made) cured any problem that may have existed.

In regard to the "checkwriting" function, let me remind you of how the S.B.A. Constitution defines our respective offices. Article V, Section 7 provides:

- "b) the President shall take care that the policies of the SBA as formulated by the House of Delegates are implemented, and shall exercise general supervision of the activities of the SBA.
- "c) The Treasurer shall maintain accurate books of account of the funds of the SBA; and shall issue a detailed financial report at the October, February, and May regular meetings."

Furthermore, Article V, Section 1(c) authorizes and empowers the House of Delegates to "specify additional duties" of any member of the Executive Board. This should settle, once and for all, the question of the constitutionality of the May 1982 House of Delegates Resolution concerning the "checkwriting" function.

As President of the S.B.A., like any other Chief Executive of a representative government, it is my solemn obligation to see that the government functions. A broad and all-encompassing definition of the Presidency is both necessary for effective governance and in accordance with our current Constitutional structure.

Lastly, I am deeply troubled and concerned by the adverse impact this unfortunate and ill-conceived incident will have on the students of BLS. This type of behavior only reinforces the views of some members of the Law School community that students are not capable of meaningful self-government and active participation in the decision-making and governance processes for the entire BLS community. How can the students realistically seek a seat on the Board of Trustees or implementation of the schedule change, if student leaders such as yourself descend into the abyss of personal bickering, character assassination and public recriminations. The consequences of such behavior will never improve the quality of life Brooklyn Law School offers its students.

I sincerely hope that you understand the serious consequences of your action. I trust that you can now conclude any further discussion of this event. While our professional relationship as colleagues on the S.B.A. Executive Board has come to a close, I look forward to working with you and all BLS students in the future, in the ongoing effort to preserve and enhance the rights and responsibilities of BLS students and improve the quality of education and life offered to them at Brooklyn Law School.

Nanda Weintraub
President

cc: Members, SBA Executive Board
Representatives, SBA House of Delegates
BLS Publications

Published by BrooklynWorks, 1982

5. Records containing information about last year's budget proposal for the 1982-83 school year are currently in the hands of an SBA delegate, rather than in the hands of the Executive Board.

During the last month, I have repeatedly spoken to the President and the Vice-President about these problems, with no results. Therefore, on Monday, October 4th, the secretary called an Executive Board meeting to discuss the situation.

At that meeting, I requested that the Treasurer be responsible for co-signing every check that is written. (This was the established procedure until the end of last year, when the House of Delegates passed a resolution transferring this power to the President). I asked that this authority be returned to the Treasurer because of my concern over the way SBA funds are being handled. I feel that the only way SBA funds can be properly accounted for is through a procedure which allows the individual responsible for the books to be immediately apprised of how those funds are being disseminated.

My request was rejected. The President stated that such a system would be "inconvenient," that there was no problem with the way the books are being handled and that my concerns were unfounded. When I stated my position that handling funds in this way is a serious matter, Bobby's response was "stop worrying about covering your ass," and that he would take all responsibility for how funds were handled.

Bobby's reasons as to why I never received a copy of the budget were (1) that I was not a member of the SBA last year, and (2) that I was not at school this summer. These reasons do not justify circumventing the Treasurer's office this year, during this term.

At this point Bobby, who had lost his temper soon after we began talking, told me to "quit bitching and do my job," and walked out of the meeting. Although we continued without him, it was apparent that his actions put an end to any further real discussion.

I want to emphasize that I am tendering my resignation only after repeated requests to the President for his co-operation. I also want to stress that the situation which presently exists concerning the SBA funds is a flagrant disregard for the Office of the Treasurer. There are some serious ramifications, which involve more than a single SBA office. When Executive Board members handle SBA funds in this manner, this harms not only the entire student body - to whom these funds belong - but, to me, constitutes a breach of trust to the students they represent. I am sorry that the President and Vice-President do not share my views.

At the end of last year, the powers and responsibilities of the Executive Board were re-structured. I have tried to work under this system, but I am forced to come to the conclusion that it is not working. Indeed, it is not possible for me to hold office.

nor can I carry out my responsibilities, when the other members of the Executive Board have to power to effectively circumvent the Treasurer in decision-making. Therefore, I have submitted my resignation to the President.

Sincerely,

Nanda Weintraub
Nanda K. Weintraub

NEW YORK CROSSOVERS

If a corporation enters into a contract to purchase real property and then brings an action for specific performance, must you discuss the law of corporations, contracts, real property, civil procedure and equity? How do you determine the real thrust of the question? What are the examiners really looking for?

This is a critical issue spotting problem which is endemic to the New York Bar Examination which treats the law as one integrated body of principles or rules.

New York essay questions often integrate several independent areas of law into one complex problem. This method allows the Bar Examiners to test an applicant on a great many of the 30 testable subject areas in only six essay questions.

Very few law students develop these practical issue recognition and analysis techniques during their academic training.

That is why almost 20 hours are devoted to problem integration and analysis during the Marino-Josephson/BRC course. No other course offers enrollees such extensive preparation in handling the New York exam's multisubject essay questions.

CONCERNED ABOUT NEW YORK CPLR?

For those students who want to learn New York CPLR before the summer bar review, the Marino-Josephson/BRC course will present this spring, free to BRC enrollees, a **Forge Ahead** lecture series on New York practice by Professor Arthur R. Miller of Harvard Law School.

Recognized as one of the finest teachers in the nation, Professor Miller combines wit and clarity of expression with total intellectual command of his topics. Co-author of the prestigious treatise Wright and Miller, **Federal Rules**, a widely adopted civil procedure casebook and the **Sum and Substance of Civil Procedure**, he is also a former editor of the Harvard Law Review and a present member of the American Law Institute. In addition, Professor Miller is regularly asked by the Federal Judicial Center to address Judicial Conferences across the nation.



Marino-Josephson/BRC

71 Broadway, 17th Fl., New York, N.Y. 10006
(212) 344-6180 • (212) 344-6181

Little Shop of Horrors

by Deborah Henkin

It's the same old story. Boy meets girl. Boy meets plant. Plant eats girl. Plant eats boy. Plant eats Cleveland. Shakespeare it's not.

Does this sound trite? Yes. Dumb? Extremely. But, *Little Shop of Horrors*, at the Orpheum Theatre, is also a hysterically funny, upbeat musical. *Little Shop* is based on a film of the same name by Roger Corman, producer of such classics as *Swamp Woman*, *It Conquered the World*, *Attack of the Crab Monsters*, and *Teenage Caveman*. The

but klutzy Seymour; and Hy Anzai is perfect as Mushnik, the worn-out proprietor of a failing skid-row flower shop. Franc Luz is totally repulsive as Audrey's sadistic boyfriend, Orin, D.D.S.

The real star of this play, however, is Audrey II, the blood-loving plant who promises to change the characters' bland lives. Played by puppeteer Martin Robinson and Ron Taylor (voice), it moves so smoothly and is so well coordinated that it appears to be alive. Audrey II is a convincing



musical carries the same dreary late 1950's, early 60's atmosphere as these films, with a 60's style "girl group" providing the appropriate accompaniment.

The cast is professional throughout. Many of these faces will be familiar from films and television. Ellen Greene is an exquisitely tacky Audrey, the girl who dreams of someday leaving skid row; Lee Wilkof is the sweet

villain, corrupting the love-sick Seymour and leading him to commit murder for its sake. By the time the truly evil nature of the plant is revealed, it's too late.

While not exactly an intellectual exercise, *Little Shop of Horrors* is a perfect respite from the strain of continual study. And it's a lot of fun.

The World According to Paonita

by Anthony Paonita

Le Beau Mariage, a film by Eric Rohmer.

"It's all over!" she declares, "enough of this Bohemian existence—I'm getting married." Of course, our heroine, Sabine, has no idea of her future spouse's identity, but she is quite determined, and for all we know, she may well succeed. Naturally enough, her family and friends don't know how to react to the new Sabine, and this discomfort and amusement provides the funniest scenes in this low-key French comedy.

We next see Sabine spouting phrases that would have a Moral Majoritarian brimming with pride, such as "Marriage will make me complete," or, "Marriage embodies the perfect economic unit; he works and I run the house." And, lest we forget, "a man won't respect you if you sleep with him before you're married." She eventually sets her sights on a young Parisian lawyer who is acutely embarrassed by her entreaties, and relies on the tools of his trade by managing to be in conference whenever she calls. Sabine, for the most part, is undaunted, as a lawyer is a prime catch, especially one with Flemish tapestries in his office overlooking the Place de la Concorde.

"Le Beau Mariage" offers simple pleasures. Rohmer knows how to convey a character's feelings. You actually FEEL the lawyer's embarrassment. It's filmed in a cinema verite style, without any background music or trick cinematic devices. Sometimes the constant, unrelenting dialogue gets to be too much, and you begin to wonder how a 25-year-old woman could revert to such adolescent behavior. I had a strange reaction—as I left the theater, my first thought was "big deal!" It's been about a week since I've seen it, and I like it better now. Rohmer did a good job in dissecting the images and stereotypes of both men and women and for

to those interested in such things.

So much for movies—some records, through various channels have come my way; what follows is a listener's guide, and a contest, details to follow.

Kid Creole And The Coconuts—Wise Guys—August Darnell, a.k.a. The Kid, starring in another tropical adventure. Previous LPs were more lighthearted, this one seems to have moral cowardice as its theme. In "Stoolpigeon," a small-time hustler turns in his friends to the FBI in return for credit cards and a Thunderbird. Another is the story of a merchant who knows his place and sells the good stuff to the privileged. You can dance to it too... Grade: 93

Gang Of Four—Songs of the Free—All hail the correct line as delineated by the glorious vanguard of the post-punks! Yes, truly revolutionary music must have a strong rhythmic base! A sense of humor is also useful in educating the masses—"I love a Man in Uniform" has been getting some airplay lately. Inspirational Phrase: "I need an order" Reply: "Shoot! Shoot!" Grade: 82

Stacey Ladislaw—"Attack of the Name Game"—The name game meets E.T. and rap. Get down, earthlings, get down! Grade: 87

Marshall Crenshaw—Self-titled, this is pure pop perfection. Every song I've heard by this guy has great hooks, sing-along choruses, wry lyrics. "Someday, Someway" was recommended by Robert Gordon a while back and appears here. Grade: 90

Ethniks—Gravity Works!—New early Blondie/Go Go's-type pop produced by Richard Gotterher, the same producer as Marshall Crenshaw. Maybe Gidget Goes to Rome would be a good description of this romp through 1960's San Remo Festival clichés that are lovingly trashed. My fave is "Someday, Someway" Grade: 88

by Warren Shaw

On Sunday, October 3, the Off-Center Theatre, under the production of Jason Rosen, held its second in a series of programs dubbed "Latin Blasts," which celebrate the unique sound of latin jazz and showcase young players of that style. By means of these shows, Mr. Rosen hopes to provide a "home" for what has often been a fugitive musical idiom.

Latin jazz is an interesting musical amalgam, involving a combination of Afro-Cuban and Brazilian percussion instruments and rhythms with jazz melodic, harmonic and structural devices. Such interaction among the musical styles of blacks in the southern United States, the Caribbean and South America is by no means a new phenomenon. The French colonial heritage shared by these regions helps facilitate a musical dialogue throughout the 19th century in such cities as New Orleans. This dialogue led to the noticeable latin tinge found in some of the earliest jazz music. Restrictions on travel imposed in the late 1800's slowed the pace of musical cross-fertilization, after which jazz continued to develop, the latin tinge slowly diminishing.

Modern latin jazz finds its origins in the experiments of the great Dizzy Gillespie and others in the 1940's. The influx of Cubans, Dominicans, and Puerto Ricans during the 1930's both brought musicians and created a market for latin music in this country. An inevitable run-in with jazz integrated the extremely sophisticated rhythms of latin music with the equally complex melodic/harmonic tradition of jazz. Despite some false starts, this integration led to a period of popularity for latin jazz that lasted until the mid-1950's. Thereafter, latin jazz remained in the shadows, reaching a low ebb in the late 1960's, during the peak of rock music's popularity. However, with the rise of latin influenced pop music in the 1970's—i.e., salsa, disco, and "fusion" music—a new interest in latin jazz has appeared, and a new generation of players is coming up. They participate in what has become a spectrum of latin hybrids, ranging from straight latin music to the faint latin flavor found in disco.

But latin jazz as such remains largely without a forum. Straight latin music may be heard, for instance, Monday nights at the Village Gate, while salsa and latin pop music have large audiences. Latin jazz occupies a peculiar position between idioms, and often finds itself excluded.

Jason Rosen is determined to help redress this situation via the Latin Blasts. Each program includes performances by latin jazz ensembles, and features special guests—established masters of latin jazz. At the October 3 concert, for example, the guest artist was the famed conga drummer Montego Joe. Born in Jamaica, Montego Joe came to the United States in the 1940's, and has since played and recorded with many great artists and stars, including Dizzy Gillespie, Machito, Art Blakey, Rahsaan Roland Kirk, Aretha Franklin, and the Fifth Dimension. He is a very genial man who, like Jason Rosen, is committed to the future of the music. Montego Joe also hosts a

radio show devoted to latin jazz, which may be heard on Wednesday afternoons twice a month on WBAI, 99.5 FM.

There were two bands at the October 3rd program. The first group, Spunk, was a fusion-oriented ensemble with Adam Penenburgh, trumpet; Carl Andriassi, guitar; Howie Wiengrad, piano; Karis Visentin, oboe; Kenny Pollack, bass; and Larry Aberman, drums. The Spunk set was disappointing. Although the individual musicianship was quite good, the performances were largely aimless and incohesive. Sadly, Spunk's drummer played as if in competition with Montego Joe, who unobtrusively sat in with the band. Aberman's inventive rhythms ultimately proved too loud and too constant, and overwhelmed the music.

As if to illustrate the primacy of percussion in latin jazz, whereas the drumming sank Spunk, it distinguished the second group, Conexion, which included Guillermo Cruz, percussion; Grace Zilka, flute and sax; Fernando Diaz, percussion; Randy Johnston, guitar; Frank Kimbrough, piano; Augie Pansini, bass; and Bill Elder, drums. Conexion exhibited a tight rhythmic groove, with excellent interplay among drummer and percussionists. They completed their set with a distinctive arrangement of Mongo Santamaria's *Afro-Blue*. Beginning with a lyrical solo by Kimbrough on Rhodes piano, the subsequent ensemble portions were very well balanced. Fine solos followed from Johnston on guitar and Zilka on saxophone, then the stage was turned over to the percussion section. Note that with the inclusion of Montego Joe, Conexion had four percussionists, yet they never overshadowed the instrumental mix. Diaz soloed first, in a thoughtful and well-organized recitation. Cruz played next, and was noteworthy indeed. Cruz soloed as if he had something to prove, with a diamond sharp tone and adventurous sense of phrasing, executing some very demanding figures on three conga drums. Both Diaz and Cruz are students of Montego Joe, who climaxed the work in a definitive display of mastery of his instrument. With a consistent rhythmic groove that surpassed the other players in both drive and grace, his solo was superbly musical, yet was delivered in a relaxed, nonchalant manner. Montego Joe's solo furnished a standard for his students to emulate.

The October 3rd Latin Blast was an extremely enjoyable event (although it started 45 minutes late). It took place at the Off-Center Theatre, an off-off-Broadway theater that is now featuring music as well as drama. It is located at 436 W 18th St., between 9th and 10th Avenues in Manhattan. They have a mailing list through which they keep interested persons posted of upcoming events.

Latin Jazz has found a home—and a very nice home it is, with a friendly atmosphere and fine music.

P.S. The author wishes to thank Jason Rosen and Montego Joe for their courtesy in granting interviews.

1. See generally, J.S. Roberts, *Black Music of Two Worlds* 223-236 (1974).
2. Ibid.

ABC: Lexicon of Love—English Motown, or something like that. I've been humming "The Look of Love" for days. Somehow, though, it comes off as arch and cold. It's good on headphones. Grade: 80

GODMOMA—Here—James Brown is the Godfather of Soul, so here's Godmoma! Funk in the P-Funkadelic mold, produced by Bootsy Collins. True Quote: "Raise your hands, give up the funk. It's a stick-up for your rump!" Grade: 79

Bellamy Brothers—Country Boy—Routine country fare with the exception of one song, the title of which, "Get into Reggae, Cowboy," I couldn't resist. It's pretty funny. Grade: 75

King Sunny Ade—Juju Music—Pulse and throb West African music from Nigeria. I find it irresistible, even if I can't understand the words. The music is most understand-

able, with long instrumentals and talking drum passages, and call and response singing. Try it—I can't say enough. Grade: 100

Roxy Music—Avalon—This isn't really a new record as it came out late last spring, around finals time. It's THE record for late night romantic interludes and is so, so cool. The Spartan Woman says it's sexy. Grade: 96

Contest!!!! One of the reviews above is of a nonexistent record. That's right; remember, though, that only ONE is a phony. The astute reader who correctly identifies the ringer will receive a FREE ABSOLUTELY FREE!!! copy of *Rock and Roll Babylon*, a new book which shows the, er, seamier side of pop. In the event of multiple correct answers, a winner will be drawn from the drum, federal court-style, under the close supervision of the Editorial Collective.

Shaw Wins Award

It was announced today by Hal David, President of the American Society of Composers, Authors and Publishers that Warren Shaw has won the \$500 First Prize in the Nathan Burkan Memorial Competition at Brooklyn Law School. The winning essay is entitled "Copyrighting Improvised Music."

The Nathan Burkan Memorial Competition is sponsored annually by ASCAP in memory of ASCAP's first General Counsel who died in 1936. The awards, designed to stimulate interest in the field of copyright law, have been traditional at ASCAP since 1938.

Shaw will also be considered for the National Burkan Awards, to take place at a later date. The recipient of these national prizes, selected by a panel of distinguished judges from among the local Burkan prize winners, will be awarded prizes ranging from \$500 to \$3,000.

In 1979, Mr. Shaw received a Bachelor of Arts degree in Anthropology from the State University of New York at Purchase. At Brooklyn Law School, he is a member of the editorial collective of the *Justinian*, and is Vice President and founding member of the Entertainment, Arts, and Sports Law Society. Mr. Shaw has also been the recipient of an Honorable Mention for the best moot court brief (1981).

Essay Prizes

A one hundred dollar prize will be given to the Brooklyn Law student who submits the best legal essay on the topic "Acid Rain Damage: What are the Private Remedies?" The student who writes the winning essay will also be eligible for one of three \$1,000 first prizes given in the national competition on this topic.

Other legal writing contests open to Brooklyn Law School students are:

1. Topic involving federal tax policy.

First prize in national competition is \$500.00. Winning paper may be published in the American Journal of Tax Policy. Mailing deadline November 1, 1982.

2. Topic involving family law. (Not open to first year students).

First prize in national competition is \$500.00. Winning paper may be published in the Family Law Quarterly. Mailing deadline April 15, 1983.

3. Topic on food and drug law.

First prize in national competition is \$1,500.00. Winning paper will be published in the Food Drug Cosmetic Law Journal. Mailing deadline June 24, 1983.

4. Topic involving provision of health care in a Catholic hospital or long-term facility.

First prize in national competition is \$1,000.00. Mailing deadline is March 1, 1983. Winning paper may be published in *Hospital Progress*. Not open to first year students.

5. Topic involving insurance, tort, and compensation law.

First prize in national competition is \$1,000.00. Mailing deadline is April 1, 1983. Winning paper will be published in the *Insurance Counsel Journal*.

Announcements on these and future writing contests will be posted on the bulletin board across from the student lounge. For further information on any legal writing contest, contact Prof. Marilyn R. Walter in Room 803.

Published by Brooklyn Works, 1982

Burnt Out

by Ethan Wolfe

It has been quite some time since the Montague Street Athletic Club and Whelan's Drug Store were destroyed by fire, and the future of the burned-out site at the corner of Montague and Clinton Streets is shrouded in mystery. None of several nearby merchants interviewed admitted to any knowledge as to what would be occupying the lot, and the owners of the St. George Health and Racquet Club on Clark Street also were in the dark regarding the possibility of their competitor re-opening. Another local newspaper, however, recently reported rumors that the downstairs Whelan spot would be converted into either a quad cinema or a job lot trading center. The newspaper also stated that most in the area

doubted that the health club would make a comeback. When asked whether the prolonged period of the site's vacancy signified

that the neighborhood was on the way down, none of the merchants interviewed expressed concern.



Sign up NOW Save \$

Discount ends NOVEMBER 15, 1982

If you plan to take the bar exam in these states, a \$50 non-refundable deposit will secure the following discounts:
MPRE included where required.*

STATE	AMOUNT of DISCOUNT	OFF JULY '83 COURSE PRICE OF	TOTAL DISCOUNTED COURSE PRICE
CT*, DC, FL*, ME, MA*, NH*, NJ*, PA, VT*, VA	\$75	\$550	\$475
RI	\$70	\$495	\$425
NY*	\$150	\$650	\$500

FEB. 1983 bar candidates can call for course schedules.

For further information contact:

SMH
BAR REVIEW

875 Ave. of the Americas / Rm. 1104 / New York, NY 10001 / (212)947-3560; (201)642-4404



**BAR/BRI
Leaves Nothing
To Chance.**

barbri

The Nation's Number One Bar Review.

401 Seventh Ave., Suite 62, N.Y., N.Y. 10001 (212) 594-3696 (201) 623-3363
29 Commonwealth Ave., Boston, Mass. 02116 (617) 437-1171
1214 One East Penn Square Building, Philadelphia, Penn. 19107 (215) 563-4988

© 1982 BAR BRI
First published 1979