

# The Justinian

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## The Justinian

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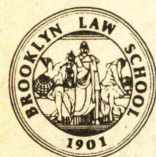
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# Justinian

"...lawyers better remember they are human beings, and a human being who hasn't his periods of doubts and distress and disappointment must be a cabbage, not a human being." —Felix Frankfurter

Vol. XLIII

Wednesday, December 14, 1983

No.5

## SBA Rehashes Grenada Resolution

By Michael S. Schrieber

The Brooklyn Law School Student Bar Association's House of Delegates (SBA) met on Tuesday December 12th. At the meeting delegates discussed the procedure by which they "passed" a resolution condemning the United States' recent invasion of Grenada. In other business the SBA considered proposals to amend its constitution, to charge admission to the next SBA party and to elect representatives to the NYSBA/LSD.

Controversy exploded within the first few minutes of the meeting as Delegate Stuart Diamond made a motion to disapprove the last meeting's minutes. Diamond's objection was that, according to the minutes, the SBA had passed the resolution on Grenada at its last meeting. According to Diamond, a fair reading of the SBA Constitution and Robert's Rules of Order would show that the resolution actually failed to pass by a majority of the SBA.

The SBA Constitution provides that meetings of the SBA are to be governed by Robert's Rules of Order except where they conflict with the Constitution. S.B.A. Const. Art. V, 2(c).

Diamond said that, by Robert's Rules, no measure may be passed except by a majority of members present and voting. He said that the resolution needed at least 13 votes to pass, as 25 delegates voted on the issue. Diamond concluded that since the resolution only received 11 votes it had been defeated.

## Victory Eludes National Team

By Steven Eisenstadt

Brooklyn Law School's National Moot Court Team participated in the annual American Bar Association sponsored competition on Tuesday night, November 29, at the New York City Bar Association Building in Manhattan. In the first round of the competition, team members Andrew Schwartz and Judy Feinberg argued on brief against St. John's Law School. Mr. Schwartz argued that there had been no violation of the RICO Statute and Ms. Feinberg argued the issue involving Federal Securities Laws. Though many in the audience felt that Brooklyn had won the round, the three judge panel voted for St. Johns in what they described as "an extremely close decision."

Later that evening Brooklyn argued off brief against Fordham Law School. Fordham won this round, their second win of the day. The comments of the judges seemed to indicate that it was Fordham's brief which pushed them over the top while Brooklyn took the orals.

Among the other teams competing were N.Y.U. which defeated St. Johns in the evening round, Hofstra, Pace, New York Law, Seton Hall and Rutgers Newark and Camden. The overall winner of the competition was N.Y.U. which, along with second place Hofstra, will advance to the national finals to be held in New York in February.

Other delegates were not readily convinced by Diamond's reasoning. Delegate Connie Spirio pointed out that the SBA Constitution provides a different mechanism for passing resolutions. Once a quorum exists a measure is passed by an affirmative vote of the members present. *Id.* at sec. 4. Debate then raged over the definition of "affirmative vote."

Diamond said that by his reading, "affirmative vote" has the same requirements as in Robert's Rules. President Mary Malet said that such an interpretation would effectively make "no" votes out of abstentions.

Several delegates suggested that Diamond was only raising the issue because he refused to accept the defeat at the last meeting. In response, Diamond said, "I don't appreciate acrimonious words. I never hurl invectives" and certain delegates should not be hurling them either.

The SBA was unable to resolve the issue raised by Diamond and effectively tabled it by passing the minutes "as is" subject to resolution of the question at a later meeting. The debate lasted 40 minutes.

Throughout the debate on Diamond's motion, and a later motion to amend the constitution, delegates shouted out of turn, refused to listen to each other, and seemed to pay no attention to basic rules of procedure. The chaos was reflected by such comments as Malet's "This is like Monty Python" and Treasurer Lisa Heide Gordon's "right now we're a comedy of errors." Delegate Judy Fensterman referred to the meeting as "anarchy."

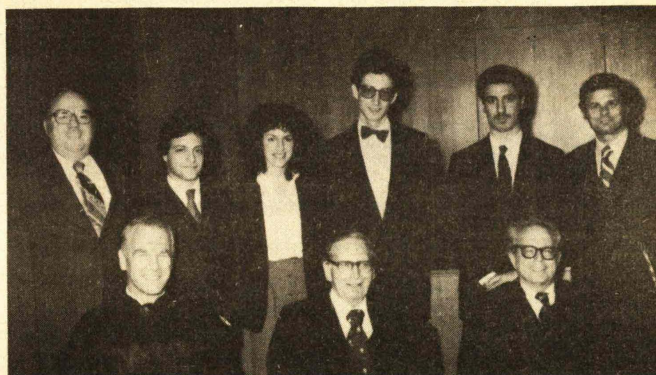
First year Representative Oren Weisberg condemned the SBA for failing to act like "lawyers." "We should try to keep our perspective," she said. After the meeting Weisberg tempered her remarks by saying, "My feeling is, from what I've heard, that this SBA is much better than last year's." Nevertheless, the SBA seemed to be as divided as it was under Bobby Steinberg's direction.

Two problems were consistently cited by members for the conflict at the meeting. One was the SBA constitution, which is ambiguously drafted. The other was a combination of the SBA's lack of a parliamentarian, together with a lack of knowledge concerning rules of procedure on the part of the delegates. Gordon suggested that the SBA should purchase paperback copies of Robert's Rules to distribute to delegates.

The SBA also discussed how to amend its constitution to establish a first-year part-time day representative. According to Article IX, an amendment must be passed at two consecutive SBA meetings, and the student body must have been notified that the proposal is to be discussed. Once approved by the SBA, it needs to be ratified by the student body at the May elections. SBA Const. Art. IX.

There was some debate as to whether the constitution actually requires such a complicated procedure. The issue was settled when Diamond announced that he and Vice-President Mitch Greebel had agreed on the interpretation. The SBA agreed that the proposal would be voted on at its February meeting.

## National Team Selected



Standing: Dean Trager, David Wilde, Liz Orfan, Richie Goldstein, Pat Conti, and faculty advisor Prof. Holzer. Seated: Judge Pratt, Dean Prince, and Judge Kupferman.

By Bridget Asaro

Final rounds of the Moot Court Honor Society's intramural competition were held on Monday, November 21, 1983 in the Moot Court Room. The National Team consists of Pat Conti, Richie Goldstein and Elizabeth Orfan. David Wilde was chosen as the Alternate. Pat Conti received the award for best oralist in the final round.

Eight contestants were chosen to compete for the National Team, after having argued two previous rounds. Other finalists included Neil Berger, Joseph Pickard, David Silva and Richard Speirs.

The judges for this round were Judge T. Kupferman, Chief Judge of the Appellate Division, 1st Department, Judge G. Pratt, 2nd Circuit Court of Appeals, and Dean Jerome Prince. Judge Kupferman said that the arguments "compared favorably to arguments of the 1st Department, and probably of the 2nd Department." All of the judges were impressed by the quality of the arguments. Judge Pratt, who noted that the

spread in his scoring of the eight contestants was less than six points on a scale of one to 50, said that the most difficult aspect in deciding who would be chosen for the National Team was "picking out miniscule differences between contestants."

The arguments focused on whether the government can withhold federal financial aid from a student who refused to register for the draft. The certified questions presented concerned whether the Solomon Amendment to the Military Selective Service Act, 50 U.S.C. 462, constituted a bill of attainder by legislatively inflicting punishment on non-registrants in making them ineligible for financial assistance, and whether the Amendment, in forcing persons applying for financial assistance to file a statement of compliance with the Amendment, constituted compulsory self-incrimination thereby violating the Fifth Amendment.

After the arguments, the finalists and their guests attended an awards dinner at Gage & Tollner.

## BLS Plans Ahead

By Rita Gerson

Professor Margaret Berger, newly-appointed Director of Long Range Planning, announced to the *Justinian* that plans are underway to design new clinical and empirical research programs at Brooklyn Law School. In determining the type of programs that will best suit students at the law school, Professor Berger will be mailing out questionnaires to all BLS students in an effort to discover how many students are working, what motivates students to work, and whether prestigious clinical offerings could draw students away from paying jobs into the clinical program. Berger stressed that the questions were for research purposes only and that the Long Range Planning Committee was not trying to "crack down" on students who had jobs. If financial considerations are an important factor in students' choice to work rather than participate in the clinical program, Berger said that BLS might try to secure funding to enable students to participate in clinical and empirical research programs by providing stipends.

One of the projects which the Committee is exploring concerns how courts work which, Berger noted, would tie into the job market through the new and expanding field of court management. The empirical studies would also include statistical and computer analysis. Berger said that the administration is working very closely with Polytechnic to design a computer course for the law school. Professor Michael Gerber has been Brooklyn's liaison with the Polytechnic people, and Gerber is the custodian of Brooklyn Law School's first computer, a small Texas Instrument which is kept in his office.

In departure from past practice, the Long Range Planning Committee is considering implementing a clinic on discovery techniques and advanced civil procedure. As well, it is considering placing students with private firms rather than governmental or nonprofit agencies. Berger noted that the ultimate plan would be dependent on the needs, desires, and interests of the students, which is why the Committee is hoping that a large percentage of the student body will complete the questionnaires.



# Justinian

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## LETTERS

The letter was addressed to Dean Trager  
with a copy sent to the Justinian.

Dear Dean Trager:

I read with interest the article in the November 21, 1983 *Justinian* concerning the Merit Scholarship proposal.

While I agree with a program to enhance the image of Brooklyn Law School by attracting the best students to the school, since such a program will be of benefit to me, I cannot understand why this proposal will create anything but dissension and mistrust, not to mention more cutting out of cases in the library. I do not believe it is necessary to bribe students for them to attend. I do not believe that any student who can afford to go to another law school will be attracted merely because the tuition is lower.

By making these funds available without regard to need, funds which would otherwise be available to some lower ranked, albeit poorer, deserving students will not be available.

Purely academic ranking may not be the best or only indicator of potential success in life. There are many other qualities which will lead to success, whether it is in law or any other profession. That a rote ranking based on scholarship alone should be used to decide whether someone will be able to attend a law school because of cost by obtaining a necessary scholarship is absolutely unreasonable.

### To the Collective:

At its November meeting, the Student Bar Association adopted a resolution condemning the United States invasion of Grenada and calling for the immediate withdrawal of all U.S. Forces. The S.B.A.'s resolution was not an isolated act, but part of the worldwide outrage which burst forth in reaction to the invasion. Protests flooded Washington from throughout the world, and in the United Nations, over 100 countries, of all political persuasions, condemned the U.S. action as a violation of international law. Only nine countries voted against the U.N. resolution. Many of the closest allies of the U.S. refused to support the U.S. position, leaving the Reagan Administration totally isolated from the world community.

Yet in a recent letter to the *Justinian* (Nov. 21, 1983), Stuart Diamond, an S.B.A. delegate, complained about the invasion of Grenada was "for our purposes, a

non-issue." If I understand this correctly, Mr. Diamond seems to be saying this: A major development in the world which virtually everyone in the world has taken some position on is, for Brooklyn Law School students and their representatives, a "non-issue." Perhaps he feels the S.B.A. should confine itself solely to running school parties and ignore what's happening in the rest of the world. Since when have we, as law students, been condemned to an oath of silence on the most vital issues of our day?

This much aside, however, Mr. Diamond goes on to condemn the S.B.A. action as one based on ignorance and, as he put it, on "arcane" provisions of international law. As Mr. Diamond was aware, the resolution quoted from such documents as the United Nations Charter. If law students are unable to decipher the mysteries of a sentence which prohibits "the threat or use of force" against another state, then why do we tax laws? Why bother to study law? Are we

Sincerely,  
Sidney L. Meyer  
Class of 1978

also to label the U.S. Constitution as arcane and thereafter refrain from exercising our First Amendment rights?

Mr. Diamond's characterization of the S.B.A. vote as the product of ignorance is even more questionable because he states this without presenting any "informed" legal view which supports the invasion. At the S.B.A. meeting, Mr. Diamond was the only S.B.A. delegate to argue that the legality of the invasion of Grenada was subject to debate. He repeated this claim in his letter to the *Justinian*. However, he has not engaged in the debate by giving us any legal justification for the U.S. action. If it is so debatable, then, for God's sake, debate it! Rather than debating the merits of the U.S. invasion and the S.B.A. resolution, however, Mr. Diamond instead attempted to cast a dark shadow on the majority of

## EDITORIALS

### Demystifying Exams

Of the three to four years we spend in law school, roughly 100 hours determine our future. Although total examination time is but a small fraction of the legal studies experience, test scores measure us, label us, and channel our career choices.

First-year students will soon be given the opportunity to wonder why they spent so much time memorizing names and details of cases. Classroom emphasis on such specifics creates an expectation that exams will deal with the subject matter in kind. But by mid-January, 1L's will begin to understand how some upperclass students can get through some courses without owning a casebook. However, the validity of the case method is a discussion best reserved for a larger space than this.

Instead, we urge the administration to consider an exams program which serves two purposes: (1) to better prepare first-year students for exams through practice tests and in-class review, and (2) to provide all students with the opportunity to review their own exams and to read model answers provided by professors.

The teaching staff will undoubtedly balk at proposals which require extra working hours to write practice tests, prepare model answers to actual exams, and meet with students. And what professor would willingly submit his/her judgement to second-guessing by students?

We applaud those professors who have made it part of their pedagogical routine to prepare their students with practice tests and devote their own time to reviewing final exams, but they are a rare breed.

There seems to be a rule of apocryphal origin at BLS that students with a grade over 75 have no reservation of right to see their exams. Years of schooling have taught us that we review tests to learn from our mistakes. What purpose is served, for instance, in knowing that I understand 76 percent of a subject when I can't find out which 24 percent I don't understand?

For those students who have been granted leave to review their exams under the scrutiny of the professor in his/her office, the experience is much like a one-sided poker game. Holding the answer booklet close to the vest, as if afraid to tip the hand, the professor tries to summarize for the student what is written in the booklet and explain why the answer falls short of perfect. That process seems to be less efficient than allowing students to handle their own papers and compare them with model answers.

If the professors fear alteration of answers while booklets are in the possession of students, the *Justinian* would be delighted to suggest several simple ways to guarantee the integrity of papers.

Logistical problems aside, the benefit to be served by a structure which better prepares students for exams and helps individuals to analyze their weaknesses and strengths far outweighs any burdens upon the academic machinery. Might not professors be more diligent in constructing tests and ensuring fairness in grading knowing that exams are subject to review?

Demystifying the arcana of law school exams and grading can only lead to improved performance and better understanding of the material.

## 1984

In 1949, George Orwell introduced the world of Winston Smith and Big Brother. An extensive literature has developed around the prophecies of 1984. In the past few months a plethora of magazine articles, essays and books has been published, alternately praising Orwell as a prophet or denouncing him as a cynic.

This debate is valuable because of its central focus which is the role of the individual in society, and the corresponding rights and duties of each. We will however leave such inquiries to the philosophers and social scientists who are currently addressing them, so that we may address a slightly less weighty topic.

1984 has become, for an entire generation, a vivid metaphor not simply for totalitarianism, but for any governmental intrusion into the private lives of individuals. The phrases "Big Brother is watching" and "1984 is coming" have insinuated themselves into most vocabularies, yet in just over a year they will have become obsolete.

1984 is a powerful symbol today. But in 1985, or '86 or '94 its evocative force will have diminished. By using a date to signify slavery at our front doorstep, we have allowed the simple passage of time to sweep it into the backyard.

With 1984 upon us, and 1985 not far away, nothing has appeared on the horizon to fill the void which will soon be left in our symbolic vocabulary. All of which leaves us to ask, after 1984, what comes next?

delegates who supported the resolution, by accusing them of having "purely political" motivations. This none-too-subtle accusation that S.B.A. delegates who voted to brand the invasion as illegal had some sort of hidden—and sinister—agenda brings back memories of a period in our country's history which, one would hope, we would not be anxious to repeat. For if people and their elected representatives cannot exercise their constitutional rights without being accused of ulterior motives, then we have opened the door to the witchhunters who crusade under the false claim of "exposing" the "true colors" of all who disagree with them.

This brings us to the heart of the matter. While claiming to object to the S.B.A. vote on procedural grounds—our lack of standing to cast a dark shadow on the majority of

delegates who supported the resolution, by accusing them of having "purely political" motivations. This none-too-subtle accusation that S.B.A. delegates who voted to brand the invasion as illegal had some sort of hidden—and sinister—agenda brings back memories of a period in our country's history which, one would hope, we would not be anxious to repeat. For if people and their elected representatives cannot exercise their constitutional rights without being accused of ulterior motives, then we have opened the door to the witchhunters who crusade under the false claim of "exposing" the "true colors" of all who disagree with them.

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# FILM FILM FILM FILM FILM FILM

## 'Terms of Endearment': Filmic Infidelity

By Evan Gordon

Since family and labor circumstances had dictated that the most sensible place for me to spend 1983's one Thanksgiving Eve was on an empty Trailway's bus bound for Boston, I figured what better way to make-up for cranberry sauce and drumsticks not shared than to go see our nation's current "Best Movie of the Year" taut, *Terms of Endearment*, during the vacation and possibly play friendly Indian to some latter day New England Pilgrims, rubbing elbows, sharing yuks, and eating (pop)corn as we watch the screen together, side-by-side in a darkened theater.

*Terms of Endearment*, taking place in suburban Texas, Iowa and briefly New York, did give me a sort of national experience, but not the one I was looking for.

The damn thing was written, directed and produced by a guy who has convinced the people who put up the credits to call him James L. Brooks, but I have seen him referred to as Jim in print by someone who's apparently seen his flesh. I didn't see much evidence of his flesh when I watched his movie. James L. Brooks is also known in circles for having written and being largely or largely in part (Yo Research, get on it!) responsible for the TV shows *Mary Tyler Moore* and *Taxi* and the Burt Reynolds without-a-stunt-man-movie *Starting Over*. Forget the movie, this man is TV, good TV if you have to, but TV, and TV is as highly a marketed, commercially geared, calculated a product as you can, in this country of the computer-differentiated Cabbage Patch doll, come across.

The center of this movie is Shirley MacLaine, and you can map out all the problems I have with the whole thing from there. I haven't seen any of Ms. MacLaine's early (the critics say) great work, and that's not supposed to matter anyway, the popular school of thought, I believe says, you judge the work for itself and leave past performances and talk show appearances outside. Shirley's first big moment comes when her daughter, played by Debra Winger, announces at a dinner party to the Shirley character, named, with great care and consideration, Aurora, and two of widow Aurora's lifelong suitors et al, that she and husband Flap (is there a Cabbage Patch doll named Flap?) are going to have a baby. The camera comes in close on Aurora's blood-draining, attracting-attention-like-a-black-hole face, and stays there as the years of your youth, your life, and then eternity are sucked away before your eyes.

"Why," she starts slowly, "should I—" and then rapid fire with her voice and body rising toward the ceiling "Be-Happy-To-Be-A-Grandmother!?"

That's acting, folks, that's such acting that from then on (not that I'd forgotten those elbows on either side of me) I was just watching a movie projected on a white flat screen and any emotional reaction I was going to have was going to be mine to the fucker, and not mine with it, and I swore to myself right then and there, I'm gonna get even somehow.

As the most asinine professor in the school once told me, you can't have your cake and eat it too. I never understood that little saying and was about to ask him what else then would someone want to do with a cake but I was in enough trouble already and was afraid he just might catch the drift. Well, what I think is true here, with the movie I mean, is that you can't have, or should have, your cake and eat it too, and your ice-cream, additionally. In my eyes,

James L. Brooks made a movie designed to cash in on the habits of the exceptional number of our national pedestrians who walk very slowly behind those long lines, for instance in this City Manhattan past a Pretty Skating Rink and a Big Tree, up and over to the Big Store Blooming', and then, still shuffling one step after the other after the other, go in to see a movie during the Holiday Spending Spree-son, just across the street.

We've got Shirley MacLaine, the composite thinking must have gone, everyone over thirty has money to burn now and must have at least seen *Irma La Douce* or *The Apartment*—Jack Lemmon is busy, right?—or knows that Shirley MacLaine is hot, Christ she had a book out and has been on enough talk shows lately and if they don't go to see her and think they liked her what will they say to their friends when they say they did and do Hah! Then we'll get great!-Debra Winger to play her daughter I love it two big movies in three years, she even acts crazy like Shirley if you tell her to someone told me, yeah I'm sure. She loves the camera, the camera loves her She'll play her daughter! Family! The holidays! Ooooh Ooooh Ooooh!

John Lithgow? John Lithgow. Academy Award nominee John Lithgow, the big fairy. It'll have to be a small part, what are you making me do here, a Heaven's Gate? Small part. Something for Danny De Vito? He'll do it for nothing Fine. TV, people know him. What'll it be about? Don't worry.

You want Jack Nicholson? What? We need him? I don't care small part! The trouble? What? All right, but I don't understand it. If you say so. We could have had it easy. What'll it be about? What'll it be about.

Don't worry.

*Terms of Endearment* is mostly about a mother and daughter who don't get along so great but talk on the phone a lot anyway, and the daughter and her husband who fools around on the side while she gets pregnant a lot and walks funny like Shirley MacLaine probably did twenty-five years ago and has babies and then she has an affair too. But then she goes to the doctor and I swear I think the doctor must have injected her with cancer because nobody can get cancer that suddenly out of the blue (especially not in a movie, anyway) and then it ends about an hour later.

*Terms of Endearment* is about a scene where Winger, trying to carry on a pre-adulterous conversation with Lithgow in a supermarket parking lot, yells at her oldest kid "GET IN THE CAR," "GET IN THE CAR," "GET IN THE CAR," "GET IN THE CAR," "GET IN THE CAR," like Dracula commanding "Back, back" except louder. After a pause of a few comedic beats, Lithgow turns to her and says "I really admire you quite a

## Streisand's 'Yentl': Nothing Monumental

By Steven Eisenstein

I went to see "Yentl" with certain misgivings. I could not imagine Barbara Streisand as a teenage girl, nor could I envision her as the young boy she was to masquerade as. I was also dismayed at the prospect of a serious Isaac Bashevis Singer story set to music. Unfortunately, the movie realized the worst of my fears.

"Yentl" is the story of a young girl in the Eastern Europe of 1904, a girl whose overriding ambition in life is to study Talmud. Since the Talmud is forbidden to women who are limited to novels and picture books, Ms. Streisand decides to assume the guise of a man and attempt to enter a Yeshiva. Her plans are complicated, however, when Yentl, now known as Anshel, falls in love with her study partner, played by an uncomfortable looking Mandy Patinkin.

The problem is that Streisand is never, for one second, believable as a man. She simply looks like Streisand with short hair. Where Dustin Hoffman was convincing as a woman in "Tootsie," Streisand is nothing more than Fanny Brice gone transvestite. The songs do not help to dispel the image. Incongruous at best, they are at times downright annoying. The grand finale is so reminiscent of "Don't Rain On My Parade" as to suggest the possibility of a copyright infringement suit. The major problem with the songs though is that, writing this review the day after seeing the movie, I cannot clearly recall a single one of them.

The acting, on the whole, is nondescript. Streisand overacts so badly that, were she

not an established star, she would probably have trouble getting another role. Partinkin changes moods as casually as a basketball player changes his socks, though with considerably less motivation. Amy Irving as Patinkin's fiancée is pleasant to look at but little else, while Nehemiah Persoff as Streisand's father is almost nonexistent.

"Yentl," directed, produced, written by and starring Barbara Streisand, is recommended for diehard Streisand fans only. As for the rest of you, stay home and watch "Funny Girl!" on television.



Mandy Patinkin and Barbara Streisand in "Yentl." (Photo courtesy of MGM/UA)

bit. And you're so good with your kids." And cut.

*Terms of Endearment* is about a scene in which Aurora and Nicholson, playing the ex-astronaut next door, take a ride on the beach in Nicholson's corvette convertible, Aurora footing the brake and gas and Nicholson, halfway through the roof, steering the car along the surf with his toes. Somehow, don't ask me, the car eventually gets out of control at high speed and much more suddenly comes to a halt, Nicholson ending up twenty yards yonder Splash, Aurora you go get wet too.

Best movie of the year right. Most appreciated performance by an actor going completely against the grain of a ridiculous, otherwise totally wrong-headed bit of a film strip. Thank you Lord, yes.

Baby, you can't have it both ways. You can't fill up most of the movie with stick figure characters written so thinly, acted so effort-ly and pushed from scene to dislocated scene in a way that they never become more real than maybe the neighbors who lived down the block who saw you only here and there each year, heard the occasional odd rumour about, and then they

moved and then they were gone, I mean base the whole movie on them when they never even begin to make any living sense, and then throw in Jack Nicholson.

Nicholson, let's make that Jack, potbellied and retired from everything at first except lechery and a few three-stroke backyard pool laps a day, is the only human being around here. A little way but far enough to see the music into the action, padding around in swimming trunks and open shirt, he caused, I suppose, a collective nervous gasp to rise from the crowd as he pulled the open shirt back and revealed his glory. Flesh, and a big belly hunk of it. John Glenn, move over, a bigger man deserves it a lot more.

Jack Nicholson's character is the only one that moves ahead, that learns or changes in the film. Some will argue that Aurora, a confirmed male resister for all her years of widowhood, does so by deciding to, take up with Jack, but forget that her decision and then as a couple make no sense, you can't breathe new life into what never has breathed before. There is a Cabbage Patch doll named Aurora? Let me

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## BACK-ROW BOB

Longbow Matsos





## NYSBA / LSD Meets

(The following is a report by the Brooklyn Law School representative to the New York State Bar Association's Law Student Division, Christine J. Kicinski.)

On Friday, November 18, 1983, a meeting of the Executive Committee of the NYSBA/LSD was held at the Harvard Club in New York City. Present from Brooklyn Law School were Christine J. Kicinski, BLS representative to the NYSBA/LSD, James Bertini, Chairperson of the LSD, Michael Carlucci, Treasurer, and Phil Russell, ABA/LSD representative. Other law schools that were represented were: NYU, Fordham, New York Law, Albany, Hofstra, Cardozo, Touro, St. John's and CUNY.

The meeting began with a welcome by Kevin Plunkett, Chairperson-elect of the young Lawyers Section of the NYSBA, who stressed that young lawyers are the largest and most influential group in the Bar and a group that law students would soon belong to. Mr. Plunkett asked for the active participation of the law students and for their ideas, questions and concerns regarding the activities and issues pertinent to the organization. He also urged all those present to attend both the LSD and YLS executive committee meetings that will be held at the Bar Center in Albany on January 20th.

After the minutes of the August 12th meeting were approved, the Vice-Chairperson made her report on the John P. Hederman Writing Competition. (See separate article in this issue for details.)

Mr. Carlucci then reported on the progress of the Elderly Law Handbook, a project he has been working on. Volunteers are still needed to write sections of the handbook on age discrimination, consumer law and pension law. The Handbook, which is being prepared in outline form, includes substantive areas of the law that pertain particularly to the elderly.

Next the revision of the NYSBA/LSD membership application was discussed. Additionally, other membership issues arose, i.e., the fact that no mention is made of the Young Lawyers Section on the application and the possibility of changing membership from calendar year to academic year.

The next item on the agenda was the report to the ABA. Mr. Russell provided the Committee with information about membership procedures in the ABA/LSD and then reported on the ABA's Fall Conference in Atlantic City. Among other items he mentioned were the VITA—volunteer income tax assistance—Program and the requirement that students participating in the National Appellate Advocacy Competition be ABA/LSD members in good standing.

Following Mr. Russell's presentation the By-laws of the NYSBA/LSD were approved. One of the provisions states that the representatives of each law school will be selected by a method to be determined at each law school. (The method of selection will be discussed at the next BLS SBA meeting on December 6th.)

The Committee next heard from Ms. Kicinski who reported on the executive committee meeting of the Young Lawyers Section that was held in Warrensburg, NY in October. The following items were included in her report: (1) The committee has targeted a Spring distribution in the Elderly Law Handbook and would like to call on the various law schools for assistance in its distribution; (2) The Supreme Court Admissions Program will be sponsored by the YLS again next Fall, probably in October, in Washington D.C.; (3) A number of questions were raised about the temporary employment referral program (designed to aid both law students in the metropolitan area in obtaining part-time legal employment). Brooklyn Law School is in a "crunch" and could use the

assistance of law students for research, writing, etc.); (4) The YLS publishes a newsletter, "Perspectives," which every LSD member also receives. The committee would welcome contributions to the newsletter from members of the LSD; and (5) In conjunction with its annual meeting program the YLS is planning its first annual 3 km., 5 km., 10 km run on the morning of Friday, April 27th in Central Park. Although not all of the details have been finalized, it will be open to lawyers, spouses and law students.

Mr. Carlucci then brought up the topic of specialization. The representative from each law school is to contact a member of the Specialization Committee of the NYSBA. The Committee is interested in presenting its proposal on specialization to students at all the law schools in the state so that students may express their concerns and ideas. (A member of the Committee spoke at BLS in the Legal Profession classes in November.) Mr. Carlucci urged that all the representatives who had not done so contact Judge White to set up a date and time for a presentation.

Finally, a questionnaire on retention programs was disseminated to the law school representatives. The responses will be compiled and reported on at the next meeting. The LSD would like to have an overview of what the law schools around the state are doing in the area of student retention.

The next meeting of the Law Student Division will be held on January 20th at the Bar Center in Albany.

★ ★ ★

## Terms of Endearment

Continued from page 3

see that software.

Jack treats her good, as good as he can ('You love me? How am I gonna react to that? I guess I'll react the way I always do. I love you too.') He voluntarily drops by to say hello when Winger returns to the family home during a break-up with Flap, although it wasn't expected of him. After the love affair has run out, he comes to Aurora and tells her to her face, with a grace and balance that belie his swollen belly, and concern. He even flies to Iowa to comfort an Aurora in need, again unexpectedly, long after the break-up.

So the same person who set and sprung this middle-class *Terms of Endearment* come get warm with us cause don't you think it's getting a little cold outside trap is the same person or people ultimately responsible for Jack Nicholson's character, which blows the whole rest of the movie and all the other characters right out of the water. No both ways. And there's certainly no way that I'm going to say Jack Nicholson makes this a good or admirable movie (Jack, could you move over a little bit? A little more? No, don't look at them, look this way) and let them have any of my fucking ice-cream. All the critics, with for some reason the exception of Gene Shallit, have already given their's over in Jim Dandys, and honey, you know those guys have already taken the cake.

What about my delayed Thanksgiving celebration with the Boston Viewers, a few

of you might be wondering? The line in the film that got the most laughs and the biggest reaction (the most elbows poking the ribs of the person beside, the most shared response) came in the scene inside the supermarket between Winger and Lithgow, just before the one in the parking lot with her kid. Winger, a little distraught, doesn't have enough money to pay for all the items that have already been rung up, and is very unsystematically, with the aid of her kids adding and subtracting items before an impatient minimum wage check-out girl. Lithgow, taking Winger's side, tells the girl that she must have some patience, and admonishes her "You must be from New York."

Yeah, they lost it. Me too.

## Alumni Luncheon

On Sunday afternoon, December 8, 1983, the Brooklyn Law School Alumni Association held its annual luncheon which this year honored Board member Judge Moses Weinstein. It was also announced that a new scholarship fund had been started, and that the Alumni Association had presented the law school with \$150,000.

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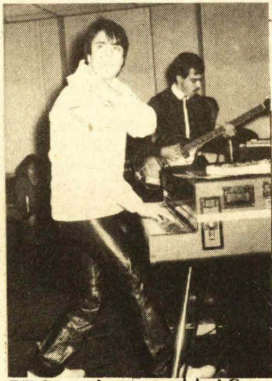
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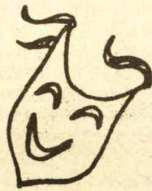


# CABARET NIGHT

et al.: The Justinian



Bill Coury plays an original Coury composition.



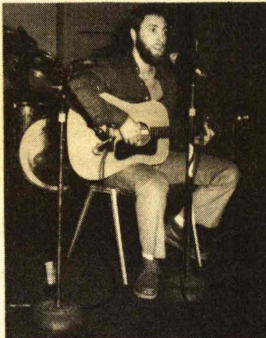
Kinnet McSweeney belts out Porter/Gershwin medley.



Jonathan Glass, Sandra Murphy and Alex Cane perform tune written by Glasser.



Elliott Raine, Elise Greenspan, Kinnet, Bill, Alan Friedman, Gary Cusano, Sandra and Mark Siesel jam.



Alan Friedman sings James Taylor.



Big Man Mauro on sax.

## Personals

Congrats, D.H. One month without a cigarette!

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I-RENE/BARBARA— It's Wednesday! Where are the outlines!?!

Arlene & Art— Congratulations on your engagement! Best wishes. M.S.

Section 2 of the class of '85 wishes to congratulate all of the kiddies who made the National Moot Court Team.

M.Z.—Things are looking up. A.K.P.

S.H.—I wish you a severe case of ataraxia!

— A.

## More SBA

Continued from page 1 meeting.

The SBA also agreed to hold an election for the position of New York State Bar Association Law Student Division (NYSBA/LSD) representative. The decision was made at the request of Christine Kicinski, the current NYSBA/LSD rep. Kicinski came to the SBA with her proposal because the NYSBA/LSD approved its by-laws on Nov. 18, and those by-laws require the representatives be chosen in a manner "determined by each individual school." NYSBA/LSD By-laws, Art. 5, sec. 2.

In other business, the SBA debated whether to charge admission to the December party and donate the proceeds to charity. Greebel said he was absolutely opposed to charging admission. A decision was reached to request donations at the door with a particular amount recommended. No determination was made as to which charity or charities would receive the funds.

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Thursday .... 11:00-6:00  
Friday ..... 10:00-2:00



# LETTERS CONTINUED

Continued from page 2

ing to speak out—Mr. Diamond's obvious concern was for the political merits of the resolution. How else can we explain his statement condemning S.B.A. delegates for having "no compunctions about raising their hands in condemnation of the United States." If Mr. Diamond did not wish to condemn the invasion, why didn't—and why doesn't—he just say so. If he wants to argue in favor of the invasion, that, of course, is his right. But to avoid addressing the issue, while simultaneously exposing his real, "politically motivated," reason for opposing the resolution is, to be blunt, intellectually dishonest.

One final matter is Mr. Diamond's accusation that S.B.A. delegates, by voting against a proposal calling on the *Justinian* to print the tally of the vote, engaged in "repressive tactics" designed to leave the impression that there was no opposition to the Grenada resolution. How opposition to a proposal which sought to influence how a newspaper composed a news story is repressive is beyond me. That the proposal was not only dangerous, but also absurd and unnecessary was demonstrated by the statement of the *Justinian* reporter who covered the meeting that the *Justinian* makes it a practice of printing the tally of S.B.A. votes. Despite this, however, a few delegates pushed for a vote. Not surprisingly, the proposal was soundly defeated. Repression, to use Mr. Diamond's phrase, more accurately could be used to describe the press censorship imposed by the Reagan Administration in the wake of the Grenada invasion. This real form of repression, incidentally, was rightfully criticized in the S.B.A. resolution on Grenada.

The idea that law students should not speak out on the pressing issues of the day is remarkable indeed. If the law students of yesterday had chosen not to concern themselves with the policies of their government, the halls of Congress would largely be empty today. If tomorrow's lawyers were to choose to focus solely on S.B.A. parties and not on the world around them, then we would be left with a rather narrow-minded group of lawyers in the future. We, as future lawyers, must take the responsibility of helping to monitor the performance of our government and to guard against the danger of war—including nuclear war. It is too easy simply to say that we should not get involved. The health and survival of a democracy depends on the willingness of all of its citizens to debate, as individuals and as representatives, the life and death questions which confront our society.

—John Sokolow

## To the Collective:

The recent condemnation of United States actions in Grenada issued by the S.B.A. is an outrage! The S.B.A. has grossly exceeded its authority and done the student body a terrible injustice in the process.

I can't imagine what sort of delusions our elected representatives are laboring under, but they were elected to represent the student body in school affairs not national political affairs. The student body was not consulted prior to this action, nor were we even notified of their intentions until we read about it, after the fact, in the *Justinian*. Ms. Malet's justification for this unconscionable act, as quoted in the November 21 *Justinian*, is that "there are precedents. We have taken such action before." If this convoluted reasoning is a valid justification for blatantly exceeding your authority, I'm sure that Ronald Reagan would be pleased, since that very reasoning could justify his action in Grenada. Absurd! How can our S.B.A. condemn our government for acting illegally and without authority when they themselves are guilty of those very charges?

<http://brooklynworks.brooklyn.edu/justinian/vol983/123571>  
one moment deny part-time day students a

voice in student government because of constitutional procedure, and the very next moment usurp that constitution by using the S.B.A. as a political vehicle without the knowledge or permission of the students they are supposed to represent! If the S.B.A. is determined to exercise that sort of power, then I, as a conscientious student, must demand a new election so that the student body may re-assess our representatives in light of their political views and insure that our interests are truly represented.

I would like to thank Mr. Stuart Diamond for having the decency to inform us of the circumstances surrounding the vote; it is comforting to know that at least some of our delegates have a sense of duty. To the rest of the delegates, I suggest that you limit your activities to what you seem to know best. When is the next party guys?

Joseph M. Heppert

## To the Collective:

This letter is a response to that of Robert Axford's which appeared in the Nov. 21 issue of the *Justinian* and began "As a moral human being, I once again feel ashamed to be an American." Mr. Axford is ashamed, he said, not only of the United States, which "invaded illegally and immorally a sovereign nation..." chiefly inhabited, he claims, "by the elderly, the young, and women," but also "of those apple-dripping students" who he claims have not known danger. And finally, Mr. Axford is ashamed of the Brooklyn Law community, for its lack of interest on the subject.

While this country has many things to be ashamed of, our action in Grenada is not one of them. Would Mr. Axford have preferred that the President stand idly by while our nation submits to 444 days of humiliation, as we did during the Iranian Hostage crisis? At least then, as many "liberals" have stated, we would not have lost our moral high ground over the Soviet Union. "Nice guys finish last" said Leo Durocher, and when dealing with the Soviet Union, or its proxy troops, nice guys usually die. Oh, but Mr. Axford tells us that the students were not in danger. This is possible, only of course if you define "safe" as being a condition where your home is surrounded by armed, Cuban "construction workers," who have orders to shoot you on sight after dark. The facts show that the weekend before the invasion, the Grenadian government promised to let a commercial plane land Monday to transport off the island all those who wished to leave; the flight was never allowed and the next day the Marines landed.

Mr. Axford brands our action immoral, because we rescued our citizens from a nation smaller than us, inhabited, remember, by children, old men, and women. This of course is a lie. First of all, where did the children come from if the island was only inhabited by old men and women? Seriously, the facts show that of all the Caribbean nations, only Cuba has a larger standing army. While very few of the neighboring islands have a standing army of over a thousand soldiers, enough uniforms and ammunition were found on Grenada to support an army of over fifteen-thousand. I will not analyze why Grenada was stockpiling ammunition, or why it was building a runway long enough to land a Back-fire bomber on, it is sufficient to note that the neighboring islands were so alarmed over the unprecedented military buildup, that they asked the United States to intervene.

The invasion of Grenada was a bold move; it was a rational response to a serious situation, devoid of much of the political motive that some would imply. Reagan has enough problems with his "war monger" image as it is, without further adding to it by sending troops into combat. And therein lies the difference between Reagan and his predecessor. Reagan's actions are not controlled by the politically expedient, while Carter's actions were. Reagan acted before

Continued on page 7

The *Justinian*, Vol. 1983 [1983], Iss. 7, Apt. 1

# ANNOUNCEMENTS

## The Brooklyn Law Review

invites

Second, Third and Fourth year students to submit completed notes to be considered for publication in Vol. 51, issue 1, Fall 1984. All those interested must obtain information sheet from Stacy Kanter, Kate Dodge, or Catherine McGrath in the Law Review Office. Submission Due Date: May 1, 1984

## Writing Competition

The Second Annual John P. Hederman Writing Competition is being sponsored by the Law Student Division of the New York State Bar Association. This year's topic is: Duty to Zealously Represent the Client vs. Ethical Obligation to Disclose Illegal Conduct. Entries should be five to seven pages in length, typed double-spaced. Cash awards are \$350 for first place, \$250 for second place and \$150 for third place. In addition, the first place entry will be considered for publication in the New York State Bar Journal, and the second place entry will be published in the Young Lawyers Section Newsletter, "Perspectives." Entries must be postmarked by February 15, 1984. Posters and entry forms can be found on the bulletin boards on the fourth and ninth floors and in the basement. Entrants must be members of the Law Student Division of the New York State Bar Association. Student membership applications may be obtained from the SBA office, the BLS representative, Christine J. Kicinski, or the BLS alternate representative, Sarah Barish.

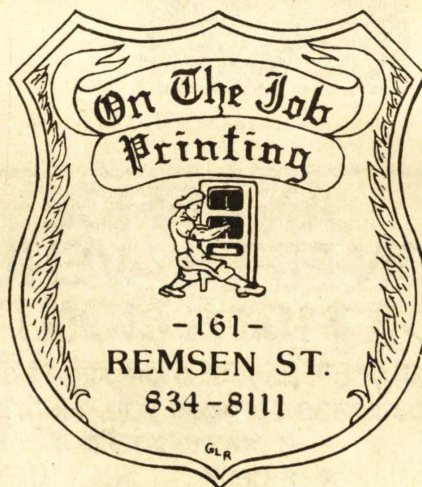
## LSCRR

On Wednesday, December 7, Amy Tobol from the Law Students Civil Rights Research Council (LSCRR) spoke to a group of students on LSCRR's summer internship program. Started in the 1960s, LSCRR was composed of law students who worked in the South during the early voter registration drives to represent blacks in civil rights actions. Often local attorneys would not represent these clients, so the LSCRR program was implemented to help achieve racial equality. In the past 20 years the organization has expanded, giving law students an opportunity to engage in progressive litigation throughout the country. Their focus has broadened to include women's rights litigation, civil liberties, consumer fraud, and environmental law. The LSCRR program enables students to work in law offices engaged in these areas of law, and provides a modest stipend to cover expenses. Students who were unable to attend the meeting of Dec. 7 and are interested in obtaining an application for the summer program should contact Denise Kronstadt or Risa Gerson at Brooklyn Law School, or Amy Tobol at the National Office, (212) 944-8386. Applications can be picked up from the SBA office and must be completed by January 25, 1984.

## 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. The deadline for the next issue is February 1, 1984.

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# LETTERS CONTINUED

Continued from page 6

dawdled for over 200 days before trying to rescue the hostages; the results speak for themselves.

I also take issue with Mr. Axford's belief that the action in Grenada should have been discussed in class. The classroom is not the place for political proselytizing. I do not see the relevance of the Grenada invasion in torts, civil procedure, or any other first year class Mr. Axford.

Like Mr. Axford, I too am ashamed of some elements of our society, though not the same ones. I am ashamed of those citizens who in decrying American "imperialism," drape themselves in the moral comfort of Human Rights. Over ten years after the fact, these "liberals" still moan over American involvement in Vietnam, yet they remain strangely silent about the slaughter and starvation the Vietnamese people have suffered. And while many are quick to brand the U.S. policies in Central America as morally wrong, nothing is said about the policies of the Soviet Army that continues to gas entire towns in Afghanistan. This is the hypocrisy of liberalism; a pretense to be concerned with human life—but only where that concern can be converted into political gain. And Mr. Axford's letter was one of the best examples of that type of hypocrisy that I have seen to date.

## To the Collective:

I am compelled to respond to what I consider to be misstatements of fact in your recent article entitled "SBA Adopts Budget."

Mr. Schreiber's statement that "almost all" of the money requested by the NYSBA/LSD was for travel expenses is inaccurate. My request of \$1,000 included on \$550 so that three individuals—the Chairperson of the LSD (a BLS student), the BLS alternate representative and I—could attend Executive Committee meetings which are held in upstate New York. Attendance at these meetings is essential if we are to represent BLS and participate as Executive Committee members of the Law Student Division. Fortunately, however, our expenses are minimal since these meetings are always held within the state. At the time of the budget hearings I reported that approximately \$350 had already been spent by the Chairperson and by me in attending the Summer and Fall meetings. At no time did I say that the travel expense request was "off the wall"—a statement that was attributed to me. On the contrary, my request was reasonable and realistic in light of what sums had already been expended and what would be needed to attend future meetings.

In addition, although last year's request by the NYSBA/LSD to attend a formal dinner was rejected, the SBA did provide funds for another student representative from a similar organization to attend a like function. Since such funds were provided last year, I made a similar request this year.

I hope that this clarifies any misconceptions that anyone might have had after reading your article.

Sincerely,

Christine J. Kicinski

BLS Representative to the NYSBA/LSD

Michael Schreiber Responds:

*I regret that Ms. Kicinski feels my article slighted her or the NYSBA/LSD. The article is an accurate report of what was said at the SBA Budget Meeting. As to the statement that the travel expense request was "off the wall," if Ms. Kicinski rereads my article she will find that the objectionable comment was not attributed to her but was a direct quote of remarks made by Budget Committee member Connie Spirito who was characterizing an admission made at committee hearings by an NYSBA/LSD representative.*

## Moot Court Internurals

The Moot Court Honor Society is pleased to announce the 1983-84 Moot Court Teams representing Brooklyn Law School:

**Administrative Law:** Stefanie Honig, Richard Goldstein; Coach: Frederick Polatsek, Esq., Zane Rudofsky.

**Anti-Trust Law:** Debra Deitsch-Perez, Robert Machson; Coach: Eric Lobenfeld, Esq., Donovan, Leisure, Newton & Irvine.

**Criminal Procedure:** Jim Miller, James Glasser, Stuart Silberg, Vivian Shevitz, Esq., Stroock, Stroock & Lavan.

**Constitutional Law:** Steve Eisenstein, Ronald Kaplan, Mark Stratton; Coach: Daniel Turbow, Esq., Stroock, Stroock & Lavan.

**ABA Appellate Advocacy—2 Teams:** Marvin Furman, Joe Martini; Stephen Volkheimer, Bill Coury; Coach: Elliott L. Pell, Esq.

**Securities Law:** Jan Sigmon, Lisa Stern, Stacy Kantor; Coach: Regina Mysliwiec, Esq., Ass't Regional Administrator, Securities & Exchange Commission.

**Tax Law—2 Teams:** Jim Eller, Kevin Casey; Donald Liebman, Les Barr; Coach: Mark A. Harmon, Esq., Bondy & Schloss.

**Federal Jurisdiction:** Jennifer Marre, Will Touret, Joseph Pickard; Coach: Bruce Fader, Esq., Proskauer Rose.

**Entertainment/Communications:** Susan Kaiser, Matthew Kleiter, David Wilde; Coach: David Aronson, Esq., Colton Weissberg, Hartnick Yamin & Shersky.

**Previously Selected International Law:** Sarah Barish, Sarah Thomas-Gonzales, Bruce Afran, Jean Naglak.

**Labor Law:** Michael Rabinowytz, Elizabeth Orfan, Alexander Schmidt, Coach: James Madigan, Esq., Townley and Updike.

et al.: The Justinian

## Natural Resources Law Society

By Sarah Thomas-Gonzalez

The Natural Resources Law Society (NRLS) is a B.L.S. organization which brings together students on natural resources development and conservation, environmental policy, and administrative law. Each year the group sponsors guest lectures and publishes a bulletin featuring student contributions. Among last year's speakers were Karen Burstein, former State Assemblywoman and Consumer Protection Board Chair and now Civil Service Commissioner; Walter Hang, research scientist and specialist in water resource litigation working with the Natural Resource Defense Council; Steve Bloom, an NRDC environmental toxicologist and Bert Axel Szelinsky, a West German environmental official responsible for drafting legislation. Speakers who have already committed themselves for this year include Barry Commoner, an energy specialist and environmental advocate; Kim A. Sparber, Asst. Counsel at the N.Y.C. Dept. of Environmental Protection; a representative of Brooklyn Union Gas who will talk about Toxic Waste Cleanup; and Eugene Ruane, a lawyer with the Properties Department of National Audubon Society.

While these topics may sound specialized scientifically at first glance, each speaker concentrates on the legal aspects of his or her work.

NRLS accepts articles from students for publication in the *Bulletin*. For the last 5 years the *Bulletin* has been published once a year. This year we are planning to publish twice. The first one will appear in mid-winter and the second in late spring. If any student has written an article s/he feels would be appropriate for publication, we would appreciate the opportunity to see it. If anyone would like to write on an environmental topic for her/his upperclass requirement, we encourage them to do so and submit it to us for publication.

If these activities sound interesting to you, we would love to have you join the NRLS. All meetings are announced on the bulletin board in the main lobby and at various other locations in the school. Participation does not require a large amount of time and provides a good opportunity to meet other students.

\*\*\*\*\*

## Trial Advocacy Society Revived

By Douglas FitzMorris

President, Trial Advocacy Society

The Trial Advocacy Society is once again back in action at Brooklyn Law School. As this statement necessarily implies, the Society is not new to the roster of student organizations. In past years, interested students participated in a wide variety of "trial advocacy" activities, culminating each year in the selection of six students to represent BLS at the regional trial advocacy competition.

Unfortunately, last year the Society fell into dormancy. Professor Stacy Caplow, who had previously served as faculty advisor and had taken on the responsibility for coaching the Regional Team, was on leave from active duty at BLS. Consequently, the school was not represented at last year's Regional Competition.

This year, with the return of Prof. Caplow, the future is again bright for the Trial Advocacy Society at BLS. Once again, the Society offers to any student with aspirations of becoming a trial lawyer the opportunity to gain exposure to this challenging area of legal practice. This unique opportunity is certainly not available to the law student in the context of a general law school curriculum.

As interest in trial advocacy grows, as indicated by increased course offerings in many law schools, there is a parallel increase in the prestige accorded to the Regional Competition. Recently, the New York State Trial Lawyers Association has taken the Regional Competition under its wing.

For the future, the Trial Advocacy Society at BLS hopes to attain a greater degree of recognition. The increase in competition, and the consequent increase in prestige, has led other law schools to award such prizes as trips to Europe for their team members. Hopefully, the students at BLS will realize the invaluable opportunity the Society makes available to law students.

Check the bulletin board for a listing of current Society activities. All meetings are open to any interested student. See you there, aloha!

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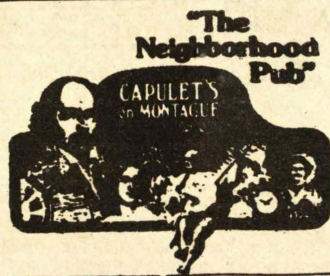
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- (A) exclude the question because of the attorney-client privilege.  
 (B) exclude the question because of the marital privilege.  
 (C) uphold the question and require Winnie to answer.  
 (D) exclude the question because of the attorney-client privilege and the marital privilege.

This is one type of question likely to appear on the 200-question Multistate Bar Examination. The correct answer is (A). For a written explanation of this question or for more question samples, contact your campus representative or call toll-free: 1-800-343-9188.

**BROOKLYN LAW SCHOOL REPS:**  
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The Justinian, Vol. 1983 [1983], Iss. 7, Art. 1

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