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ACTING DEAN TAKES OFFICE

By Bridget Asaro

Professor Stacy Caplow has been appointed acting Associate Dean filling in for Dean George W. Johnson III, who is presently a visiting professor at New York University Law School. According to Dean Johnson, he "had accepted this visiting ap-



Acting Associate Dean Caplow

pointment before Dean Trager picked his cabinet," but Dean Trager agreed to give him relief for this semester.

Dean Caplow said that she was probably chosen to fill in for Dean Johnson because while she was on leave for a year and a half, "my entire job at the DA was administrative, therefore I had administrative experience." Dean Caplow said that as far as she knows Dean Johnson is only on leave for this semester, and that she does not know if she is slated for another admin-

istrative position for next year. "That would mean adding administrative positions," she said.

Dean Johnson is currently filling in for a professor on leave from NYU as a full-time visiting professor of first year property. "This is a pleasant sojourn because the phone doesn't ring as much," he said. Dean Johnson is still teaching one course at BLS, Land Use II.

One of the projects Dean Caplow plans to coordinate includes a "comprehensive review of various policies concerning registration, tuition, and examinations, because a lot of what's been happening has been what I call the common law of the administration. A lot is done more on the nature of precedent rather than on a policy that people are aware of in advance." "A main problem, it seems to me, is that no one knows what's going on," she said. There are two types of problems in Dean Caplow's view: one concerns students who want to make exceptions to those policies, and the other concerns opposing views on how to handle the same problem. Although she agrees that some problems must be resolved on a case-by-case basis, she believes there are some recurring problems which would be better settled by established policy. Examples of some of these policies include a waiting list for courses that are closed out and preferential treatment of night students for registration of evening courses. She sees these problems as being "easy to correct."

Another project Dean Caplow plans to undertake is a review of grading disparities between first year sections.

There are no plans to further expand

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WHO DID WHAT TO WHOM?

By Michael S. Schreiber

Second year students, registered in Professor Henry Mark Holzer's fall semester, 1983 constitutional law class have received the lowest grades Holzer has awarded in his twelve years of teaching at Brooklyn Law School. The class received 40 grades below 75 (unsatisfactory), including seven grades below 60 (failing). Though students plan to meet to determine whether and how to protest the grades, Stacy Caplow, Acting Associate Dean, said "presumptively, nothing is going to be done" by the administration to alter the grades in Professor Holzer's course.

What has offended students most is the extraordinary number of unacceptable grades given by Holzer as compared with other professors. Holzer's grades included 22 grades in the 60's (59 is failing). The most common of the 72 grades given was 68. The class average was 72.7.

Though Professor Joel Gora and Dean Emeritus Raymond Lisle have not, as of this writing, posted the grades for their constitutional law class, it is possible, by comparing Holzer's grades to those received by students in other courses, to give an approximate idea of how low Holzer's grades really are.

As of this writing, faculty members have posted their grades for 28 day and evening courses. This number excludes legal writing and research courses.

In those 28 other courses, only two failing grades were handed out, both of them in Professor Gerard Gilbride's contract class, as compared with seven in Holzer's constitutional law class. According to unofficial figures, in all of the 1982-83

academic year's required first year courses, only five failing grades were returned.

In addition, the 28 other classes reported only 24 grades in the 60's. This is an average of less than one grade below 70 per class, and many professors handed out no grades below 70. By contrast, Holzer gave out 22 grades in the 60's. Together with failing grades, Holzer gave more grades below 70 than were given in the 28 other classes combined.

Approximately 74% of the grades in Holzer's class are below 80. By comparison, only about 12% of the grades were below 80 in Professor Meehan's trusts class; the lowest was 71. Professor Jerome Leitner, who gave more grades in the 60's (five) than any faculty member except Holzer, gave grades below 80 to only about 19% of his wills class.

At the other end of the scale, only six students, or eight percent of Holzer's class received grades above 85. Associate Dean George Johnson awarded grades above 85 to more than 33% of the students in his legal process class. Professor Saney gave grades above 85 to more than half his criminal law class.

Students who failed Holzer's class were notified of the bad news via letters mailed to them by Acting Associate Dean Stacy Caplow. The letters further informed students that "(s)ince passing Constitutional Law is required for graduation and since it is a prerequisite for so many elective courses, you may prefer to register for that course this semester rather than waiting until next spring."

Students who failed the course may elect to retake it with Holzer or with any

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FORBES... EQUAL TIME FOR TRAGER

By Adam Pollack

In response to a recent article in *Forbes* magazine concerning BLS's financial affairs Dean Trager expressed his displeasure with the article's slant. Trager called the piece "unfair" in its portrayal of BLS as a business. "We don't turn a profit on students' tuition," emphasized Trager.

The article appeared as a small portion of a larger cover story which discussed the increasingly competitive legal job market. Trager admitted that the figures cited in the article were generally accurate, but asserted that they were presented in a biased fashion. Although the major article focused on problems of the legal profession as a whole Trager was irritated that BLS had been unfairly singled-out from other law schools. For example, the reported \$240,000 that BLS earned last year from the "float" on tuition (i.e. the tuition paid in January earns interest as it is not used until expenses become due over the next several months) is less than that of other schools. Trager stated that students at Fordham Law School, for example, are required to pay tuition two months earlier. Thus, Fordham's float earns more.

When asked what the school does with its profits, Trager replied that profits are used for major capital programs, particularly

those which will provide much needed space, and to avoid the "coming crunch." "The school has no shareholders. Where else should the profits go?" He also noted the irony of *Forbes*, the "Capitalist's tool," taking a derogatory view of anyone's profits.

Addressing the thrust of the larger article on problems facing the legal profession, Trager reiterated his belief in the importance of strengthening ties with BLS alumni. Trager also seeks to improve the Placement Office's resources, but considers the Alumni Association "our ace in the hole."

Trager does not consider better public relations as a way to avoid this sort of bad press in the future. He prefers the type of public relations generated by "substance, not hype." He mentioned with approval the story reported by the *Sunday Oklahoman* about Professor Bentele's constitutional law class's successful petition for certiorari to the Supreme Court.

When asked whether BLS is planning to take any legal action against *Forbes*, Trager replied, "I'd like to sue, but wisdom teaches it is best to try to forget about these things. Pursuing it only adds to the problem."

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...AND THEN THERE WERE OFFICES

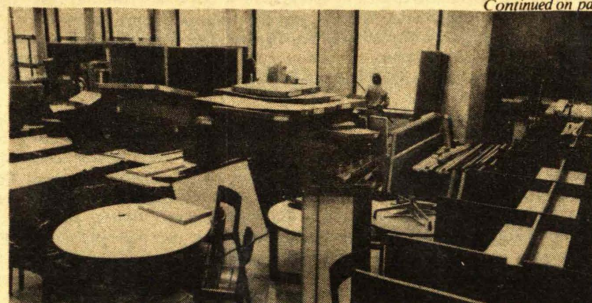
by Steven Eisenstein

The smoking room on the first floor of the library has been the scene of chaos, confusion and construction early this month as the administrative staff of the library seeks new space to ease its overcrowding. Although the construction came as a surprise to the student body, it has been in the planning stage for some time.

In an interview granted to the *Justinian*, head librarian Charlotte Levy stated that the library had obtained the services of an outside expert for advice on its problems. The expert, George Grossman of North Wester, allegedly the country's leading authority on law school libraries, submitted

a report to the school on a variety of subjects. In early January, Mr. Grossman met with Dean Trager, Dean Johnson and Professor Levy to discuss what was thought to be the major problem in that report, the problem of space. The library had wanted more space for some time. Professor Levy's plans called for the addition of several secretaries and a joint JD/MLS (Master of Library Science) to the staff, but the already-overcrowded office conditions made this impossible. The problems became more acute when the library was designated a repository for federal documents and the government printing office inspector began pressuring for additional staff. Present plans call for the new

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Smoking room under construction on Jan. 30

Justinian

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EDITORIALS

YET ANOTHER WALL

It happened so quickly that not even Nick at the front desk knew what was going on. The SBA was caught by surprise also. On Monday, January 30 a construction crew swooped down upon the library's smoking room and by the end of the day had converted some of the choicest real estate on the ground floor into three unsightly pre-fab offices for the library staff.

Although seating capacity has not been reduced, students will find elbow room somewhat condensed. In addition, smokers and non-smokers alike will discover that one of the best reasons for ground floor study—to peruse the passing crowd—has been eliminated. We are reminded by our property professors that New York recognizes no implied easement of light or prospect, so why bother griping? Because the latest alteration points out two problems at BLS: our critical space shortage and the continuing practice of the administration to embark upon major undertakings involving tens of thousands of dollars without prior consultation with the students' representative organization, the SBA.

It's probably a good sign that Brooklyn Law School has grown rather big for its briches and is straining at the seams to accommodate a staff and student body in the very pink of health. The on-again off-again saga of the acquisition of Republic Bank only serves to remind us of how long we've foreseen problems such as the one which forced pre-fab construction in the library and last summer's elimination of 400 square feet of student lounge space for the construction of third floor offices. And now that new room 304B has been occupied by the Alumni Office, one wonders where next year's on-campus interviews will be held. Perhaps in trailers parked on the plaza? BLS cannot afford to let precious months slip by without more vigorous efforts to expand the physical plant rather than carve up the existing one.

The second problem is less pressing but no less compelling. This administration appears to be full of surprises. The summer firing of Dean Kerman and Marvin Diller may have set the tone. The hasty release of information to applicants, but not to current students, about a new and costly Merit Scholarship program is another case in point. The \$15,000 "temporary" structure in the smoking room is only the latest change which Dean Trager simply characterizes as "a little thing" needing no notice to the student body or consultation with the SBA.

Such administrative discretion may have its place in the labor market or in public education, but it becomes cavalier in a private school whose students pour \$7 million a year into the institution and who are deeply affected by these "little things."

HOLZER'S CURE FOR MEDIOCRITY—FAILURE

Professor Holzer, in his interview with the *Justinian*, conveys a sense that standards in the law school are declining and he had no choice but to grade his constitutional law exams the way he did, failing seven students and grading 40 exams unsatisfactory (less than 75). We think Holzer's actions are misplaced and directed at the wrong students.

National attention has been focused on the apathy of modern law students, casual class attendance in law schools across the country, and the narrow thinking which pervades the minds of the vast majority of law students. Such problems are all too true, and Brooklyn is not immune to them.

However, there are some students who truly want to learn, who are not afraid to choose courses that are known for hard work, taught by professors who are known to be tough graders. Henry Mark Holzer is one such professor, and the *Justinian* commends his superior teaching ability and obvious dedication to high standards of learning. But by punishing those students who, through their choice of professors, made a genuine effort to learn, Holzer is in fact encouraging the mediocrity he so dearly wants to abolish. Actions like his will not scare students into producing better work, they will merely scare students into avoiding his courses at any cost. If Holzer is genuinely concerned with raising standards at Brooklyn he should work with the administration to implement a policy across the board so that no one particular group of students is punished by one professor's higher standards. Holzer's grading policy smacks of biting one's nose to spite one's face.

LETTERS

To the Collective:

I am writing this letter both as an *apologia pro vida sua* and as a sincere admonition to those who may need it.

When I was a student at Brooklyn Law School, I listened to Professor Farrell lecture on statutes of limitation and pleadings deadlines and other such matters. While being entertained, I confess that I relegated these matters to the ministerial realm of administrators and clerks—of scant concern to one who busied himself with matters more lofty and profound.

Upon graduating, I began studying for the bar exam. It was one night at the bar review course when various people were commenting about having received their admission tickets from Albany that I blithely inquired as to when the application forms were due in. My inquiry was met with paralyzed silence. For indeed the date the applications were due was then a week passed. As one long accustomed to seeking out the back door or the porch door or an open window when finding the front door locked, I immediately sought a way to take the bar through appeals to the partial and impartial both. Neither humility nor desperation nor influence were to any avail. No late application would be accepted. Not this day nor any other.

After resigning myself to taking the next scheduled exam, I was, among other things, helping to prepare an action that a family member was pursuing against the City of New York based on a traffic accident. The notice of claim had been filed within the ninety day period and the complaint needed to be served within a year and ninety days of the accident. I offhandedly assumed that if the accident was on April 1, such day was on July 1. The obvious fact that all months don't have thirty days only occurred to me

after the ministerial, though now dread, statute of limitations had come ringing down. (This wasn't lost on the Corporation Counsel's office when they filed their answer.)

There are many who view such tales of woe as nothing so much as evidence of my own hapless negligence and such is without doubt so. I recount them however, in the hope of making a further point, often lost on those who have spent most of their lives in the relative safe and friendly world of academe.

There are places in the world, the State Supreme Court and the Board of Law Examiners to name two, where kindness and sympathy are subsumed within a structure of absolutes. Absolutes don't come in the form of empathetic or helpful professors and deans. They don't request and then allow for notes from physicians or dead car batteries or affidavits from employers. They have no particular interest in one's success (or failure for that matter). They are numbers. Their significance is in quantity not aspect. They provide a brutally simple means of selection—adherence of non-adherence.

Those who have spent time in the ministry, the priesthood or simply the workaday world view this with no surprise. Those who have dealt principally with schools or just happy circumstances and luck might believe that their own good heart or the good hearts of others will see them through. Let them know that there comes a point in public affairs when one is either in or one is out. This cold steely truth, which the good professor Farrell has sought so long and hard to propagate, may be disdained only at one's own peril.

Name withheld

The following letter was sent to Forbes magazine with a copy forwarded to Justinian:

Dear Sir:

I was absolutely shocked at the article contained on page 77 of your January 16, 1984 issue regarding Brooklyn Law School. I hardly know where to begin to express my disagreement with what you have said, the innuendo contained in your article, and the anger which I feel as a graduate of the law school as a consequence of your maligning the institution which is truly responsible for my having had the opportunity to obtain a legal education and consequently to serve my government for fifteen years in various positions including General Counsel of the United States Civil Service Commission and to practice my chosen profession. Let me try to express some of my feelings by concentrating on the sentence in your article that Brooklyn Law School is an institution "in business solely to sell legal education."

When I graduated from the City College of New York I determined to go to law school. Having scored high marks on the LSAT and having been a member of the business school honor fraternity and accounting honor society many law schools were available for me to choose from. I selected Brooklyn Law School for two reasons: a) they had a night session and I had to work during the day; and b) at \$18 a credit they were less expensive than the other schools in the New York area and accordingly affordable to one who was making a salary of \$60 a week. At the end of my first year at law school I got married. This affected my financial situation as I no longer lived with my parents and had a wife to support. The institution which you characterize as "in business solely to sell legal education" took account of this change in financial condition and granted me a partial scholarship so that I could afford a legal education. A year later having determined to pursue the law as my life's profession I transferred to day session (con-

tinuing my work at night to earn a living). The "money machine" which you refer to responded by increasing my scholarship so that I could make the change. In my last year of law school my wife gave birth to our son. This placed an additional financial burden on me. Brooklyn Law School was responsive—they increased my scholarship to 100% and gave me a "job" in the library where I could do the legal research which I would have to do in any event for my education. The result was that I made a net profit from this "money machine" which is in business solely to sell legal education. Without the understanding and compassion of Brooklyn Law School and without a school which had a night session so that working people could pursue their education, I would not have become an attorney.

Upon leaving Brooklyn Law School I went to work for the government and spent fifteen years of my professional life serving the public. I believe that the public was benefited by the services which I rendered. That public benefit would not have been possible except for Brooklyn Law School. Needless to say my own career and profession would not exist today except for Brooklyn Law School. I am sure that you can realize that my view of Brooklyn Law School is 180° different from that contained in the article by Jill Andresky. The writer of the article I am sure did not bother to interview people like myself to gauge our thoughts about our school. I hope that you will take cognizance of the above thoughts and print an appropriate apology setting forth the benefits to our society and the benefits to individuals which an institution like Brooklyn Law School has been and continues to be responsible for.

Very truly yours,
Carl F. Goodman

Dear Mr. Eisenstein,

Bravo!—For your review of "Yentl" in the *Justinian*—I couldn't agree more—and I am a Streisand fan.

Dr. LaDoux

...AND THEN THERE WERE HOT DOGS

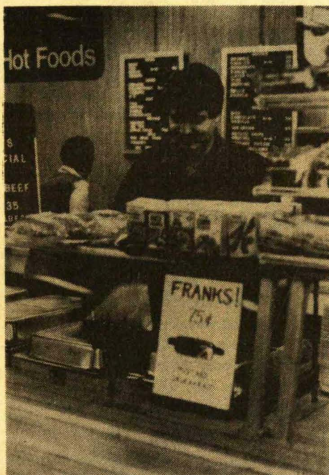
By Risa Gerson

Food Concepts Inc., the company that has been running the basement cafeteria concession at Brooklyn Law School for the past five years, has had their contract renewed with the school until June 1, 1984. At that time, according to Dean of Students Robin Siskin, the school will either renegotiate a new contract with Food Concepts, or negotiate a contract with another company.

Siskin told the *Justinian* that the five-month contract renewal was negotiated, "to give Food Concepts an opportunity to demonstrate that they can give the school the improvements students, staff and faculty desire." The terms of the contract are essentially the same as the old contract which operated under a profit and loss arrangement: the school gives the cafeteria the space rent-free, and the cafeteria management operates it to make a profit.

Siskin said that, "Our concern is not to make money, but to provide students with the best possible food at reasonable prices." To that end, Siskin negotiates with the cafeteria staff when they set new prices each year.

The most notable change in the contract is the requirement that Food Concepts use a cash register to ensure that there is an accurate charge for food. Although Siskin noted that she had not been getting direct complaints concerning miscalculation or overcharging, people have mentioned to her that they don't like the fact that there is no cash register. The new cash register was installed in the cafeteria on Friday, February 3, 1984.



Responding to the demand

Other changes include an agreement that the cafeteria staff will bus the tables more frequently every day and that Food Concepts, rather than the school will provide liners for the trash receptacles.

Other changes that have been implemented in the cafeteria at Siskin's suggestion in response to the results of questionnaires distributed in the cafeteria by Siskin's office during the last few weeks of the fall semester, include additions to the menu of such items as franks and a wider variety of desserts. The data from the questionnaires is currently being programmed

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L.A.W. LOOKS AHEAD

By Geraldine D. Zidow

The Legal Association of Women (L.A.W.) held its first planning meeting of the new semester on Monday, January 30. The main topic on the agenda was L.A.W.'s upcoming Spring Film Festival.

L.A.W. will show a number of films during March and April which are of interest to feminists, lawyers, law students and social observers. The scheduling has not yet been finalized, but it's L.A.W.'s plan to stagger and alternate the times and days of the screenings to give evening students as well as day students an opportunity to attend. The festival will be publicized in local law schools and the community. A good turnout is anticipated.

Also discussed at the meeting was the need to inform all students of the vehicles available to them to register complaints about sexual harassment in the school. Some faculty members, it is alleged, practice subtle and not-so-subtle forms of sexual harassment, and L.A.W. wants to see an end to it. Details will be published short-

ly in this newspaper.

It was resolved at the meeting that L.A.W. would send a letter to the editors of the *ABA Journal* protesting their piece in the January issue on how female lawyers should dress in order to appear credible to a jury.

The final order of business was a discussion about what to bring up at the Student Committee meeting of the New York Women's Bar Association taking place on Sunday, February 12 at NYU. (Notices for the meeting are up in some women's bathrooms.) The committee wants to plan a special event involving the women's groups from the various New York area law schools. L.A.W. wants to participate more in large-scale efforts to bring into focus issues of importance to women studying and practicing law. Everyone (including non-L.A.W. members) is encouraged to come to the meeting.

All students are welcome to join L.A.W., and the members invite the BLS community to submit ideas for future programs.

RULES OF (DIS)ORDER

By Maria Bloch

Brooklyn Law School's Student Bar Association (SBA) Board of Officers met on February 2 and voiced their desires to regain waning authority and introduce decorum at general meetings of the House of Delegates.

Problems with behavior at meetings arose at last month's meeting when Delegate Stuart Diamond contested the manner of passage of an SBA resolution condemning the United States' invasion of Grenada. President Mary Malet felt that the name calling at last month's meeting was "totally bizarre" and intolerable, and Vice President Mitch Greeble said that once the members of the House of Delegates stopped acting like "spoiled little brats" internal disagreement between members on topical and procedural issues could be controlled to allow the SBA to conduct its business properly and effectively. Although the Officers acknowledged that the Grenada issue was irrelevant by this time, they did express concern about the recurrence of similar procedural problems.

The Officers attributed the SBA's international disagreements to the lack of an SBA member proficient in parliamentary procedure. "We lost our parliamentarian this year," said Greeble. "Now those of us who agree on procedural matters don't even agree and there is no one to offer a definite answer." To eradicate future disturbances and controversy, the Officers distributed copies of Robert's Rules of Order to the entire House of Delegates prior to the February 2 meeting.

The Rules are designed to operate as guidelines for SBA behavior at meetings, though the Officers expressed concern that the Rules themselves might become subject matter for future SBA debate. The Officers also worried that some SBA delegates would question the authority of the Officers to spend SBA money on Robert's Rules without the approval and consent of the House of Delegates. SBA Treasurer Lance Dandridge stated that the Rules "only cost about \$100" and that since the books were already purchased and distributed, internal criticism of the Officers' actions would have no effect.

The Board of Officers discussed Phi Delta Phi's request for SBA funding of an event to show a video tape of a legal ethics discussion. SBA funding of Phi Delta Phi events has been refused in the past because the fraternity served no immediate purpose to the Law School community. Dandridge said that in this instance, Phi Delta Phi would be offering something to the student body and that the fraternity's proposal should be considered like one made by any other school group.

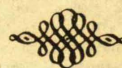
Phi Delta Phi's request was not well-received. Greeble was emphatically opposed to the idea and expressed the sentiment that the SBA's budget is just too tight. Secretary Lisa Heide Gordon suggested that Dean Trager's "petty cash slush fund" should be available for the fraternity event, not SBA money.

SBA's budget received much attention at the Board of Officers' meeting. Dandridge reported that the SBA was not in financial trouble at present due to the recent influx of money from the book exchange. He recognized that this flow of money will eventually stop and advised the Officers to be cautious with SBA spending. Dandridge said that the bulk of the SBA general fund goes to parties and although SBA's finances are fine for the party planned for Thursday, February 10, the SBA may consider staggering the dates of the parties so that the SBA can be secure in its financial position.

In other business, the Officers discussed their disapproval of Robin Siskin's request for \$500 to help offset the costs of the student directory. The Officers said that the student activity fee should cover this publication and that Siskin should earn her own money if she runs short.

The Officers also expressed their disturbance at the recent office additions in the first floor smoking section of the library. The partitions were erected to house an assistant librarian and her secretary. Greeble called the partitions "aesthetically putrid," adding to an atmosphere already "void of human touches." The Officers agreed that the SBA should have more say in the administration's choice in the use of the school's library space.

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BRUDNO TO TEACH IN PARIS

The University of San Diego has announced that Professor Barbara Brudno of Brooklyn Law School will teach in its law program in Paris summer 1984. Professor Brudno will teach a 1-semester-credit course on International Copyright. The course will study the international aspects of US copyright law, with comparative looks at some foreign laws and multinational treaties. The area is extremely important for the entertainment industry.

Professor Herbert Lazerow of USD, Director of the program, commented: "The International Copyright course enrollment will be limited to a small number. The opportunity to interact with Professor Brudno in a small group will be very valuable."

USD will present law programs this summer in Dublin on International Human Rights, in London dealing with International Business Transactions, in Mexico City treating Law of the Americas, in Oxford on Anglo-American Comparative Law, in Paris on International and Comparative Law generally, and in Russia and Poland on Socialist Law and East-West Trade. It is possible to participate in the Russia-Poland program, then the programs in Dublin, London, Oxford, or Paris, as they begin after Russia-Poland ends. Clinical placements are possible in connection with the programs in Dublin, London, and Mexico City. All classes are ABA approved.

For further information, write Mrs. Coursey, Law School, University of San Diego, Alcalá Park, San Diego CA 92110.

OFFICES • • •

Continued from page 1

offices to house Professor Levy, a secretary and an associate librarian for administration and planning.

Various locations were considered for the new office space. The area in back of the elevators, now housing student mailboxes, was rejected because of the fire hazard involved in impeding the path to the emergency exits. Finally, the smoking room was chosen because it was seen to offer the least disruption to the day-to-day operations of the school. It did not involve the loss of any shelving or seats, noted Professor Levy. Since the room still contains the same number of seats as before, there are no plans to offer the students more smoking

ANNOUNCEMENTS

Best Brief Prize

Dean Trager and Professor Walter would like to congratulate the following students who were nominated by the faculty for the Best Brief Prize of the 1982-83 Moot Court Program. Professors Walter, Pouncey, Mishkin and Meyerson chose the four finalists. From this group Dean Trager selected the Best Brief.

Best Brief: Irwin M. Latner; **Semi-Finalists:** James F. Eller, Lawrence D. Levit, Susan Marshall; **Honorable Mention:** Michael H. Arwe, Jonathan B. Carter, Marino D'Orazio, John J. Jordan, Jennifer Marre, James A. Meade, Michael J. Nilita, Eric A. Ordway, Philip D. Rix, Jill L. Roisen, Kenneth D. Rubin, Jan A. Sigmom, Brian S. Sokoloff, Rhonda Yacker-Carmen, Angela M. Yodice, Allan I. Young.

Trial Advocacy Questionnaire

A course evaluation questionnaire was distributed in December to all students enrolled in Trial Advocacy in fall 1983. This is a reminder to those students to complete and return the questionnaire to Ms. Ruth Wang on the 8th floor who also has additional copies.

PERSONALS & CLASSIFIEDS

The *Justinian* will print classified ads submitted by members of the Brooklyn Law School Community. There will be a charge of \$1.00 per 25 words with a maximum of 50 words per ad. Ads may be submitted for the next issue by Feb. 28.

Late-Breaking News:

As this issue went to press, it was learned that the faculty passed a resolution proposed by Prof. Gary Minda to implement a Day Care Program for BLS faculty, students and staff. Further details will appear in our next issue.

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.

Placement

Lt. Col. Michael A. Haas of the U.S. Army JAGC will conduct an orientation session from 11 to 12 p.m., Feb. 17, and individual interviews from 12 p.m. on, in Room 602. Class of 1984 only. Submit a resume to the Placement Office by Tuesday, Feb. 14.

Attention: STUDENT GROUPS

All student organizations are invited to contribute to *Justinian*. Please inform us of upcoming forums, meetings and other events. If we know about it we'll write about it. Deadline for next issue is Feb. 28.

What Is Excessive Force?

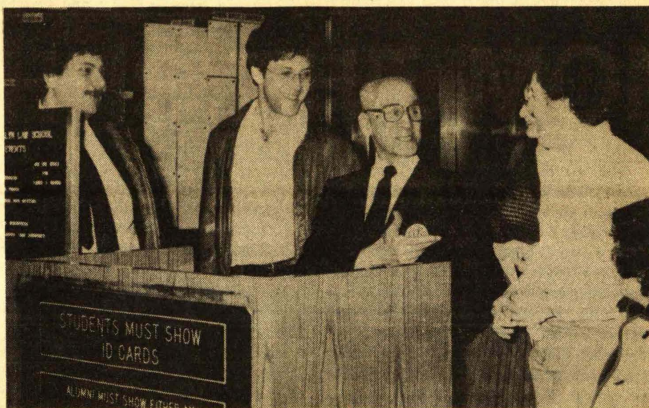
Police Commissioner Benjamin Ward and the Rev. Herbert Daughtry are two of the speakers scheduled to address the question, "What constitutes excessive force by police?" at a public forum sponsored by the Brooklyn chapter of the N.Y. Civil Liberties Union. Other speakers will be Congressperson Major R. Owens and Zachary Carter of the Brooklyn District Attorney's office.

The forum will take place at Brooklyn Law School at 8:00 p.m. on Thursday, February 16.

Each speaker will have the same amount of time to present their thoughts. The presentations will be followed by a round of rebuttals, and then the speakers will answer questions from the floor.

Rev. Daughtry and the Black United Front, which he heads, have been among those charging that the New York City police often use more force than necessary in incidents involving blacks, Hispanics and other minority group members. Rep. Owens also has been critical of police practices and helped arrange for the recent hearings held in New York by the House Subcommittee on Criminal Justice, headed by Rep. John Conyers of Michigan. May Koch and department officials acknowledge there have been instances of police brutality, which they term regrettable, but deny they are widespread or condoned by city officials.

The forum is the latest in a series of open meetings sponsored by the Brooklyn civil liberties group on issues of public importance.



Students bid farewell to Joe Hughes, who retired in December after 30 years of service on the front desk's day shift. Joe and his wife, Nan, plan to travel and "see things we

haven't seen before. I want to thank everyone for being so nice. It's made my job a pleasure."

★ ★ ★

GRADES

Continued from page 1

other faculty member currently teaching the subject. Caplow said the failing grade remains on a student's record as does the new grade.

Students who have already registered to repeat the course have received a second unpleasant shock. They were directed by the Registrar's Office to page 64 of the 1983-84 Law School Bulletin which states that "repeated...courses are billable at the applicable per credit rate." This semester the applicable rate is \$215, for a total of \$860, in addition to regular tuition to retake constitutional law.

When asked if there were reasons for this policy, Bursar Rosalind Zuckerman said "there must be some rationale." She said the policy was in place longer than she has worked here and she did not know the reasons for it.

Caplow informed Dean Trager about the policy on Feb. 3. She said Trager had never heard of the policy before and could see no rationale for it. Caplow said that Trager characterized the policy as "double punishment" and he officially abolished it so students need not pay any funds above tuition to retake a required course.

In an interview with the *Justinian*, Professor Holzer commented on the large number of unsatisfactory grades. "I can't say that I'm surprised," he said. "I saw it com-

ing. All semester I pleaded with people to participate, to ask me questions, to fight with me...sometimes. I was lucky to get the facts of a case." He said that when he called on students they were often absent or unprepared or they gave unacceptable answers.

Holzer said he realized the exam was going to be a "disaster" three months ago. "I drew an exam half as easy as my previous exams for that very reason." He was referring to the fact that he asked only 50 short answer questions on the exam as compared to the 100 he ordinarily asks.

"I think it was an easy exam if you had done the work," Holzer said. "And there are people who did very well on it. I was shocked by some of the people who did poorly, people who are on Law Review, at the top of the class, but we don't know how much work they did. I don't know how much work they did."

Holzer said that people generally did equally well, or poorly, on both parts of the exam. People who did poorly on the short answer also did poorly on the essay. "If it were not for this curious consistency, I would have agonized more than I have over these grades" he said. As it was, Holzer said "I didn't even take off points for being unprepared, even though I had warned all semester that I would."

When presented with the number of failing grades given to last year's first year

Continued on page 7

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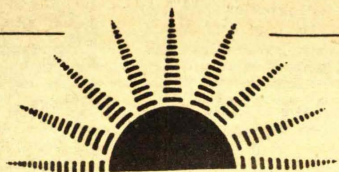
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FORBES: RES IPSA LOQUITUR

Continued from page 1

The following article appeared in Forbes magazine on January 16:

You wouldn't film *The Paper Chase* at Brooklyn Law School. There is no campus, only one box-like, ten story building with just 14 classrooms. Nearby are a six-lane highway, municipal offices and blocks of fast food restaurants.

But never mind. Like law schools everywhere, Brooklyn has become a high-profit, high-margin business. Brooklyn, what's more, is a pure play. It is 1 of only 13 ABA-accredited U.S. institutions in business solely to sell legal education.

Brooklyn Law's income statement is revealing. The school spends roughly \$7,200 a year to turn out a lawyer. That includes building maintenance, running the library and paying about 50 professors an average of \$50,000 each. With annual tuition of only \$6,600 for new full-time students, there's obviously a deficit. But

state aid, miscellaneous fees and the \$240,000 float on tuition payments make a big difference. Add up all this extra income and it comes to about \$7.6 million, roughly break-even.

There's more. Last year Brooklyn Law School earned \$930,000 on its \$15 million endowment, tax-free of course. With no debt or mortgage to pay—and no cash-guzzling, affiliated medical or undergraduate school to subsidize—Brooklyn simply invested its profits and geared for a bigger fundraising drive next year. Year-end operating margins, counting endowment income: 13.4%.

As law schools go, Brooklyn's figures are high. Even mighty Harvard had margins of roughly 8.5% on law school revenues of about \$22 million last year, not counting another \$2 million in restricted gifts.

Law schools make money because they are in a high-volume business that requires minimal capital investment. All that's

necessary are some lecture halls, teachers and administrators, and a library. Compare that with a medical school, which needs costly lab equipment.

Besides tuition, which now averages \$6,200 annually per student at private institutions, law schools also lean heavily on alumni for contributions. Most private schools receive gifts that amount to nearly 5% of their total operating budgets.

Brooklyn Law, of course, is already a money machine. But its fundraising now brings in an amount equal to 2.8% of operating income. Imagine what could happen if the school effectively tapped its hidden reserves—13,000 grads scattered across the U.S., including such well-heeled potential donors as artists' representative Swiftly Lazar and David Liederman, owner of David's Cookies.

—Jill Andresky

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LSD REPORT

The following is a report from ABA/LSD Representative Philip Russell to the SBA:

1. Membership. Since September Division membership has increased from 41% to over 52%. This gives Brooklyn the highest membership percentage of any law school in New York State, where the average is about 30%.

2. Only one application has gone out so far for the ABA Matching Funds Program. The application was filed by Scott Pollack on behalf of a language instruction program aimed at making law students functional in second languages common in N.Y.C. The next round of applications must be submitted by April 1. I have forms and samples and advice for interested student groups, the matching funds will be awarded for special projects preferably involving legal services, community service, minority action, or other socially desirable goals and not limited to publication activity. Most speaker's events are eligible.

3. Approximately \$295.00 is available to BLS for promoting LSD memberships. (This amount represents 50 cents per current LSD member here.) Consensus so far is that a standard form SBA party would best promote membership, but novel proposals are more than welcome.

4. Elections for next year's officers will soon be upon us and anyone considering running for LSD Rep. should keep in mind that involvement in this year's activities would have a strong impact on his/her campaign. Of course, an endorsement from the incumbent and/or the Board might help, too. First year students are STRONGLY urged to consider the job.

5. BLS has been asked to host this year's national Appellate Advocacy Competition. As yet, the Moot Court Honor Society is uncommitted. Anyone who would like to participate in hosting the event should make their willingness known in the Society office on the 3rd floor.

DOGS

Continued from page 3

into the school computer so that it can be statistically analyzed; at press time Siskin did not have the results but told the *Justinian* that generally most people were satisfied with the cafeteria employees, but expressed a desire for more fresh food, a wider variety of foods, that the vending machines be replenished more often and that the quality of the coffee be improved.

Siskin noted that she had several meetings with Food Concepts staff to inform them of students' desires. According to Vinnie Mongello, an employee of food Concepts who oversees the BLS cafeteria, the new salad policy—paying by the ounce rather than the plate—was implemented at Siskin's suggestion, as was the new policy of filling the all-purpose vending machines every night, rather than ignoring them, as had been the policy in the past.

The Food Services Committee, which consists of students, faculty and staff, will continue to meet during the semester to evaluate options for the 1984-85 school year.

NEW DEAN

Continued from page 1

BLS's physical space at this time, but, she added, it is "clear that everyone in the school is well aware of our space constraints, and efforts are constantly underway" to find new space.

Among her other activities, Dean Caplow is still employed as a consultant to the Brooklyn District Attorney's office as Director of Training, on the Criminal Advocacy Committee of the Association of the Bar of the City of New York, on the Mayor's Committee on Marshalls, and is an active member in the clinical section of the AALS.



SBA MEETS—ADDRESSES STUDENT CONCERNS

By Michael S. Schreiber

At its February 1 meeting, the Brooklyn Law School Student Bar Association House of Delegates unanimously passed a motion, authorizing the Executive board to send a letter to Dean David Trager expressing grading standards, the schedule change and night courses. The motion threatened the administration with "direct action" if an immediate response is not provided to the SBA but did not specify the nature of the "direct action." In other business, the SBA resolved the controversy over its Grenada Resolution and approved the expenditure of funds for the 1983-84 yearbook and for a gift for recent BLS retiree Joe Hughes.

The motion to send a letter to the dean was raised by SBA secretary Lisa Heide Gordon. Gordon said there were certain "actions taken by the Trager administration which we should address." The SBA, Gordon said, "should be an active voice" in what affects the student body.

The letter will address a number of "concerns" raised by Gordon and by delegates Peri Hoffer and Edward Oppen. These concerns include:

—The new "Merit Scholarship Program" which offers a 33% tuition break to the top quartile of incoming students. Gordon said this program is "unfair and undemocratic" and it poses an "intolerable burden on the lower 75%."

—The new office space created by parti-

tioning the smoking section of the library. Gordon said this creates an intolerable burden on smokers and diminishes library facilities which need to be expanded;

—The placement office, which Gordon says is poorly staffed and unable to serve the needs of BLS Students;

—The academic calendar, which is a source of perennial complaint. Hoffer specifically referred to exam and study periods and vacation time as matters in which students are concerned and have no say;

—Grading disparities. Hoffer complained that some first year sections have higher grading professors than others and wanted to know if this was taken into account in determining class standing. SBA President Mary Malet also noted that she had received a number of complaints about the grades given to Professor Henry Mark Holzer's constitutional law class;

—The closing out of night courses. Oppen said that many night students have been closed out of night courses which have been filled by day students. He wanted to know whether night students received any priority for night classes.

Some delegates questioned the efficacy of sending a letter, but their concern was lost in the general discussion over what the letter should contain.

The motion was jeopardized at one point by a debate over whether these issues were considered to be "concerns" or

Continued on page 7

IN MEMORIAM

The following letter was sent to the classes of 1981, 1982, and 1983:

It is with great sadness that we send this letter. As you may have already heard, Arthur Gluckman, our good friend and colleague, has been killed. Arthur was last seen alive on Friday, January 6. He was found in his car a few days later. The police tell us he was strangled to death. No one has yet come forward with any possible motives for this terrible tragedy.

A brief memorial service was conducted in Arthur's honor at the United States Tax Court in Washington, D.C. on Friday, January 13. Due to the number of people who were unable to attend, and who expressed interest in paying tribute to Arthur, another memorial service will be conducted at Brooklyn Law School in the Moot Court Room on March 5 at 5:30 PM. If you have any suggestion about the content of the memorial service, please contact Johanna Gurland, Director of Alumni Affairs.

Arthur's friends also have expressed their interest in making a fitting donation to Brooklyn Law School in his memory. Any ideas in this regard would be greatly appreciated and should be sent to Dean Trager or Johanna Gurland at Brooklyn Law School.

The void left by Arthur's untimely death and the utter senselessness of his murder will be keenly felt by all of us. He was that rare combination—a true scholar and a great human being—and he will be sorely missed.

Expressions of condolence may be sent to Arthur's parents, Dr. and Mrs. Melvin Gluckman, 3435 Vintage Valley Road, Ann Arbor, Michigan 48105.

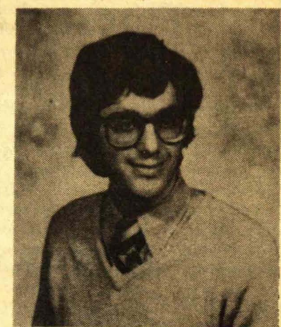
Sincerely,

Thomas W. Hanlon, Jr.

Laurie C. Nelson

Neil W. Silberblatt

The *Justinian* wishes to join the student body in expressing deepest sympathy to Arthur Gluckman's family and great sadness at his passing.



Arthur W. Gluckman

HOLZER...

Continued from page 4

students, Holzer's first reaction was one of surprise. He questioned the accuracy of the figure. He said, "I think it may well be that the standards are too low, not that I believe in automatic failures." He said that the number of failing grades given to the first year classes last year (5 out of approximately 4,000 exams) amounts to only one eighth of one percent of the grades.

"I don't believe in curves," said Holzer in response to the question of why he hadn't graded according to one. "I have an objective notion of what I want. I'm not going to cheapen the achievement of those who did well by giving charity to those who didn't."

Holzer said that he did not believe in giving undeservedly higher grades to enable his students to compete with those in other sections. "What's implicit in the question is that I am being asked, by the students, to lower my standards to theirs. Uniformity is an institutional policy and it is not one that BLS has adopted," he said.

Professor Gora also said that his grades were unaffected by those of other professors. Holzer's grades, he said, "have nothing to do with mine." Dean Lisle was unavailable for comment.

Holzer said that he had never posted his grades before this semester. He said that he didn't post grades so as to protect the privacy of students whose exam numbers might be known to others. He said he posted them this time because "things got out of hand."

"We had to inform the people who failed, so they could register in time to retake the course this semester. It's a fluke that it's offered now, and constitutional law is a prerequisite for so many electives. We felt that students should have a choice whether to take it now or wait till next spring."

Though Holzer is not surprised by the grades in his constitutional law section, the BLS community is. Student complaints have poured into the offices of Dean David Trager, Acting Associate Dean Caplow, Director of Student Services Robin Siskin, the SBA, the *Justinian* and, of course, Professor Holzer.

Complaints have been registered not only by students who received failing or unsatisfactory grades in Holzer's class, but also by students who received some of the higher grades and by students who were not even in the class. Holzer has also received a request to meet with a student who claims to represent his present constitutional law class. This student was unavailable for comment and Holzer did not know the specifics of what he wanted to speak about.

Commenting on rumors that the entire faculty is "buzzing" over Holzer's grades, Caplow said "I don't think that anyone in



Professor Holzer

the faculty is unaware of the issue." She would not confirm rumors that the faculty plans to discuss the issue at its next meeting. She said the next faculty meeting is three weeks away, and, as of now, this issue is not on the agenda.

SBA President Mary Malet, at the last SBA meeting, said her office had received numerous complaints about Holzer's grades. "The students have every right to know why the average grade in Joel Gora's class is 85 and Holzer's is a D," she said.

Holzer said he is "aware that there is a lot of disgruntlement" among the students. He said that he has scheduled appointments with several people to go over their exams.

Many students are unwilling to speak on the record concerning the issue. Several have said they will be more open after they meet with Holzer to discuss their exams. Many simply do not wish to call attention to themselves.

One student, who preferred not to be identified, spoke to the *Justinian* about the meeting which members of Holzer's fall semester constitutional law class planned to hold on Feb. 7. He said he was unsure what would happen at the meeting but "I think we are going to identify our basic complaints. A lot of us have very different gripes. We want to find out what happened."

This student had two major complaints. First, "we were not tested on what he taught, we had no advance warning of what the test would be like." Second, the expected disparity in the grading of the different sections is "just not fair. It would be the same as if he had given everyone grades in the high 90's."

When asked what form student action would take, our anonymous source said "we will probably elect a few representatives to go talk to him. I don't think he'll come talk to all of us at once. That's not fair to him."

So far the administration is unwilling to take a stand on the issue. Dean Caplow said that the issue involved a very sensitive one and concerns academic freedom. "The faculty," she said, "is best qualified to

SBA

Continued from page 6

"problems." Gordon had proposed using the stronger language in the letter to Trager, but several delegates, who agreed that the SBA should be concerned with these issues, were not prepared to concede that they were all problems. Rather than address itself to each issue separately, the SBA adopted a motion in favor of a letter containing the milder language by a unanimous vote.

The SBA then turned to the question of the validity of its "Grenada Resolution" which was voted on at its November 1983 meeting. The issue was raised at the December 1983 meeting, when Delegate Stuart Diamond questioned whether the motion had passed according to the SBA Constitution which requires "an affirmative vote of the members present." SBA Const., Art. B, sec. 4.

The delegates agreed that the vote was valid according to Robert's Rules of Order, copies of which had been handed out prior to the meeting. According to the SBA Constitution, SBA meetings are governed by Robert's Rules, unless they conflict with the Constitution.

Not all delegates agreed that this resolved the issue. Diamond said that the Executive Board had distributed copies of the wrong edition of Robert's Rules. He said the edition in the delegates' hands did not address the issue and that there was a more exhaustive edition in the library. Several delegates expressed dismay that the debate had lapsed into an argument over which edition of the Rules was proper.

Though Robert's Rules were discussed at

some length, the fact that the Constitution may have been controlling on this point was not raised. Debate at the December, 1983 meeting revolved around the latter consideration.

Treasurer Lance Dandridge made a motion to approve that part of the minutes (pertaining to the Grenada Resolution) which had been tabled at the December meeting. Malet elaborated on the motion. She said that essentially, a vote in favor of Dandridge's motion meant that an abstention is not counted as a vote against a resolution or motion in determining whether it passed.

The motion passed by a vote of 13 to 8 with no abstentions.

In financial business, the SBA agreed to donate \$500 from the general fund to the 1983-84 yearbook. This is a yearly expenditure of the SBA and it passed with only one abstention. The SBA also agreed to establish a committee to find a gift, not exceeding \$150, for retired BLS guard Joe Hughes.

President Malet reported that she had been recommended by the BLS faculty to the Brooklyn Law School Hall of Fame as Student of the Year. She said that this was the first time in a while that a student government person had received the award. "I consider this to be a group honor, a recognition of the SBA," she said.

In other business the SBA announced it is soliciting the names of students who would like to be nominated to the student/faculty grievance committee and the student/faculty hiring committee. Three or four students are needed to be on each committee. The SBA also announced that the book co-op hours will be expanded in the near future.

determine the content of their courses, their assignments and their grading policies. It would take extraordinary circumstances for the administration to interfere. There are issues that transcend academic freedom," she said. "but it is not clear that this is one yet."

Caplow said that concern should be directed toward the issue of grading standards as a whole. If anything is done about the grades, she said, it will be done on an institutional level, and not on a class-by-class basis. "I think it is legitimate to question if there should be an institutional curve guideline," she said, "but the issue of interfering with an individual professor's grading is very different. There are no prior standards or precedents to go by."

Caplow said there was a situation several years ago involving an adjunct professor who gave very low grades at the end of his first semester. But when the schools norms were made known to him, he voluntarily changed his grades. That case, Caplow said, is very different from the present one.

Caplow said the administration is concerned with the issue of grading disparities, but is "not prepared empirically to say it is in fact a problem." Caplow said that Associate Dean George Johnson had a computer

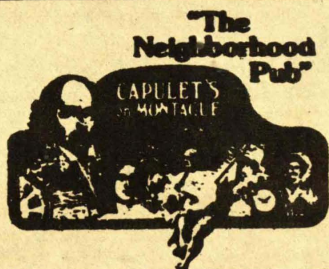
study of grading disparities between sections of last year's first year courses prepared during the fall semester, but that the results have not yet been analyzed.

Most of the complaints that Caplow has received are from students who received poor or failing grades in Holzer's class. She said that she has provided them with academic counseling and an outlet to vent their frustrations.

She said the first person students should go to see is Professor Holzer. "In some ways it's easier to come to me than to confront the professor," she said, "but it's fruitless. I can only provide counselling. Their feelings may change after seeing their exams."

In discussing the controversy, Holzer said that he is hurt most by the fact that no one has come forward in his defense. "The unasked question," he said, "is were those grades deserved? Nobody yet has gone over any paper. What if the high grades and the low grades are consistent?"

Holzer said he was "sorry that people were hurt, that their programs were injured, but it was not deliberate." He said he regrets that some students apparently "didn't learn anything."



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