

The Justinian

Volume 1984
Issue 3 *April*

Article 2

2018

The Justinian

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

Recommended Citation

(2018) "The Justinian," *The Justinian*: Vol. 1984 : Iss. 3 , Article 2.
Available at: <https://brooklynworks.brooklaw.edu/justinian/vol1984/iss3/2>

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



And he said, Woe unto you also, ye lawyers! for ye lade men with burdens grievous to be borne, and you yourselves touch not the burdens with one of your fingers.

Luke 11:46

BLS CLOSES BANK DEAL

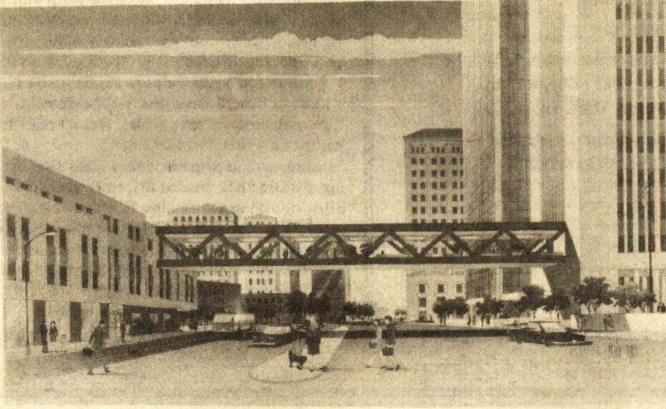
By David Howe

On Tuesday, March 13, Dean Trager announced that BLS contracted to acquire the Republic National Bank building.

"I don't have small dreams," summarizes his response to the future of BLS. As our readers are aware, last Fall we prematurely announced the purchase of The Republic National Bank building (hereafter The Republic).

With the realized purchase of The Republic, BLS starts its expansion drive to increase BLS by approximately 26,000 sq. ft. The expansion includes a long term rental of 6,000 sq. ft. from New York Telephone at 111 Livingston Street adjacent to BLS.

Dean Trager confirmed that The Republic purchase was approximately \$2.9 million. BLS will use the third and fourth floors of the building and rent out the first and second floors to provide income for the New York Telephone long term lease (the lease will run till 2010). Plans are for "service auxiliary" functions to be housed at The Republic. These will include the administrative offices of placement, Bursar, and all student organizations. The proposed day care center may also be housed at The Republic.



Artist's rendering of proposed walkway to new annex.

The ground floor space to be leased from New York Telephone is tentatively planned to become the new student cafeteria. The original BLS building will be connected to the new cafeteria by a ground level walkway.

Dean Trager pointed out that the original BLS building was designed when the

student-faculty ratio was 75 to 1, whereas the present ratio is closer to 28 to 1, creating a shortage of faculty offices. To rectify this situation, Dean Trager has plans to convert the ninth floor to faculty office space, as soon as The Republic building is operational. The ninth floor changes will include not only a faculty conference room but also

a faculty dining room.

Dean Trager also plans to renovate classroom space. For example, instead of nine large lecture halls, he hopes to have a series of small seminar rooms, leaving only three large lecture halls. The modernization might include a series of small moot court rooms and a computer lab. This aspect of the modernization will be the last to take place.

Dean Trager envisions the total capital projects to exceed eight million dollars. He expects part of the work to be completed by Fall of 1985. The pace of these efforts and future capital projects depends on potential alumni gifts.

A distinctive feature of Dean Trager's plan encompasses the proposed glass enclosed aerial walkway which will span Adams Street, connecting BLS with The Republic. This may also be the home of BLS's lounge, with a view of the Verrazano Bridge, according to the Dean.

At present, all of these plans are being considered by the Long Range Planning Committee. Dean Trager intends to seek student input into the project plans. He has not determined whether a poll or committee will be the most effective way of evaluating this data. For Dean Trager, BLS is on the move.

FACULTY TO STUDY GRADING

By Michael S. Schreiber

The Brooklyn Law School faculty voted at its regularly scheduled meeting on Feb. 29, 1984, to establish a committee to examine grading policies at the school. Professor Arthur Pinto, the committee chairperson, has asked the Student Bar Association to appoint two students to serve on the committee. He hopes to present the faculty with a series of proposals sometime in May.

Trager Breaks Tie

The *Justinian* has learned that the committee was established by a very narrow margin at the Feb. 29 faculty meeting. According to Acting Associate Dean Stacy Caplow, certain faculty members voted against forming the committee because they felt there was no need for the inquiry and not because they were really opposed. The faculty vote resulted in a tie and Dean David Trager cast the deciding vote in favor of the committee.

Trager refused to comment on the meeting or the reasons behind his vote.

Student Representation

In addition to Pinto, the committee will be comprised of Acting Associate Dean Stacy Caplow, Professor Richard Farrell and Professor Paul Sherman, all of whom were appointed by Dean Trager. Although Pinto has asked that two students be appointed to the committee, SBA President Mary Malet has submitted the names of three students, Mark Diamond, Bernie Graham and Rhonda Yacker.

Pinto has requested Malet withdraw one of the student's names. He said the committee is only going to develop options, not vote on them. With more than two students the committee will become unwieldy, he said.

Pinto said the students' role on the committee will be no different than that of the faculty. He also hopes that students will come forward to bring oral or written pro-

A Broad Mandate

The committee was given a broad mandate "to look into grading" Pinto said. He expects the committee will initially focus on such options as mandatory or suggested curves or medians and a pass/fail option for certain courses. He said the committee would, probably, consider other proposals if they are raised.

Dean Caplow said that nothing was foreclosed from the committee's agenda. "We haven't met officially yet," she said. But Professor Pinto has already begun "gathering information to give us a sense of the status quo."

Because the vote was so close, she feels the committee will begin with "the small picture, mandatory or precatory curves or the pass fail option." Then maybe they will consider "the big picture," which includes issues such as "the meaning and value of grades. What are professors evaluating? What are the fundamental principles underlying the grading system? Should there be an appeals process?"

Pinto said that the numerical grading system was not an issue raised by the faculty as one that needs to be considered. Professor Farrell agreed. He said the current system is "no more irrational or arbitrary than any other system."

Farrell said there were "particularly cogent" reasons advanced when the school adopted the present system several years ago. He said there was a problem with letter grading because it sometimes led to inaccurate ranking. He gave as an example two students, one with 14 Bs and one with 13 Bs and one C. Though the second student's numerical average may be higher, his letter average would be lower.

Farrell said numerical grades were always given and the registrar converted them to letters. He said several rankings changed when the school went from letter to numerical grading.

AALS EXAMINES SCHOOL

By Maria Bloch
and Susan Merrill

Last week Brooklyn Law School underwent the scrutiny of the American Bar Association and the American Association of Law Schools' reaccreditation committee, a process every law school must undergo every seven years. As part of this pro forma procedure a three member team observed classes, met with the administration, toured the facility and talked with students. The team's impressions together with an extensive Self Study Report supplied by BLS will be submitted to the ABA and the AALS for use in the reaccreditation process.

The team evaluated a number of things including adequacy of the physical plant, teacher accessibility, the level of student and faculty preparation, the intellectual atmosphere of the classroom and the dynamics of classroom discussion. Recommendations will be made regarding areas which need improvement, but the reevaluation and the Self Study Report will have no impact on the ABA's decision to reaccredit BLS. Dean Trager admitted that the School is certainly in no danger of losing its accreditation.

BLS's Long Range Planning Committee authored the Self Study Report, but Professors Berger and Gerber actually compiled all the material in the pamphlet. The Self Study Report outlines the progress BLS has made in its institutional growth over the past seven years since the writing of the 1976 Report. Arranged in six sections, the 1984 Report covers the development of BLS's physical plant, faculty, curriculum, library, admissions program and its alumnae resource.

BLS's physical plant will be expanding in the future due to the recent acquisition of the Republic National Bank Building which is located directly across the street from the

School. The four story building will supply approximately 22,000 additional gross square feet of much-needed space. At present, the building is expected to house administrative offices, school activities offices, clinical offices and placement interviewing rooms. An enclosed connecting bridge which would greatly facilitate the free flow of traffic between the two buildings will remain on the drawing board for the moment because of insufficient funds. If a gift of money materializes, the bridge might be added in the future (See accompanying article).

The Study discusses BLS's desire to improve the student-faculty ratio by enlarging the faculty and reducing the size of the student body to 1000. BLS has made a marked improvement in this area; the student body has been reduced by 67 students since the writing of the 1976 Report.

In an attempt to diversify its faculty, BLS has hired graduates from such Law Schools as Harvard, Yale, Columbia, NYU and Michigan. Since 1976, BLS has made an effort to hire more minority group members. A black woman, Beryl Jones, will join the BLS faculty in the 1984-85 academic year. Ms. Jones is a former law clerk to Judge Leon Higginbotham, Jr. of the Third Circuit, and is presently working for the United States Attorneys Office for the Eastern District of New York.

BLS remains committed to professional excellence in the classroom. The Report notes, however, that excellent teaching alone is no longer a sufficient contribution to the Law School. In an effort to encourage "effective scholarship" on the part of its faculty, BLS has adopted a Summer Research Stipend Program, initiated by Dean Trager in 1983. Under the Program, every faculty member is eligible for an annual summer research grant of up to \$6,000

Justinian

BROOKLYN LAW SCHOOL

250 Joralemon Street, Brooklyn, NY 11201
Telephone: (212) 780-7986Editorial Collective... Bridget Asaro, Steven Eisenstein,
Risa Gerson, David Howe, Adam Pollack,
Michael S. Schreiber, Allan Young

Ad Manager... Lee Rubenstein

Photography... Allan Young.

Staff... Ron Kaplan, Kinnet McSweeney, Jonathan A. Murphy,
David Neibauer, Scott Pollock, Philip Rheinsteine,
Phil Russell, Nina L. Sturgeon, Marla Bloch
Contributors... Jeff Houlihan, Susan L. Merrill,
Edna Robles, Sarah Thomas GonzalezEditorials express the opinions of the Editorial Collective
Copyright 1984 by The Justinian

EDITORIAL

IT'S ABOUT TIME —AND SPACE

You can almost exhale now. Breathing room is an imminent reality. After years of speculation and disappointment, recently concluded negotiations have smoothed the way for the addition of 26,000 square feet of space to Brooklyn Law School by next spring.

Dean Trager has finally contracted for the acquisition of the Republic National Bank building, across Adams Street, and the ground floor of the New York Telephone building at 111 Livingston Street.

The most impressive aspect of the expansion is a proposed glass-enclosed walkway spanning Adams Street and connecting BLS with the bank. This new facility is designed to house a lounge and an atrium with a view of the Verrazano Bridge. However, at a whopping million dollars for the walkway alone, the Dean is rightfully reluctant to reach into BLS's pocket. Instead, he is "hoping for a substantial gift" to pay for the construction.

But until some generous soul decides to dust off a spare million lying around somewhere, it looks as if we'll have to brave the elements and dodge traffic to get to our annex.

Nevertheless, we congratulate Dean Trager for remedying a fifteen year old problem in less than a year.

Sensitive to accusations that his has been an administration of unilateral decisionmaking, the Dean has decided to spend a good deal of time in the next year consulting with the SBA, student organizations, faculty and staff to study floor plans and allocate space. We eagerly await this first major test of the consultative process and hope that it will encourage a full exchange of ideas and bona fide consideration of the needs of those concerned.

It is refreshing to see new growth at BLS—both in physical expansion and in the exercise of democratic processes.

LETTERS

To the Collective,

I became President of the Moot Court Honor Society with the understanding that the executive board was required to answer to the membership of the Moot Court Honor Society for all policy decisions. I did not know that our decisions were also being judged by the *Justinian*. The editorial which attacks me and the executive board entitled "Democratic Despotism" (March 12, 1984) is replete with second-guessing based on inferences that are not supported by fact. The purpose of this letter is to set the record straight.

1. The *Justinian* suggests that there is something wrong in lengthening one's term of office. This would be a valid point if we were being paid to continue in office. All that the executive board did was to decide to give themselves more work so that terms of office could run on a more feasible time schedule. What a terrible thing to do! This decision was later explained to the membership. Once explained, there was no dissension among the members.

2. Any confusion about the amending or rewriting of our constitution would have been cleared up if any of the members of the *Justinian* who are also members of the Moot Court Honor Society would have bothered to show up at our meeting on March 7. Both organizational and procedural steps were taken to begin redrafting parts of our constitution. I passed this information on to the *Justinian* after the editorial had been published. The response I received was that it did not matter if anyone had been at the meeting because the editorial was already written and at the printers. Therefore, the Collective reasoned, the editorial could not have been changed even if they wanted it changed. If this is an accurate account of events, it suggests that it is more important to the *Justinian* to get the paper out than it is for them to get the truth out.

3. The *Justinian* concludes its criticisms by attacking me for unilaterally doing away with our administering of the first year competition. As Miss Asaro's article pointed out on page 1, ("A Change of Reins"; March 12, 1984), that typing and calling judges was not felt to be a major function of the Honor Society. Honor Society students will still have the opportunity to judge rounds. This, as well as the

me. Apparently these arguments did not register with her since the editorial failed to deal with my explanations.

4. At this point one may be wondering why the *Justinian* wrote an editorial on the inner workings of a student organization suffering growing pains and searching for greater academic purpose. The incredible answer that the *Justinian* suggests is that there exists some type of bureaucratic ideology that has filtered down from the Reagan Administration to the Trager Administration and now down to the leadership of the Moot Court Honor Society. The *Justinian's* attempted comparison is not supported by any evidence and is superficial at best. Each decision made by the executive board was based on independent reasoning. Such decisions did not emerge from the executive board's "belief" that input from society members was neither important nor necessary.

Why then did the *Justinian* try to compare us with other administrations? It was probably due to a need to draw some justification for writing this editorial... This attempt to draw profound conclusions has only produced trivial gossip not worthy of the worst soap opera. The effect of this editorial has been to create news and controversy where none really existed. When newspapers engage in creating their own news, the rights guaranteed by the first amendment are diminished significantly. It is no accident that the negative public reaction to today's press has been caused by a handful of newspapers that have acted irresponsibly. I can only hope that the editorial in the *Justinian* was not an example of the journalism to come, but rather was an ill-conceived piece of writing whose existence can be attributed to a slow news day.

Respectfully
Josh Mallin

To the Collective:

As a member of the Moot Court Honor Society, I applaud your story on the Society. Actually, it should be called the Moot Court Society because the events of the last few months have taken all the *honor* out of this organization. The leadership of the Society has engaged in misstatement, double-talk and deception. This conduct has been demonstrated in two areas: the violation of the Moot Court Constitution of 1984 and the lack of control over the first year competition.

The constitution and by-laws state that the Executive Board is elected to a one year term, ending March 1, 1984. It is now April and the Executive Board elected in November, 1983 is still in office and there has been no constitutional amendment to legitimize this extension. Mr. Mallin, the president of the Society, states that there was a unanimous vote of the Board to extend their own term, but no minutes were kept and most Executive Board members did not remember such a vote taking place. Regardless of what happened at this phantom meeting, a constitutional amendment and not a change in the by-laws is required to extend the Executive Board's tenure.

Mr. Mallin unilaterally moved to change the procedure for choosing the Executive Board; he called for a selection of new officers by the old Executive Board as opposed to an election by the entire membership as provided in the constitution. Mr. Mallin responds to those who challenge his authority to make such a structural change by saying that he does not think the Society has to follow any constitution. This is an ironic statement considering the fact that he is now circulating a petition to amend the unnecessary document. If it weren't for the *Justinian* article and editorial, Mr. Mallin would never have discovered the constitution which had been collecting dust in his desk in the Moot Court Office...

At the beginning of this term, Mr. Mallin, in another of his now famous unilateral decisions, supposedly pulled the Society out of any involvement in the upcoming first year competition, because Professor Walter would not give the Society any academic input into the running of the competition. While I supported the motivation of this decision, I cannot understand why Mr. Mallin encouraged three members of the Society to run the competition, begged the entire membership to act as judges and turned over to Professor Walter our list of potential outside judges. The end result of the "power play" is that the first year competition is, in effect, still being run by the Society, but the Society still has no academic input and won't even get credit for handling the administrative chores. Mr. Mallin has stated that, in the absence of the Society's participation in the first year competition, he has plans for new activities for the new members. He does not state what these plans are or when they will take effect. I really do not think Mr. Mallin really

has any plans, because the only new ideas he has ever proposed were to extend his own term of office and give himself the power to appoint his successor.

When I first became a member of the Society it had great potential to become an effective and esteemed organization. It is now an organization without a purpose or a theme. Unfortunately, the second year students who did not even vote for the present Executive Board will inherit this mess and cannot clean it up because the inept Board is still in control. The present leadership must resign now and new elections must be held immediately so that new blood can be infused and attempt to put the honor back in the Society.

Ed Friedman

To the Collective:

I would like to express my outrage about an editorial which appeared in the last issue of *The Justinian* under the headline, "Democratic Despotism." In it, "the collective," as you appropriately call yourselves, grumbled and mumbled about some recent actions taken by the Moot Court Honor Society. With that, I have no qualms, for opining on issues of intra-mural concern is a proper function of a law school periodical, and a task at which you seem adept.

However, in presenting your argument, you seek to invoke a comparison with America's duly-elected President, Ronald Reagan. In a fashion that resembles Chicken Little, you screech, "After three years of Reaganism, the democratic process appears headed towards a historical remembrance." Wow! Pretty hot stuff! I guess you hadn't noticed that he was elected by a landslide, registered uniquely high (for this point in our four-year cycle) in recent public opinion polls and IS RUNNING FOR RE-ELECTION! He is in, as you put it so imaginatively, "the confines of a small oval office" because the electorate of the United States put him there. If the pollsters and the pundits are correct, the electorate will put him there again. If the governed are unhappy, he will be replaced.

Alarmingly, you yell shrilly, "The storming of beaches, the construction of 'a presence,' the destabilization of a people are all matters undertaken by the same Administration that attempts to revive the image of 'the common folk' and 'Americana,'

Continued on page 11

BLS PLANS NEW CLINIC

By Maria Bloch

Brooklyn Law School's Clinical Committee is presently considering the addition of an in-house Federal Litigation clinic to the BLS curriculum. If accepted by the faculty, the program will be introduced as a clinical offering for the 1984-85 academic year.

The new program will take advantage of the student practice acts of the United States District Courts for both the Eastern and Southern Districts of New York. Under the students acts, second and third year law students are permitted to appear in court under the supervision of an admitted attorney and with the permission of the judge.

Both district courts have pro se panels through which attorneys are assigned to cases involving pro se litigants. The majority of these cases involved habeas corpus writs and social security claims. The remainder involved housing and employment discrimination, immigration, tort, and other miscellaneous legal problems.

The Clinical Committee is in the process of hiring a director to supervise the program. Thus far eighty attorneys have applied for the tenure track position. Most of the applicants have had at least ten years of litigation experience in such organizations as the ACLU and Legal Services. The responsibilities of the director will include litigation, teaching the Federal Litigation Clinic Seminar, and perhaps one substantial law class.

Under the supervision of the director, those students accepted into the clinic will learn the skills and strategies of federal litigation. The students will actually represent clients who have filed pro se claims, negotiate settlements for these clients, and, in some instances, try the cases. Each student will be expected to attend a two hour seminar each week wherein the skills necessary to conduct the litigation will be taught.

The proposal for the new clinic recommends that six credits be awarded per semester due to the extensive student time and effort which will be involved. BLS's other clinics are awarded only three credits. The Clinical Committee must also decide whether the new clinic should encompass a full year. Dean Stacy Caplow (who assisted in planning the program) would like to see the clinic extend through both semesters of the academic year. Since the student-litigators might not complete their projects within the school year, Caplow would also like the students involved in the program to work in teams comprised of one second year and one third year student to preserve the continuity of the cases from year to year.

Caplow said that, as the first new clinical program since 1977, the Federal Litigation Clinic evidences BLS's "renewed commitment to clinical education." This "flagship program" is unique in the area of clinical education and is expected to be a major selling point for BLS.

et al.: The Justinian

NYSBA/LSD PASSES

RETENTION RESOLUTION

By Christine Kicinski

The Winter Meeting of the Law Student Division (LSD) of the New York State Bar Association (NYSBA) was held at the Bar Center in Albany on January 20, 1984. Present from Brooklyn Law School were: Christine Kicinski, BLS Representative; James Bertini, Chairperson; and Michael Carlucci, Treasurer. Representatives from the following law schools also attended: Pace, Cardozo, Albany, St. John's, NYU, Hofstra, Touro, Syracuse and New York.

Minutes of the November 18th meeting held in New York City were unanimously approved. The next order of business was a report on the Student Retention Committee (SRC) Survey. Nine law schools, including BLS, responded, and all indicated that they had some form of retention program and/or related support service. The Chairman of the SRC then proposed a resolution in support of the institution of retention programs for all schools throughout the state. The resolution was unanimously approved. (See separate text for resolution).

The next item for discussion was the redesign of the LSD membership application. It was suggested that the new brochure stress that when a law student joins the LSD, he/she will get the first year of membership in the Young Lawyers' Section free, a savings of \$50.00.

Next the Treasurer gave the financial report which indicated that expenses incurred by the Division for January 1 to December 15, 1983 totalled \$2,042.05.

Following the financial report, the Vice-chairperson informed those present that the John P. Hederman Writing Competition had generated a great deal of interest at the various law schools. The subject of this year's competition was the duty to represent clients fully vs. ethical obligation to disclose.

Next on the agenda were the reports by the various representatives concerning the spring events they were planning. Among them were a career symposium and a club activities fair.

Methods of selecting LSD representatives were then discussed. Many law schools do not have a formal selection processes. (Note: Next year's BLS representative to the Law Student Division will be elected during the general SBA elections in May. If anyone is interested and would like more information, please contact Christine Kicinski, mailbox no. 390.)

The Albany representative next reported on the Legislative Action Committee (LAC), a joint program with the ABA. The Committee was set up so that both law student divisions would have an opportunity to work together. At present there is no monitoring of issues that directly affect law students per se. The LAC will concern itself with admission standards, scholarships, consolidation programs and other topics of major interest to students and will provide students with information on legislative actions.

The final item of business was the appointment of a Nominating Committee for the election of next year's officers of the Executive Committee. Five members were appointed.

The next meeting of the LSD will be held in conjunction with the NYSBA's Annual Meeting. It will take place at the Hilton Hotel on Friday, April 27th at 2:15 p.m.

This resolution was unanimously approved at the January 20, 1984 meeting of the NYSBA/LSD.

Proposed Resolution of the Retention Committee

WHEREAS there is a growing concern among law students as to the level of support or lack thereof afforded students at many of the state's law schools and

WHEREAS there has been an increase in

litigation/settlements in cases involving challenged dismissals of law students, such litigation based upon the lack of effective retention programs, and,

WHEREAS it is in the best interest of the students to receive support and guidance and for the states' law schools to avoid litigation and preserve their reputations as honorable and just institutions of learning,

THEREFORE BE IT RESOLVED: that the Law Student Division of the N.Y. State Bar Association (LSD) does support the institution of programs aimed at increasing retention of law students through school administered tutorial and faculty counselling programs, and as an alternative or to run concurrently, school supported student administered tutorial and counselling programs.

These programs to be instituted where they do not currently exist, and existing such programs to be rededicated and strengthened where they are lacking in effect.

The LSD does not by this resolution suggest that there should be no attrition at state law schools, rather that law students have the right to expect a level of support from their institutions consonant with the difficult task of becoming a member of the legal profession.

HILSA HONORS JUDGES

By Edna Robles

On Friday March 30, 1984, the Hispanic Law Students Association held a cocktail party in honor of Justice John Carro of the Appellate Division and Justice Gilbert Ramirez of Kings County Supreme Court. Both were presented with plaques in honor of their continuing support of the Hispanic Community in general, but in particular, to all Hispanic students seeking a career in law. The event was attended by many prominent Hispanic Leaders as well as by Brooklyn Borough President, Howard Golden. Dean Trager noted that both honorees are graduates of Brooklyn Law School. Those present surprised the Hispanic Law Students Association of Brooklyn Law School with a contribution to the organization's general fund.



Justice Ramirez, Dean Trager and Justice Carro

The Magic Typewriter

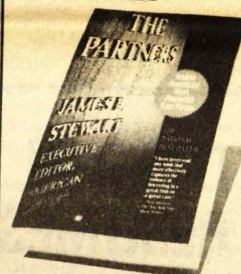
TERM PAPERS • THESES • FULL RESUME SERVICE • EMPLOYMENT CAMPAIGNS • NEWSLETTERS • MAILINGS • CAMERA • COPY • WRITING/EDITING • TRANSLATIONS • LEGAL • BOOK MS

PICKUP
DELIVERY
N Y C
CALL US

825-2470



The National Bestseller That Takes You Inside America's Most Powerful Law Firms



"I have never read any book that more effectively captures the essence of lawyering in a great firm on a great case."

—Neal Johnston
The New York Times Book Review

"Vividly describes the behind-the-scenes stories of major cases, bringing to life the spectacular gambits and inhuman toil...first rate...with episodes that should make talented third-year law students blush."

—Newsweek

"Who will read the book? Every lawyer in these named law firms. Who should read the book? Every lawyer who is thinking about joining one of these law firms. Offers disturbing insights on the partnerships of eight nationwide law firms...in plain English—not legalese!"

—San Francisco Chronicle

"A book that not only delights those who have never seen the inside of a corporate law firm, but rings true for those who have devoted their lives to these firms as well."

—The New Republic

"Stewart has created a book which is half thriller, half moral primer. Airing dirty laundry as well as legal strategy, Stewart's book reads something like *The Brethren*, but seems better documented and less voyeuristic. *The Partners* has a powerful sense of drama. The book is very hard to put down."

—California Lawyer

Now in quality
Paperback
WARNER BOOKS
A Warner Communications Company

ANNOUNCEMENTS

FOR EVENING STUDENTS ONLY: Mr. Charles Foy of the Code Enforcement Unit, Nw York City Law Department, will be in Room 302 on Tuesday, May 1, to speak to interested evening students about various positions in almost all departments of his office. These are full time jobs for the duration of law school. Salary: \$16,300/year. Orientation session from 5:30-6:00. Individual interviews from 6:00 on. Bring resume to interview. Sign up by Friday, April 27, on board in aisle outside of Placement Office.

Sylvia Gerber, Assistant Personnel Manager of the Kings County District Attorney's Office, will be at BLS on Tuesday, April 24, 5 p.m., in the Placement Office, to speak to evening students who would be interested in working for the D.A. as Student Legal Specialists. Sign-up on board outside of Placement Office by Friday, April 20.

The "Most"

The *Justinian* today announced its plans to run its Second Annual Professor of the Year Competition. The winner, whose name will be announced at an award presentation ceremony, will be chosen by ballots cast by Brooklyn Law School students next week.

As in last year's competition, students will be asked to submit a ballot containing the name of the professor they consider to be "the most," together with a brief, optional explanation of their choice.

Last year 288 students voted in favor of 43 faculty members and three non-faculty members. Students gave a variety of explanations for their votes, but their basic criteria included knowledge of subject matter, teaching ability and concern for students. Several students also considered such attributes as athletic performance, accents and "devastating good looks."

Last year's winner was Professor Maryellen Fullerton.

CUSTOM RESUMES

- Resumes
- Cover letters and envelopes: each letter individually typed
- Word processing

QUALITY WORK
AT AN
AFFORDABLE PRICE

Call
**LYNN'S
RESUMES**

(212) 339-1473

AFTER 7 PM

Parents at Law of Brooklyn Law School will be sponsoring a free symposium: JOYS AND DEMANDS: COMBINING PARENTING AND LAWYERING, Wednesday, April 25, 4-6 PM in the student lounge of Brooklyn Law School. Refreshments will be served. There will be childcare for children of the BLS community.

Panelists are all parents who are also lawyers. Among them is Haywood Burns, a joint custody father of two sons. He is the Co-Director of the National Council of Black Lawyers and Dean of City College's Center for Legal Education. Another panelist is Janette Serralle, a graduate of Columbia Law School and the mother of a five year old son and a nine year old daughter. Panelist Patricia Murphy left corporate law to begin her own practice. She is a single mother of a 10 year old son. Early in her legal career, panelist Cora Walker was left with two young sons to raise alone. One of these young men is now in practice with her. Both she and Ms. Murphy have run for public office. The moderator of the symposium is Liz Schneider, a Professor at Brooklyn Law School and the mother of two young children.

PARENTS AT LAW is an organization of students, faculty and staff at Brooklyn Law School, many of whom are parents. They meet to discuss problems of working/student parents in group support atmosphere.

Graduate and Professional Study Fellowships Grant Program

This past December the Law School submitted an application to the Office of Postsecondary Education of the U.S. Department of Education for a grant to make fellowship awards under the Graduate and Professional Opportunity Fellowships Program (G*POP).

I am pleased to announce that we have recently received verbal notification that our application has been approved. For academic year 1984-85, Brooklyn Law School will receive a federal grant totaling \$16,800 to fund two fellowships.

The Graduate and Professional Opportunity Fellowship Program provides grants to institutions of higher education to support fellowships for graduate and professional study to students who demonstrate financial need and are from groups which are traditionally underrepresented in graduate and professional study areas of high national priority.

Upon receiving this funding, we will establish the "Brooklyn Law School Minority Opportunity Fellowship Program." Our two fellowships for 1984-85 will be awarded to minority group students enrolled in our 1984 Entering Class. In compliance with federal law, a fellow must devote essentially full time to study.

Subsequent to the first year of receiving grant payments, the Law School will request additional support to renew both of these fellowships for the students' second and third years and to request other fellowships for new incoming minority group students.

Films

The Spring Film Festival is half over!

On Wednesday, April 11 at 5:15 and on Thursday, April 12 at 1:15 "Taking Our Bodies Back" will be shown. This film examines the women's health care movement.

On Thursday, April 26 at 5:15 and on Friday, April 27 at 1:15 "Rape Culture" will be shown. This film examines our society's fantasies.

Keep your eyes open for signs announcing the rooms.

Wine and cheese will be served.

Administrative Policies

The policies described below become effective as of March 2, 1984 and will be implemented at the first appropriate opportunity, e.g., registration for Fall, 1984.

I. Registration

A. Priorities Among Students

Whenever a course is given both in the day and in the evening during the same semester, the order of priorities for registration will be: 4E, 3D, 3E, 2E, 2D.

Whenever a course is offered in the evening only, the order of priorities will be: 4E and 3D equally, 3E, 2D, 2E.

B. Waiting List

A waiting list of 25 names will be established for every course that is overenrolled. The list will be randomly prepared by the computer following the same priorities established for general registration.

The waiting list will be posted on the first and ninth floors. As openings develop, the Registrar will automatically enroll the top name on the list in the course. Anyone on the waiting list should notify the Registrar if he or she no longer wants to register for the particular course.

C. Dropping and Adding Courses

Students will be permitted to both add and/or drop courses for two full weeks after the beginning of classes.

D. Consequences of Failed Courses

Whenever a student receives a failing grade in any required course, the student must repeat the course. Both the failing grade and the new grade will appear on the transcript.

Whenever a student receives a failing grade in an elective course, the student's record will be evaluated by the Scholastic Standing Committee which will require that the student either 1) repeat the course, 2) sit for a re-examination in the course, or 3) substitute another course of equivalent credit.

E. Consequences of Missed Exams

Whenever a student misses an exam, a failing grade will be recorded unless the absence has been excused by the Associate Dean for Academic Affairs. The basis for an excused absence may be 1) direct conflict, 2) religious conflict, 3) personal illness (medical certification required), and 4) exceptional circumstances, upon a showing of sufficient cause.

The student who has been excused will be required to sit for an examination either 1) at another time during that exam period, 2) at the next exam in the course given by the professor, or 3) at a special examination arranged by the Registrar.

Students who have an excused absence from an exam will not be permitted to substitute another course in lieu of re-examination except under special circumstances with the approval of the Associate Dean.

F. Auditing Courses

Any matriculated student may audit a course with the permission of the professor.

II. FEES

A. Fees for Repeating Required Courses
No fees or additional tuition will be charged when a student repeats a required course after receiving a failing grade.

B. Fees for Failed Elective Courses

No fees or additional tuition will be charged when a student receives a failing grade in an elective course unless the failure is based on non-attendance.

C. Audit Fees

Any matriculated student may audit any course(s) without charge.

D. Special Students

Anyone enrolled as a full-time special student taking between 12 and 16 credits or a part-time special student taking between 8-10 credits, will be charged the applicable tuition of the present first-year class.

Examination Emergencies

Occasionally students are or become ill before or during an exam. Illness will excuse an absence but if only if medical documentation is provided.

A student telephoning to inform the school that he or she is sick should call the Dean's office only (780-7902) between 9 a.m.-5 p.m. Whenever possible, a student leaving in the middle of an exam should go directly to the Dean's office before leaving the building.

Brooklyn Bar Association to sponsor Law Day Run

The Brooklyn Bar Association, as part of its LAW DAY, USA observance, has scheduled a 5 kilometer (3.1 miles) footrace for Sunday, April 29th, 1984 at 11 AM.

The course will run through Brooklyn Heights, starting and finishing at Boro Hall where pre-race ceremonies will take place featuring a proclamation by Borough President Howard Golden and an address by Hon. Milton Mollen, Presiding Justice of the Appellate Division, Second Department.

Everyone is eligible to enter.

Entry forms are available at various locations in the Heights, at the Association office, 123 Remsen Street, Brooklyn, N.Y., and in the BLS lobby and on the 9th floor.

The entry fee is \$7. All entrants will receive a T-shirt and prizes will be awarded to the winners.

For further information call 624-0675.

Living Together

Do you reside with a loved one? Will you someday? As an attorney, will any of your clients reside in such a manner?

On Monday, April 23 at 4 p.m. Henry Walter Weiss, Esq. will speak on "The Rights of Cohabitants." He will cover such areas as real property, housing, wills, etc.

Mr. Weiss will speak in the Student Lounge.

Wine and cheese will be served.

Interviewing?

You need to make a good impression. Our hand-tailored suits do just that. We are manufacturers of men's clothing for the finest stores across the country. Why buy retail when you can buy wholesale directly from our New York factory. Our suits and sportcoats are made from the finest British and Italian wools and exclusive natural fibers. A quality suit is an investment in your future.

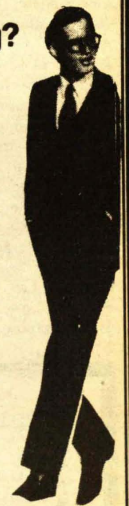
Suits at
\$195⁰⁰

(Retail 400⁰⁰)

Sportcoats

\$150⁰⁰

(Retail 300⁰⁰)



*Catania
Clothing*

212-255-5510
85 Fifth Ave, 7th Floor
Cor. 16th St.
Mon-Sat 9 am-5 pm

LAW REVIEW COLLOQUIUM DISCUSSES AIR RIGHTS

By Risa Gerson

On Wednesday, March 28, the Brooklyn Law Review sponsored a colloquium entitled, "Air Rights: TDR, Zoning Lot Merger and the Well-Considered Plan" at the Helmsley Palace Hotel in Manhattan. The colloquium featured lawyers, city planners and an architect, and was attended by representatives from New York City government, local community boards, the Landmarks Preservation Commission, law firms, architects and faculty and students from Brooklyn Law School.

The discussion focused on the most recent and innovative device to preserve landmarks while allowing for growth and development—transferable development rights (TDR). TDR is a legislative technique that is used to shift air rights from socially valued underutilization of a lot—typically a landmark—to a receiving lot farther away, allowing developers building on the receiving lot to exceed the usual maximum height requirements allowed by the zoning laws.

Dean Johnson, who moderated the lecture, noted that it was particularly appropriate that the colloquium was held at the Helmsley Palace Hotel, since the hotel

was built to incorporate the Villard Houses, a nineteenth-century U-shaped group of Italian Renaissance brownstones on the east side of Madison Avenue between 50th and 51st streets, which had been designated landmarks in 1968. The preservation was effected through a contract which binds the developer and owner, their successors, and assigns to a series of covenants relating to the protection, preservation and restoration of the Villard Houses.

Since the Villard House preservation occurred in the early '70s, land use planning in New York has been developed to include more sophisticated techniques for assuring the preservation of landmarks while allowing the owners of landmarks to realize gain from their real estate in the form of monetary compensation when air rights are transferred to a nearby development lot through TDR.

Norman Marcus, Counsel to the New York City Planning Commission and Department of City Planning, began the discussion by commenting that the subject of TDRs is fraught with advocacy, and invited the audience to consider the use and misuse of air rights in a relaxed atmosphere and to consider how and where transferring air rights may be allowed in the future.

Marcus pointed out that the tension which was produced between techniques for compensating owners of landmark-quality buildings and the overall master plan for New York City—dubbed by Marcus as the "well-considered plan"—arose because the plan presupposed a relationship between individual building bulk (i.e. the relationship between lot size, floor area, and height) and its neighborhood. When developers shift air rights it is possible that the newly-constructed buildings could be contrary to what city planners envisioned when they developed the well-considered plan. It is Marcus's position that through TDRs and zoning lot mergers, creative solutions that are economically equitable can be arranged both to enhance the city aesthetically through the preservation of landmarks while allowing development in nearby lots. The most timely example, he said, is the current plan to restore and preserve the legitimate theatres on the west side, transferring the air rights from those theatres to the corners of Broadway and Seventh Avenue. He said, "Rather than build every lot to its maximum theoretical zoning potential, area planning goals may be better served by redistributing the area's maximum allowable bulk in an uneven pat-

tern—in this case, skimming them off the mid-block theatres and plunking them down on the much more visible, much more open and accessible Times Square corners."

Marcus ran through several other examples of the mutual benefits of TDRs and zoning lot mergers, the most notable of which was the preservation of Grand Central Terminal. The terminal was designated as a landmark in 1967, and shortly thereafter a private developer obtained a renewable 50-year lease of the air rights above the terminal from Penn Central, the owner. In October 1969, Penn Central filed for a declaratory judgment invalidating the restrictions imposed by the Landmarks Preservation Law. After making its way through the New York court system, the case landed before the Supreme Court in the October Term of 1978, and the Court held that enforcement of the New York City Landmark Law was not an unconstitutional taking of property without due process of law, taking judicial notice of the existence of TDRs to compensate the owner of the landmark. *Penn Central Transportation Company v. New York City*, 438 U.S. 104.

Marcus also discussed the Tudor City Parks proposed plan which would have let air rights float over a very wide area—one and a half miles. This was struck down by the New York Court of Appeals. The court found that the plan was arbitrary because there was no planning nexus between the sending and receiving lots. Marcus noted that generally, the further the air rights are from the transfer, the more criticism such a plan will engender.

Marcus also spoke about the Air Rights Bank that was created to distribute the air rights from the landmarks at the South Street Seaport Historical District, but noted that many viewed the creation of such a bank as a violation of antitrust laws. Marcus then briefly mentioned another collateral problem to air rights transfer—the tax aspect. He queried whether untapped air rights represented a valuable portion of New York real estate and said that when air rights are severed from the owner and banked, a valuable taxable resource falls into a "black hole."

Marcus concluded his talk by stating that although arbitrary transfers of air rights will be set aside by the courts, rational air-rights transfers will be utilized with success in the future.

William J. Conklin, Vice-Chairman of the Landmarks Preservation Commission and a senior partner in the New York architecture firm of Conklin Rossant spoke next. Conklin spoke about the aesthetic problems faced by architects who must consider the design relationship between the new building and the old, as is required by law. He said that TDRs are a very special concern of the Landmarks preservation commission since that law calls for the Commission to review and report to the City Planning Commission on the design implications of the transferred rights. The law requires that a harmonious relationship be established between the transferred bulk and the landmark itself. The Commission must also find that an adequate plan for the maintenance of the landmark structure be agreed upon. Although characterizing the traditional approach of correlating design styles and materials and aligning architectural design divisions such as cornices, arcades, etc., as reasonable, he warned that these design options are fraught with dangers, even if accomplished. Conklin asked, "Does a giant, standing next to a dwarf look more harmonious if they both wear plaid shirts? Or will this odd couple look more harmonious if one carefully correlated the garter lines of the giant with the belt line of the midget?"

Minimizing the negative impact of the new structure would include environmental concerns such as preserving the sunlight and historic views, he said.

But Conklin suggested taking a larger

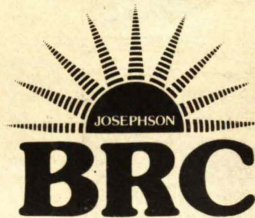
Continued on page 10

Once is enough!

Some things are better the second time around — taking the bar exam isn't one of them.

Take a good look at the Josephson BRC Course and we think you will agree that there is no better assurance that you will have to take the bar exam only once.

No other course offers the kind of complete integrated study system which simultaneously builds substantive knowledge and confidence. With the finest law summaries and lecturers and the most comprehensive testing and feedback system in the state, you can't go wrong with BRC.



WITH YOU EVERY STEP OF THE WAY

SUCCESSOR TO THE MARINO BAR REVIEW COURSE

Eastern Regional Office: 10 East 21st Street, Suite 1206, New York, NY 10010, 212-505-2060

GRADING .CONT.

Continued from page 1

Dean Trager said that numerical grading gives the school added credibility. He cited his personal experiences at the U.S. Attorney's office where he refused to hire a New York University graduate because he felt their grading system was meaningless. NYU at the time graded students H, P or F but has since changed to letter grading.

Work Underway

Though the committee has yet to meet officially, Pinto said that work has already begun. He has hired a student with background in statistical analysis to examine the grades in required courses from the last two years. The analysis, which should be complete in about two weeks, is to determine, by means of standard deviations, whether disparities in course grading actually exist.

Pinto commented on the study prepared by Associate Dean George Johnson last summer. That study only showed the mean grade in each class, he said. "By calculating the standard deviation we get a clearer picture whether there's a need for normalization."

Pinto explained that by doing a standard deviation analysis, he can show not just the mean grade in each section, but how far off the mean a professor graded his class. For instance, a mean grade of 80 could mean that a professor's grades ranged between 78 and 82 or between 65 and 95. By plotting the standard deviations, Pinto said, a more accu-

rate representation of grading is achieved.

Pinto said that research was focusing only on first year required courses for several reasons. First, they are easier to compare because everybody takes them. Second, they are most important in determining class standing, and, consequently, second year jobs. Third, courses after first year are electives; students may make informed choices as to the courses and professor's they take.

Pinto is also gathering information on grading policies at other area law schools.

Proposals Due in May

Professor Pinto said he would like to present proposals to the faculty sometime in May. He expects that the committee will offer a series of options to the faculty without taking a stand on any of them. He said that expectation may change if the committee achieves a consensus on a particular option.

Pinto said that the committee is "not out to change the system per se. I have no sense that's what the faculty wants." He said the committee will "provide the faculty with different options and let them decide if it's what they want, or if they want something more."

"Changing any system is difficult," he said. "If you are going to get any change you have to show there is some unfairness in the present system—and student concern." He said the current concern "arose in the context of [Professor Holzer's] constitutional law grades, but the students will have to show they are generally upset with the grading system."

MORE AALS

Continued from page 1

to support scholarly research during the summer months. In 1983, nine faculty members took advantage of the Program and more are expected to do so in the future. Moreover, faculty scholarship will play an increasingly important role in faculty reappointment, promotion, and tenure decisions.

Section three of the Report discusses BLS's curriculum changes over the past seven years. Since 1976, BLS has increased its upperclass elective offerings by 20 courses; it has instituted the First Year Legal Research and Writing Program; and it has implemented an upper class writing requirement as a prerequisite to graduation. BLS has continued its commitment to clinical education by modifying its existing program and expanding its clinical offerings to include a Federal Litigation Clinic and a Discovery Project, an innovative program on discovery which will combine simulation, clinical placements and empirical research.

The first-year curriculum evidences the most radical curriculum changes. Constitutional Law has returned to the first-year program due to BLS's effort to balance the School's past over-emphasis on private-law courses with more public-law courses. There is also a possibility that the four credits assigned to the Civil Procedure course will be expanded to five credits to enable the teachers of this course to provide deeper coverage of procedural issues. An

even broader revision of the first-year program is being considered by BLS's Curriculum Committee. Innovations under consideration include the introduction of a statutory course, the development of courses which will cut across the traditional course boundaries between Contract, Property and Torts, and the integration of legal writing into a small section substantive law course.

More than half of the Self Study Report focuses on the Library. More detailed work was done in this area because of the apparent problems with the BLS library. BLS has presently purchased \$100,000 of new volumes for the library's permanent collection. BLS cannot accept delivery because of inadequate shelf space. The Report proposes an addition to the present facility which would more than double the library's existing 22,000 net square feet. The space will come from taking over part of the third and fourth floors and BLS's cafeteria space. Once the library has expanded, the smoking room may be used to house the library staff, or, because of its prime location at the Law School's entrance, this area may be converted to hold non-library functions such as the Admissions Office or a General Office for Law School information.

The Report contains a proposal for an international law consortium with New York Law School and Queens College Law School. This proposed consortium would expand our international law research collection considerably. A highly regarded international law librarian evaluated the possibilities of merging the three schools' international resources and found this possibility manageable and beneficial to each of the schools involved. A circuit riding librarian would oversee the collection and arrange for daily deliveries and information sharing. This consortium would affect only the international law collections and may possibly be expanded in the future to include more schools.

The Report identifies the short and long-term goals of BLS. In discussing these goals, Dean Trager recognized that BLS has the resources to become the best regional law school in the area. "We are not aiming for national prominence," he said. "We do not want to become a pale copy of Harvard." Trager pointed out that BLS's strength lies in its alumnae (a resource BLS has neglected in the past), its connections with state and local government and its active involvement with the local bar association. Trager reconfirmed BLS's commitment to excellence in teaching which, he said, "will not be sacrificed in a false search for national prominence."

HOW SECURE WILL YOU FEEL AT BUSINESS LUNCHES WITHOUT THE AMERICAN EXPRESS CARD?



The American Express® Card can be as important to your new job as a pinstripe suit. After all, it won't be long before you're out at a business lunch or off on a business trip. And at times like these, the Card is a must. Besides, it's a terrific way to start establishing your credit history. And it comes in handy for all sorts of personal expenses. Best of all, it's simple to get. All you need is the promise of a \$10,000 career-oriented job. So before you pick up your pinstripe suit, pick up an application on campus. And apply for the American Express Card. Then, chances are, you won't get caught with your pants down. The American Express Card. Don't leave school without it."



We Need Your Help!

The Justinian would like to do a feature article on full time students who manage to maintain interesting careers while attending BLS. The administration is unable to assist us in locating you, so we need your help.

If you feel you fit into the above-mentioned category, please call or stop by the Justinian office.

Thanks for your cooperation.

TRAGER RESPONDS TO SBA

The following is Dean Trager's response to SBA concerns printed in the March 12 issue of Justinian:

Dear Members of the House of Delegates:

Thank you for forwarding to me the list of student body concerns contained in your letter of February 28. As you requested, I am hereby addressing each of them in writing.

1. Merit Scholarship Program

In 1946, a young black man named Herman Sweatt applied for admission to the University of Texas Law School. His application was rejected on the basis of his race. He sued to compel his admission, claiming that the state of Texas, in denying him admission while granting it to others, deprived him of the equal protection of the laws guaranteed by the Fourteenth Amendment. The state trial court agreed, but rather than order the University to admit Mr. Sweatt, the court gave the state the opportunity to create a separate law school for black students. The trial court later found that the new school opened for black students offered Mr. Sweatt, privileges, advantages, and opportunities for the study of law substantially equivalent to those offered by the State to white students at the University of Texas, and the Texas appellate court affirmed. The Supreme Court of the United States, however, disagreed. In *Sweatt v. Painter*, 339 U.S. 629 (1950) (a case which preceded the decision in *Brown v. Board of Education* by four years), the Supreme Court concluded that the two law schools were not in any sense equal. The Court found disparities in the Schools' physical facilities, but it observed that the inequalities did not end there, explaining:

[T]he University of Texas Law School possesses to a far greater degree those qualities which are incapable of objective measurement but which make for greatness in a law school. Such qualities, to name but a few, include reputation of the faculty, experience of the administration, position and influence of alumni, standing in the community, traditions and prestige. It is difficult to believe that one who had a free choice between these law schools would consider the question close.

Moreover, although the law is a highly learned profession, we are well aware that it is an intensely practical one. The law school, the proving ground for legal learning and practice, cannot be effective in isolation from the individuals and institutions with which the law interacts.

...The law school to which Texas is willing to admit petitioner excludes from its student body...most of the lawyers, witnesses, jurors, judges and other officials with whom petitioner will inevitably be dealing when he becomes a member of the...Bar.

339 U.S. at 850. My point in briefing the *Sweatt* case is this: The purpose of the Merit Scholarship program is not to further benefit a privileged few students, but to enhance, for the benefit of *all* students, those characteristics which the Supreme Court declared to be so fundamental to a quality legal education. Nothing would give me more pleasure than to say, "Alright, I am now the Dean, and now all of you are going to graduate from this School with the same job opportunities and prestige you would have if you had graduated from Harvard." Obviously, things don't happen that way. What is possible, however, is to build our standing in the community by demanding excellence from our students and from our faculty. The faculty has adopted regulations governing faculty hiring and promotion that are calculated to achieve this goal. Among other things, the regulations require faculty members to demonstrate competence in the classroom, to

active roles in community and professional organizations. Similarly, the Merit Scholarship Program is calculated not only to attract additional highly qualified students to the School, but to insure, in an era of declining law school enrollment nationwide, that Brooklyn Law School's intellectual vitality will grow. If the School fails to do this, then it could very well fail as an institution, and your diplomas would be worth less than the paper on which they are printed.

Moreover, if the program succeeds in bringing to Brooklyn Law School more students who are bound for federal court clerkships, or important government positions, or leadership roles in public and private law offices, then it will have accomplished a service for all students. It will be a critical step in developing a network of contacts that will become an important asset in your professional lives. The process that I am describing will take time, but the stature that the School stands to gain from the Merit Scholarship Program will benefit current students and graduates alike (witness the past graduates of New York University School of Law basking in that school's recently achieved glory). In sum, I find it hard to believe that any student who had the choice of attending a law school with a population that included a number of high caliber students and one that had a lesser number would, as the Supreme Court said, "consider the question close."

In suggesting that Merit Scholarship funds could be better employed to aid "entrants who are financially disadvantaged," the SBA seems to be suggesting that the only students with good undergraduate academic records are wealthy. I have to take issue with this elitist notion. If the SBA is fearful that the Merit Scholarship program will diminish funds available for other deserving students, then I would like to take this opportunity to allay those fears. The regular financial aid budget has been increased regularly over the years, and additional increases can be expected in coming years.

2. Library Space

The temporary offices that were recently installed in the library smoking room are just that: temporary. They were built in order to make it possible for us to enlarge the library staff sooner, rather than later, and thereby solve some of the library service problems that many students have identified. I hope to have them removed by the end of summer. Their removal will be made possible, I hope, by our purchase of the Republic National Bank Building.

As those of you who were present will recall, last summer and early this fall I met with representatives of various student organizations, including the SBA, to discuss our plans to expand the School's physical facilities and to get student feedback concerning any such expansion. At that time I reported that we were negotiating for the purchase of the Republic National Bank Building. Like any agreement for the sale and purchase of real estate, this one has taken a considerable amount of time and negotiating to hammer out. However, I am confident that shortly, and perhaps by the time you receive this letter, we will announce our acquisition of the new building. It is contemplated that the new building will house administrative and student organization offices, including placement and placement interviewing facilities, possibly a day care center, and other facilities. The School library will be enlarged by almost 50 percent. As soon as the work of expanding the library on the third floor is completed, hopefully by September, the temporary offices will be removed.

3. Placement

I share your view that the placement office is a crucial student service and that it

demands a budget consistent with its critical role. The budget for the placement office (as well as the physical size of the placement office itself, see above) will be substantially increased next year, although I do not know what the exact budget figure will be. I want immediately to add, however, that increasing the Placement Office's budget and staff are not in my view the only steps or even the most important steps we must take to cultivate job opportunities for students. Since becoming Dean, I have been devoting a considerable amount of time and effort to building ties with alumni and trying to draw them back into the School's orbit. For too many years most of our alumni—individuals who were in a position to hire or provide career guidance to Brooklyn Law School students—have felt utterly cut off from the school. As a result of my efforts to renew ties with them through a series of meetings and gatherings they are beginning to come back to the School to teach as adjuncts, to take continuing legal education courses, to work with Moot Court teams, and to share their knowledge and experience in other ways. Along these lines, I have asked the Alumni and Placement offices to work together with a computer specialist to develop ways of "tracking" Brooklyn graduates by geography and specialty, among other characteristics. Once this system is established, it will be possible, for example, for a student who wants to practice tax law in Suffolk County or even Florida to find out which of our graduates have a tax practice there. The Placement Office would then arrange for the student to meet the graduate. In addition, we are working to enlarge the type and number of clinic placements available to students in order to give students the opportunity not only to develop their skills, but to meet individuals who practice in the areas of their interest. Developing these networks of individuals takes time and effort but we consider placement to be so basic to the life of this institution that we will commit what resources are necessary to its development. I want all of you to be able to say you got good jobs *because* you went to Brooklyn Law School, not in spite of it.

4. Grading

I am obliged to admit that I am not sure what issue the SBA is raising here. If the SBA is suggesting that professors do not observe anonymity in grading, I have to disagree. It is my belief that anonymity is preserved in the grading of examinations, and that the identity of students is taken into account only when, and to the extent that, points are awarded for classroom participation. If the SBA is asking for the administration's position on the imposition of a grading curve, then I would say that although I would be inclined to view some form of grading guidelines favorably, I am opposed to the imposition of a mandatory grading curve. A curve which would make it impossible for an instructor to give unsatisfactory grades to more than a certain percentage of students, in my view threatens the integrity of the school as an academic institution. It would turn the law school into a sort of elaborate Ponzi scheme by suggesting that if one comes to Brooklyn we guarantee students a 90 or 95 percent chance of graduating, irrespective of performance. Nevertheless, last week, with my support, the faculty voted to examine the issue of grading policy. A committee will be organized to undertake that task and to formulate policy recommendations regarding such issues as whether a curve or a pass/fail option should be adopted. I am awaiting their recommendations.

5. Examination Schedule

This is an issue within the jurisdiction of the faculty. However, I can tell you that as far as I can discern, the consensus of a majority of the faculty member, including the Dean, is that the interests of students continue to be best served by the extended reading period during the fall semester. Accordingly, a change in the examination schedule is not likely to be forthcoming.

6. Registration for Evening Classes

I agree with the SBA's view that evening students should be given preference in registering for evening classes and that 3-D and 4-E students should be given preference generally, and I have directed the registrar to act accordingly. I might also point out that in scheduling classes, I am making it a point to schedule all elective courses in such a way as to insure that they are offered at least once during the evening each year, so that evening students are not denied an opportunity to take them.

Finally, I would like to say that I regret that the SBA feels it has not been adequately consulted by the administration on issues that affect students. As both our recent survey of student opinion and the presence of student representatives on so many of our committees suggest, we are acutely aware of the need for student feedback on a variety of important topics. Moreover, when there have been choices to make on issues of substance—such as the purchase and use of the new building—all affected student organizations were consulted. This practice will continue. I must, however, reserve the right to act independently when problems demand immediate resolution, when there are no options to be discussed, when the effect of policy is transient and limited, or when confidentiality is required. The installation of the library offices falls into the first three of these categories. Furthermore, I would not characterize such actions as *ex parte*, since that phrase refers to conduct by one side without notice to an adverse party. I have always assumed that we were on the same side, and I do not now plan to begin dealing with students or student organizations as if our interests were adverse.

Sincerely,
David G. Trager

The following is an SBA delegate's reaction to the letter sent to Dean Trager by the SBA.

Dear Dean Trager:

Recently you received a letter from the House of Delegates of the Student Bar Association to certain policy decisions made by you and by the administration of this school. As a member of the House of Delegates, it is incumbent upon me to make you aware of the background of this letter.

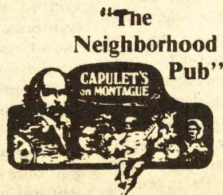
Among the issues raised in the letter were the proposed tuition reduction for the top 25 percent of incoming students, the cut-back of space in the smoking room of the Library, and the discrepancy in grades. Ordinarily, such a letter would be unobjectionable, indeed welcome, as a valid exercise of our powers as a body representing the students of this school. What makes this letter objectionable is the fact that, despite its assertion to the contrary, it was never approved by the delegates.

At the February meeting these issues were raised by some of the delegates. A suggestion was made that our objections be made known to you in the form of a letter. It was then pointed out that such a letter would be inappropriate until after votes were taken to determine the position of the House of Delegates on each issue. For some reason, it was decided that such votes would not be taken. As a compromise, the members ratified a letter expressing "our concerns" rather than "our objections." The final draft that you received, however, incorrectly stated that we objected to your actions on these matters.

The letter, then, was not an accurate reflection of delegate sentiment. When the mistake was made known to the body at the March meeting, the consensus of the members was "we regret the error, but what can we do about it now?" The obvious solution—that we send you a letter of retraction—was turned down on the ground that it would make us look foolish.

Rather than rectify an error for which they were responsible, the delegates instead chose to let you continue to labor under the

Continued on page 12



a mature gathering place and neighborhood public house, serving lunch and dinner every day

Brunch served every Sunday noon to 4 pm

Capulet's also serves up one of N.Y.C.'s championship dart teams

and on Saturday nights, we become "The Big Apple Home for Bluegrass Music" join us, anyday.

Open-air cafe
151 Montague Street
852-3128

COPYRIGHT LAWYERS MEET

By Philip Rheinstein

Over 500 of the top copyright lawyers in the country gathered in New York, Washington D.C., Chicago, Houston, and Los Angeles on March 9th to discuss copyright laws as they apply to computer software. The conference was proof of the dramatic growth of the computer/copyright field. One speaker predicted that the astronomical growth of the software industry (over 9 billion dollars in 1983) will allow it to overtake the publishing industry (relatively stable at about 50 billion dollars) in 5-10 years.

Each city had a morning panel which included a representative from the U.S. Copyright office and experts from various other areas. In the afternoon, the Washington panel was broadcast by video to the other locations. Copyright authority Arthur Miller (also known for his first year civil procedure tapes) and Arthur J. Levine, both on the Washington panel, had been on the congressional "Committee on New Technology Uses" (CONTU), whose

recommendations made up the majority of the 1980 Software Copyright Act (which amended 17 U.S.C. 117), and contributed invaluable information and anecdotes to the conference.

Any copyright question is a balancing test between the public interest in access to a work and the individual's right to be compensated for his or her effort. These individual rights are based on specific constitutional protection, general property rights (ownership of intellectual property would mean little copyright protection), and a general policy interest in encouraging creators of intellectual property to invest their time and energy for the good of society. In computer software, there is a large investment for development and pirating is relatively easy. While we like to think that painters or writers might continue creating even if they were compensated less, we can have no such illusion regarding a computer programmer. The equipment alone is a significant cost.

For these reasons, when *Apple v. Franklin* came to the 3rd Circuit Court of Appeals in 1976, the computer industry watched with bated breath. In this case, Franklin, a relatively new company made its computers with an identical DOS (Disk operating system) or internal machine language as Apple's. This meant that Apple software could be used in Franklin computers without any modification. Because the availability of software often influences the buyer's choice of machine, Franklin's computer was a threat to Apple. The issue for the court was to distinguish an operating system from a machine blueprint which is not copyrightable. The court ruled that the object code (DOS) was "an original work of authorship, fixed in any tangible medium of expression," 17 U.S.C. 102(a), despite the fact that the code was contained in a machine-like medium (microchips) and functioned completely within the computer itself, both traditional criteria for denying copyright protection.

All of the panelists lauded that decision, and spent a substantial part of the conference discussing its holdings and implications. A few panelists mumbled negative comments when the related *Betamax* case was mentioned. [*Sony Corporation of America v. Universal City Studios*, 52 LW 490 (1984)]. In *Sony*, the court ruled that home video recorders did not violate the copyright protection of those owning the rights to films shown on television. The two cases seem distinguishable, however, because the policy of encouraging creative activity favors the protection of a newer product with high development costs over an older product with mostly production costs. It is unlikely that Universal will severely cut back film production (they haven't so far) because their movies are available to home users, mostly for "private use". Because a movie is only viewed a few times, the savings of making a copy is minimal to the individual user. In the computer industry, conversely, a program which cost \$500 to the user can be perfectly copied in less than a minute. A program representing years of research and development could be circulated without limit for the cost of a floppy disk (now about four dollars). Roger Milgrim spoke about trade secret protection as an alternative means of protection, but only for expensive, custom made software. Here the user would have to sign a confidentiality agreement, both impossible to enforce and disastrous for sales in the mass marketplace.

All present agreed that with computers overtaking the country like television did in the 1950's, the law must quickly adapt and not be held back by outdated concepts.

PASS WITH PIEPER

The Pieper seminar is now the "hot" bar review course in New York. Pieper organizes and summarizes the law you need to pass the Exam without bulky, hard-to-read books.

John Pieper will guide you through that difficult period, leaving nothing to chance. Does his personal approach work? Don't take our word — ask our alumni.

Pieper New York-Multistate Bar Review, Ltd.

90 Willis Avenue
Mineola, New York 11501
(516) 747-4311

et al.: The Justinian

LAW AND SOCIAL CHANGE SYMPOSIUM HELD

By Edna Robles

On March 31, 1984, the Hispanic Law Students Association in conjunction with the Black Law Students Association of Brooklyn Law School, conducted a symposium on the topic of Law and the Need for Social Change.

The two part program consisted of a morning panel discussion on the topic of the need for social change in law and continued after lunch with various career oriented workshops, including one geared toward a career in the judiciary.

The morning panelists were: Salvador Tio, Director of the American Civil Liberties Union; Peter Rivera, President of the Puerto Rican Bar Association; Dr. V. Simpson Turner, Pastor of Mount Carmel Baptist Church; Geraldo Rivera, Journalist for ABC News; and the keynote speaker, Judge Gilbert Ramirez, Supreme Court Justice sitting in Kings County.

Generally, the speakers concentrated their presentations on the recent increase in the legal Hispanic and black community as well as the present need for more minorities in the field. Hispanic and black students, as the future attorneys of tomorrow, were strongly urged not to forget their origins or their people. They were reminded that there is still a strong need for them in the small neighborhood communities.

Mr. Tio of the A.C.L.U., spoke of the need to break down the red-lining that presently exists in the New York area in order to encourage neighborhood banks that presently do not invest in those areas, to channel funds for re-building and for business investment.

Mr. Rivera of the Puerto Rican Bar Association pointed out that the Association's name is presently a misnomer. When the Association was originally organized with approximately 40 Puerto Rican At-

torneys, the name was in fact representative of the group. However today, with over 500 members, perhaps the correct name should be the Hispanic Bar Association.

Geraldo Rivera spoke of his experiences

here at Brooklyn Law School and his representation of the Young Lords during the 1960's. He pointed out that his decision to become a journalist was based on his desire to better the hispanic community, and he felt that this could best be done through use of the media.

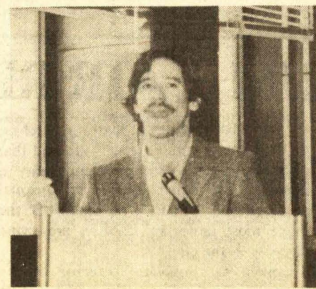
The final speaker of the panel was Judge Ramirez who also reminded students to look at the past and learn. His speech was particularly inspirational as he was blinded at the age of 26, putting a stop to his teaching career. He then completed the four year evening program here at Brooklyn Law School in three years, working during the day as a dictaphone operator for the City of New York. After obtaining his legal degree, he opened his own office, was elected Assemblyman in Brooklyn, and subsequently was appointed to the Family Court bench. He is currently a New York State Supreme Court Justice.

The afternoon workshops were geared toward orienting law students as well as prospective law students on different aspects of law including public interest, government, business and general practice.

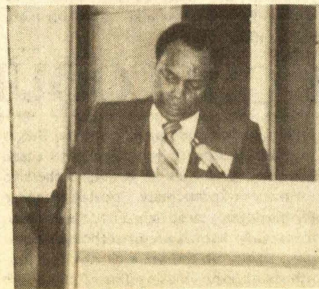
The Judiciary workshop was presented by Judge Grajales, Supreme Court Kings County, Judge Lawrence of the Appellate Division and Judge Quinones of the Family Court in Kings County. Each said that students should consider a possible career in the judiciary. They also noted that the salaries were low and therefore minorities in the judiciary might be endangered since those qualified to sit on the bench would not be able to afford to do so.



Symposium staff addresses BLS audience



Geraldo Rivera

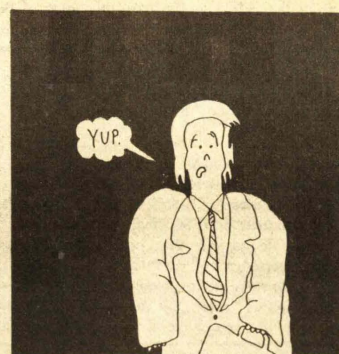
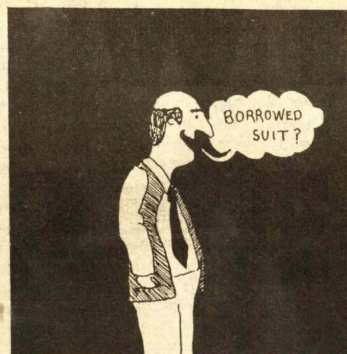
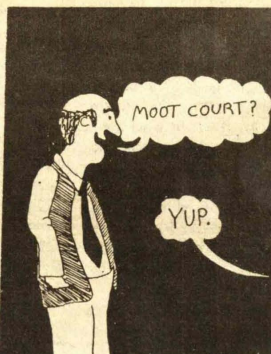


Dr. V. Simpson Turner

BACK ROW BOB

by

Longbow Matyas



©1983

Summer Vacations CHEAP

Call Phyllis
(212) 964-9831
After 4 pm

Deadline for Submission
of Articles, Essays, Etc.
for the Next Issue

APRIL 25

ENVIRONMENTAL LEGISLATION:

AN ENGINEER'S VIEW

By Sarah Thomas-Gonzalez

Environmental legislation was the subject of discussion on Wednesday, March 28, when Lawrence Liebs addressed a small group of BLS students. Mr. Liebs ensures that his employer, Brooklyn Union Gas, complies with state and federal regulations designed to protect the environment. He first described the Toxic Substances Control Act of 1976 (TOSCA) and illustrated the law's effect on industry. TOSCA created a "Superfund" which provides funds to clean dump sites contaminated with toxic chemicals listed in the 1976 act. If the source of the chemicals is not determined, the federal government provides money for the clean-up. If investigators are able to determine that a certain company buried the chemicals, that company pays for the clean-up. Mr. Liebs noted that industry is prejudiced by the law which holds an identified source jointly and severally liable for cleaning the entire landfill. In addition, a company may be required to clean up chemicals it dumped prior to 1976 in complete compliance with existing regula-

tions. The Superfund legislation is now up for renewal before Congress.

The second part of Mr. Liebs' presentation was a more general discussion about environmental legislation. He covered drafting and enforcement of the regulations, mentioning problems created at all levels and ways in which he has been able to resolve the problems to balance the needs of industry with the requirements of the legislature's environmental policy.

Mr. Liebs' talk served as a counter-point to the views expressed by many environmental and conservation organizations. It was sponsored by the Natural Resources Law Society.

Two more speakers will be coming to BLS in the near future. On Monday, April 9, there will be a discussion on Acid Rain and on Wednesday, April 11, an attorney will speak about her work with the NYC Department of Environmental Protection. Programs are open to all. Watch the bulletin boards in the main lobby for more information.

Part-Time Phone Interviewers

Schulman, Ronca and Bucuvalas, Inc.

Market and Opinion Research

Days, Evenings, Weekends

\$3.55 to \$4.15/Hour

CALL 370-1212

LAW REVIEW COLLOQUIUM—AIR RIGHTS CONT.

Continued from page 5

viewpoint. He suggests that landmark buildings have survived "because of their quality, which includes visible and invisible character—their looks and their soul—and cultural and aesthetic history. And it certainly includes, as a foremost consideration, the carefulness of their design; the intensity of the effort involved in their creation and the talent involved in that effort. A more fundamental way of creating a harmonious relationship of the new and the old would be to insist on quality in the new structure as in the old...This means complexity and richness of details. It means creating texture and scale and shadow comparable to that of the old building. Insist upon the creation of surroundings which have great beauty and meaning in themselves.

The next speaker, Curtis J. Berger, Lawrence A. Wein Professor of Real Estate Law at Columbia University School of Law said that his concerns with TDRs are not legal but urban design and philosophical concerns. He asserted that the "manufacture" of TDRs to solve any problem is yet another expression of "zoning for sale." If a developer wants to exceed the allowable

bulk the zoning ordinance requires, Berger said all he need do is take out his check book and write a check: perhaps a check to the owner of a landmark parcel in exchange for his development rights, or to a development bank that has acquired those development rights, or perhaps a check for a contribution to the Housing Trust Fund or the Subway Improvements Fund or a check for the construction of pedestrian malls or arcades or beautifying Broadway malls. He said that development in New York City looks like the operation of a Turkish bazaar. Berger urged that we return to an era where developers know at the outset what it is that they can do.

Donald H. Elliot, a partner at Webster & Sheffield, and former Chairman of the New York City Planning Commission (1966-1973) followed. He stressed the value of TDRs and took exception to Berger's characterization of TDRs operating like a Turkish bazaar. He argued that TDRs are but one of many valuable rights a developer must purchase in order to obtain the right to develop land. He said, "When you assemble a developable plot, you've got to buy up parcels and you buy those parcels for money. Development rights are in effect

the purchase of land—at least the purchase of the right to exploit land." He said that TDR allows you to do justice and equity to individual lot owners and prevent unequal development. "TDR," he said, "is the single most important tool in preserving diversity in the city."

Donald G. Sullivan, Director of the Graduate Program in Urban Planning at Hunter College, spoke last. He addressed himself to the question of "What do city planners want?" Sullivan said he was nervous about the use of zoning as a tool of city planning, but admitted it was the only tool available, except for landmark designation.

Commenting upon the much-discussed theatre district plan, he said: "the newest item on the list is *preserve the theatre district*. O.K. I like all that, but what am I willing to do with it?...I want to name the piazza that would come out of it..."Piazza del Robert Moses."

Sullivan said that he believed in coherent district planning, and has recommended that if it were legal, he would have Landmarks Preservation Committees engage in city planning, building by building.

Sullivan also noted his skepticism concerning TDRs and suggested incorporating

the theatres and deregulating 9th, 10th, 11th, and 12th Avenues to see if zoning/regulation is keeping those areas from their optimum development. Without taking these kinds of measures, he concluded, "All I'm hearing is something that sounds like urban renewal on one hand and something called TDR on the other hand, that makes me very nervous."

The panel then entertained questions for approximately 10 minutes, following which the audience was invited to a reception in the Renaissance Room where drinks and hors d'oeuvres were served.

Dean Trager said later that the total cost of the event was approximately \$10,000. He said the money was allocated after *Law Review* submitted a proposal which he termed "excellent." Trager noted that leading people from the New York City Legal Community were present, and that the reputation of the school was enhanced by the event, since, according to Trager, the substantive program was excellent. Professor Holzer is currently working with *Law Review* planning a symposium for next year on defamation in fiction. The *Journal of International Law* is also planning symposiums for next year.



A view of the Villard Houses, a U-shaped group of Italian Renaissance brownstones by McKim, Mead and White, which were incorporated and preserved in the Helmsley Palace Hotel.

Photo: Adriana R. Kleiman

Reprinted with permission from *Brooklyn Law Review* Volume 44 (Fall, 1977)

MORE LETTERS

Continued from page 2

only to deny its people the right to participate in that democratic process." (emphasis added to reveal lunacy).

In *Black's Law Dictionary*, "autocracy," another invective you hurl at the White House, is defined thusly, "A government at the will of one man (called 'an autocrat'), unchecked by constitutional restrictions or limitations."

That you engage in *ad hominem* arguments *ad nauseum* is plain, revealing a clear lack of thought or insight on the issues you tackle. That you do not approve of the policies of Ronald Reagan is a matter you can take up in the voting booth in November. By debasing the editorial page of our school's only paper with half-baked, unthought, vague, and immature generalities is contemptuous of journalistic integrity and a let-down to the students who demand quality.

That you cannot tell the difference between "an autocracy" and a constitutional democracy is an insult to your legal educators and your awaiting profession; no, to all freedom loving Americans. By your own hand, you have revealed your deficiency. You should stick to the intra-mural stuff, guys, you are incompetent to comment on world or domestic affairs.

Very truly yours,
Brian S. Sokoloff

March 7, 1984

Dear People:

Discrimination against BLS evening students in clinical education continues, I regret to report, in the Criminal Clinic conducted by Professor Stacy Caplow.

Professor Caplow is an able, even an inspiring teacher. Yet she and her students are caught in a dilemma. On the one hand, she wishes to maximize the clinical approach to education with a meaningful classroom experience. On the other hand, her students are asked to devote excessive hours to a course that only offers a minimum of credits.

For day students, who comprise the majority of those able to undertake enrollment in BLS's clinical programs, Professor Caplow's requirement of extracurricular preparation for in-class exercises poses a surmountable hardship.

For evening students, it presents an insurmountable barrier to participation in clinical education.

This is just one more round in a seemingly endless battle between the desires of BLS evening students to participate in clinical education, and a clinical program structured so as to make such participation impossible.

I am a third year evening student. Unlike most of my classmates, I am fortunate enough to be self-employed and thus able to arrange my work schedule so that I can devote a day a week (or more, on occasion) to participation in a BLS clinical course.

I have thus far participated in Prof. Nancy Lee's Inmate Counseling Clinic at the Metropolitan Correctional Center, and in Prof. Holzer's Judicial Clinic where I interned with Supreme Court Justice Sybil Hart Kooper. Both were incredibly enriching experiences. Both took a toll on my studies, my income, and my family life. It was a choice I made and a hardship I willingly incurred so that I might gain first-hand experience in the field of law in which I one day hope to practice.

Neither clinic required preparation beyond outside reading of prepared materials. Indeed, prior to enrolling in BLS's clinical program I sought advice from then-Dean George Johnson regarding BLS's clinical requirements because I feared that I would not be able to devote the enormous amount of time involved. I was told by Dean Johnson that the trade-

off in the amount of time involved participation in a BLS clinic was that there was no homework and, of course, no final examination. With that guarantee, I enrolled in my first BLS clinic. The guarantee held for two semesters.

This year, however Prof. Caplow is conducting in-class suppression hearings in an effort to simulate such proceedings which we will encounter in our future criminal law practices. Outside class library research and group consultations are required for meaningful participation in these exercises. This preparation adds to the work load and time consumption of students participating in the Criminal Clinic.

My position is, and must be, that the imposition of an increased work load should be matched by increased course credits. Why should anyone—particularly an evening student—sign up for a course that requires two hours in class, twelve hours at a placement and additional hours of class time per week? The argument that we are gaining an invaluable experience in the field does not wash. We should be able to have those experiences by right, by virtue of the tuition we pay, and by virtue of the fact that clinical education is recognized by every progressive law school in the country today.

Again, I do not fault Prof. Caplow. She is endeavoring to make the clinical experience informative and the classroom time enriching. I do, however, resent both the increased time demands on students for the same minimum number of credits, and the suggestion that class preparation time come from the placement.

Working at the clinical placement—in my case, with a criminal defense attorney, preparing presentence memoranda, researching critical legal issues and seeing the issues developed in the course of hearings and trials—is the prime reason for my participation in this BLS clinic. If one wished to do research on issues, one could just as easily enroll in a seminar course. Indeed, the time taken to prepare for class would have to be taken from research for the attorneys with whom we are placed.

I enrolled in the Criminal Clinic to get a taste of legal work outside of the academic atmosphere of law school. Instead, I find I am being asked to prepare for yet another academic course. As an evening student, I do not have the time. As a tuition-paying student, I fail to see why I should do additional work for the same paltry number of credits.

Prof. Caplow's decision will, if endorsed, completely foreclose evening students from participation in clinical education at BLS. The solution is to make out of class assignments voluntary, or mandatory and increase the number of credits granted for clinical education.

I can safely say that clinical education is by far the best experience I have had at BLS. I would hate to think that I would then be forced out of a course for refusal to undertake more work than I am being credited for, or because the time demands had grown beyond those bounds which evening students are able to incur.

Sincerely,
Bill Mantlo
Third Year Evening

March 9, 1984

Dear Prof. Caplow:

I assume your response was to my handwritten note and not to my more detailed typewritten letter to yourself, Prof. Holzer, Dean Trager and the *Justinian*.

Your response is both misguided and angry, erroneous on the facts, and discriminatory towards evening students.

First when you described the format on the class of the first day of the semester I expressly informed you verbally and in writing that I had not time in which to prepare for the exercise. The fact that you

grouped me in among those students who also expressed "no time" would seem to be an express acknowledgement your part that you had been so informed. I would take that to constitute notice on your part of my objections.

Second, I attempted to comply with the requirements of the exercise, despite the difficulty in doing so. On the first scheduled meeting of the group I raced from the courtroom where I was learning something watching Michael Joseph at work to find that the group had failed to meet. On the second occasion, I was told that the day students in the group has scheduled a meeting at a time convenient to them, but not to an evening student such as myself.

Third, despite your allegation, I have spent between ten and twelve hours a week either in court with Michael Joseph, at his office, or doing research on placement-related issues. You expressly told me at the beginning of the semester (a) that you didn't care how the time accumulated, so long as it totaled the required number of hours, and (b) that should it only accumulate between 8 and 10 hours I would receive 2 rather than 3 credits.

As for my absences, they have been one more than your own, and were both caused by the fact that I was at the placement observing a murder trial which I found infinitely more important than listening to my fellow students play act.

Lastly, I am disappointed in your day school oriented expectations to which evening students cannot possibly conform. It is such expectations, and the organization of the clinic around day school students' ability to participate in such ridiculous hours for so few credits, which has effectively denied to evening students who must work, go to school and (often) support families any participation in BLS clinics.

I have successfully participated in two clinics that did not seek to impose your restrictive day school oriented requirements. Should you choose to drop me from the program because I will not conform to that skewed view of clinical participation I will fight you in the clinical committee.

That effort on my part exposes a further inequity in the way in which BLS runs its clinics. I will receive neither pay nor credit for reforming a discriminatory program. You will be paid for the time I have to spend arguing for reforms.

I suggest that, in fairness both to myself and other evening students who may one day be able to participate in liberalized BLS clinics, that you examine both the facts of my case and the inequities in the program before you make threats.

Sincerely,
Bill Mantlo



Acting Associate Dean Caplow

To the Collective:

Mr. Bauer's March 12, 1984 installment to the *Justinian* on the nature of truth exhorts us to affirm that what is, is, and what is not, is not: Est, Est, Non, Non. He cautions us against the dangers of a single pur-

posed will whose relative conceptual bent can only lead to the ultimate destructions of the Occident. Hitler and Mussolini are given as vivid examples of this destructive process.

I would also like to add to this list of willful purporters and destroyers of civilization: Ghandi, Sadat, Washington, Lincoln, Pasteur, Fermi, Bell, Ford and a hundred thousand statesmen, scientists and professionals who have subjugated nature to the will and as a result brought about flashes of iridescent light where there was once only darkness and confusion.

It is human-kind's way to subjugate nature. For those of us who also believe in a Divinity, it is also God's way. Without the cataclysm of force in the cosmos, I dare say Mr. Bauer would not even be around to pen his argumentum on *What Is Truth*. Recall the theory of the Big Bang or even the well recognized theory of evolution. Not unper-suasive evidence of a willful force! Mr. Bauer should bear in mind: out of seeming ashes rose the Phoenix! Therefore in response to the chant of Est, Est, Non, Non I must in turn sound: No! No! Never!

Sincerely,
Armando del Rio Jr.

Dear Students:

This is in response to your joint letter regarding Professor Holzer's Constitutional Law grades.

The faculty, at its meeting on February 29th, considered the matter of examinations and grading policy, and reaffirmed the School's long-standing policy of nonintervention by the Dean or the faculty in grading controversies arising among students and individual faculty members. As a result, neither I, nor the members of the faculty, will be reviewing or re-evaluating Professor Holzer's examination or grades.

However, the faculty also voted to examine the issue of grading policy generally and a Committee is being organized to undertake that task and to formulate policy regarding such issues as whether the School should adopt a curve and whether a pass/fail option should be adopted. There will be student representation on this Committee. The Committee's recommendations will then be submitted to the faculty for consideration.

Sincerely yours,
David G. Trager

To the Collective:

This communication may be a bit unusual, but then again so is my social situation in an educational and business environment such as yours. I am presently incarcerated, and I have been so confined for a number of years.

My purpose and objective of this letter is to establish an open minded rapport with those law students and professors who may perceive a mutual interest in this writer's purpose and objective. It is my hope to develop and exchange legal concepts, personal philosophies, social ideas, and to convey my litigation experiences and relationship with the criminal justice system. I believe myself and those who are interested in my purpose and objective may have something constructive and significant to offer one another.

I am a paralegal professional, activist, political prisoner, and a student of law. I have a college background although I have not completed college, but I am planning to acquire a Bachelor's of Science Degree. Upon my return to the community, I plan to acquire employment in the legal profession.

Sincerely
Michael Hurley
Box B (72-B-89)
Dannemora, New York 12929

Continued on page 13

NEW CLUB FORMED AT BLS

By Jeff Houlihan

Would-be corporate lawyers and all those interested in the business and securities law scene will now have a student organization to call their own. The as yet unnamed club held its initial meeting on March 19. Organizers Jeff Block, Dave Gottshalk and Joe Heppt, all first year students, were quite pleased with student response to the concept of the proposed club. The trio was encouraged by the twenty-five person turnout at the meeting.

The new organization will have three main objectives: (1) to provide a forum for discussion of all aspects of corporate and securities law, especially the policies underlying current trends in the law; (2) to stimulate student interest in the field; and

(3) to foster better relations between the BLS community and practitioners in this area.

Professors Poser and Pinto both expressed enthusiasm for the new organization and pledged their support as advisors.

The organizers stressed the fact that they intend the club to take an objective approach. Co-founder Joe Heppt noted that the club will strive to view issues with an eye to both the private, profitmaking considerations and the public, regulatory concerns.

During the latter part of April, a lecture will be given by David Goldblatt on a topic of current controversy in the corporate securities field. Mr. Goldblatt is the senior litigating partner of the prominent firm of Proskauer, Rose, Goetz & Mendelsohn.

The new organization also plans to look into the possibility of establishing a journal of corporate securities law at BLS.

TRAGER RESPONDS TO SBA CONT.

Continued from page 7

mistaken belief that they had voted against these actions. A violation of trust—the trust placed in their representatives by the students—has occurred and gone uncorrected. To date the House of Delegates has yet to register any opinion other than mere concern. Its refusal to retract the letter was an unconscionable act of deception.

The significance of this incident lies in the fact that it is illustrative of a year-long dereliction of duties on the part of many of the House of Delegates members. The students of this school have become all too accustomed to having such irrelevant issues as the invasion of Grenada debated by its representatives. Were we capable of at least acting honestly while engaging in such nonsense, at least then we could claim to be performing a service to the students, albeit

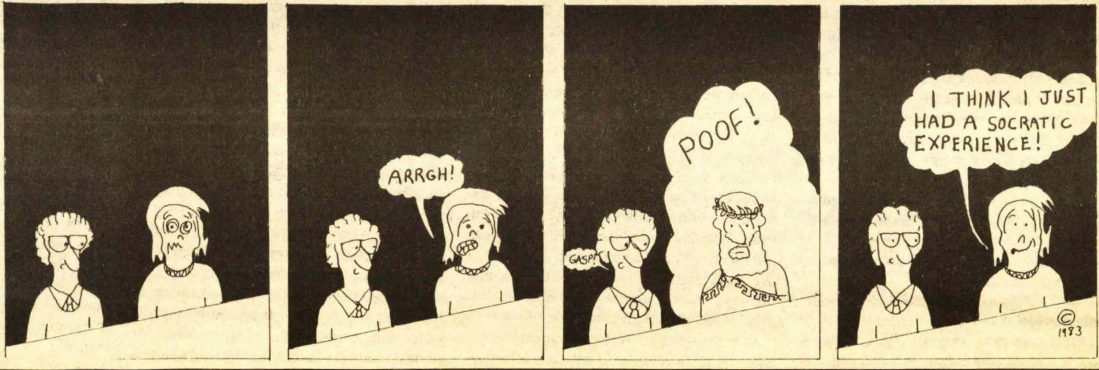
an attenuated one. Tragically, we cannot make even this claim. In refusing to right an undeniable wrong, the House of Delegates chose to conceal the truth so as to protect its own image.

The final complaint expressed in the letter you received last month concerned your frequent practice of acting unilaterally on matters demanding SBA consultation. Though this complaint was likewise never ratified, it is a real and important one and should be addressed. But with each successive irresponsible and undemocratic act, the SBA House of Delegates makes your policy more understandable. Ironically, it is we who provide you the ammunition.

Sincerely,
Stuart Diamond

BACK ROW BOB

by
Longbow Matsya



1984 SUMMER SESSIONS THE UNIVERSITY OF BRIDGEPORT SCHOOL OF LAW

SUMMER SESSION I

Classroom Courses begin May 21
Clinical Courses begin May 28
Classroom Courses end June 28
Final Examinations June 30,
July 3, 5
Clinical Courses end July 20

COURSES

Business Organizations
Civil Clinic
Civil & Political Rights
Creditors Rights
Federal Income Tax
Independent Research
International Law
Judicial Clerkship
Labor Law
Law, Language and Ethics
Legal Ethics
Secured Transactions
Soviet Law
Tax Clinic

SUMMER SESSION II

Classroom Courses begin July 9
Classroom Courses end August 16
Final Examinations August 18, 20, 22

COURSES

Administrative Law
Antitrust
Divorce Mediation
Education Law
Family Law
Irish Law
Independent Research
Judicial Clerkship
Juvenile Law
Remedies
Trusts & Estates
Uniform Commercial Code

The School of Law is located on Long Island Sound in Southwestern Connecticut approximately ninety minutes from New York City and thirty minutes from New Haven.

For Summer Session Catalog write to:
Summer Session Registration
University of Bridgeport School of Law
303 University Avenue
Bridgeport, Connecticut 06601

**COME ONE!
COME ALL!**
to the 9th Annual
**SECOND CIRCUS
REVUE!**

★★★★★★★★

Thursday, April 26

Friday, April 27

Saturday, April 28

★★★★★★★★

**Mark it on your calendar!
Be there or be square!**

**Tickets will be on sale soon
in the BLS Cafeteria**

SBA MEETING HELD

By Jeff Houlahan

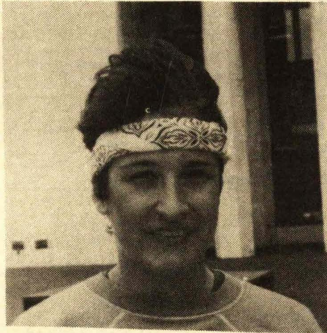
The Student Bar Association met on March 14th at 6:00 p.m. Because of a communications lapse, a number of representatives were absent and the government was unable to dispose of much pending business. Nevertheless, the SBA was able to get some important housekeeping matters out of the way and did at least begin discussion on the pending business. President Mary Malet acknowledged receipt of Dean Trager's reply to the SBA's open letter which voiced student concern over such matters as the merit scholarship program, library space, placement office funding and effectiveness, grading policies and vacation scheduling. A number of representatives expressed dissatisfaction with the Dean's rejoinder. The feeling among a few representatives was that more might be accomplished through direct in-person meetings between the administration and the SBA leadership.

The proposed day care center appears to be gaining momentum. Student Services head Robin Siskin is seeking to appropriate a portion of the SBA office for a day care center "hot line." A phone would be installed in the office and staffed several hours a day to provide callers with relevant information about the proposed center. Information about prospective day care users would also be collected. Mary Malet expressed some ambivalence toward the hot line. "The day care center would provide a vital service," said Malet, "but I refuse to believe that the SBA office is the only possible location for this hot line." One representative remarked that the SBA office was "somewhat less than cavernous," and that the office was already "bulging at its seams." Lance Dandridge, SBA Treasurer, counseled against doing anything to impede the progress that has been made toward establishing a day care center. "I'm not so sure that the administration is truly committed to this project," Dandridge said, "The SBA should probably be as accommodating as possible to avoid providing the administration any excuses for failing to give this thing a shot." Vice President Mitchell Greebel was also dubious about the administration's resolve. "The insurance expenditure alone would be prohibitive," Greebel remarked. The student government passed a resolution

authorizing Greebel to seek alternatives to having that hot line placed in the SBA office.

The SBA will be revamping the course evaluation program slightly. The evaluation forms will be revised and an attempt will be made to arouse a little more student enthusiasm and cooperation.

The process of redrafting the SBA constitution continues. The constitution committee aired a number of proposals which will be put to a vote at the next meeting. Among the proposals are a new procedure for amendments and a provision for a first year part time day student SBA representative.



MORE LETTERS

To the SBA:

Please note the following potential conflict with respect to request number 5 in your letter to Dean Trager (*Justinian*, March 12, 1984):

If fall exams are held before Christmas, fall classes would have to commence in middle or late August. This, unfortunately, coincides with "the season" at Fire Island and other resort areas.

Now, perhaps this might cause a problem at some schools, where certain faculty members would rather quit teaching altogether rather than miss a moment of their time share by the surf-side. Thank goodness we go to BLS. This would never be a problem here.

Merry Christmas,
Ron Kaplan

et al.: The Justinian

LAW STUDENTS

NYC Law Department has present vacancies and expected vacancies for May, 1984 for current evening/day law students in these full time/part time, Day year-round positions

- 1) LDPV #4 for first year student,
FULL TIME: \$13,491; PART TIME
\$7.38/hour, minimum 20 hours/week
- 2) LDPV #5 for second and third year students. FULL TIME: \$16,366;
PART TIME: \$8.96/hour, minimum
20 hours/week.

Duties include legal research, preparing for litigation, etc. Duties vary upon LDPV#

Benefits: 2-4 weeks vacation, medical. Location: some borough assignments available. However, most positions by the World Trade Center area. Position is for the duration of Law School. NY City residency required.

Send resume with number of completed credits, days and hours available, and current year of enrollment with available starting date to:

STUDENT LEGAL POSITION, LDPV#
NYC LAW DEPT
100 Church St, 5A10
New York, N.Y. 10007
No calls please
Equal Opportunity Employer



The *Justinian* wishes the Brooklyn Law School Community a happy, healthy and relaxing spring break!

Published by BrooklynWorks, 2018

A COMPANY CALLED M.J. & K.

THE OFFICIAL BOOKSTORE OF
BROOKLYN LAW SCHOOL
212-780-7998

All Books Are Discounted
Diplomas Laminated
Typeset Resumes Services

FALL SEMESTER HOURS

Monday 11:00-6:00
Tuesday 11:00-6:30
Wednesday .. 11:00-6:30
Thursday 11:00-6:00
Friday 10:00-2:00

The Justinian congratulates the 1984-85 Editorial and Senior Staff
of the Brooklyn Journal of International Law:

Editor-in-Chief
James Meade

Managing Editor
Richie Goldstein

Executive
Articles Editor
Allan Young

Symposium Editor
Jan Sigmon

Executive
Comments Editor
Helene Danzilo

Executive
Notes Editor
Susan Kaiser

Articles Editor
Mimi Matteo
Bill Phillips

Notes Editors
John D'Ercole
Mary-Lynne Hoffmeyer

Comments Editors
Sarah Barish
Ellen Greiper

Research Editor
Maria Shelzi

Business Editor
Michael Feigin

Book Review and
Technical Editor
Elissa Settecase

Senior Staff
Bruce Afran
Michael Danziger
Eric Ordway
Sarah Thomas-Gonzalez



**HOFSTRA
LAW SCHOOL**

SUMMER SESSIONS 1984

SUMMER SESSION 1
May 21 to July 2

SUMMER SESSION 2
July 3 to August 10

COURSES	CREDITS	COURSES	CREDITS
Child, Family & State	3	Commercial Transactions	
Commercial Paper	3	Survey	4
Conflict of Laws	3	Federal Courts	3
Criminal Procedure	4	Federal Estate and Gift Tax	3
Debtor-Creditor	3	Labor Law	3
Evidence	4	Law and Public Education	3
Family Law	3	Real Estate Transactions	4
Law and Medicine	3	Wills, Trusts and Estates	4
Remedies	3		
Secured Transactions	3		
Unfair Trade Practices	3		

For Further Information Write or Call:
(516) 560-5916

**HOFSTRA
UNIVERSITY**

**Brooklyn-Progress
Copy Center**

PRINTING BY ALL PROCESSES

**High Quality Xeroxing
at Reasonable Prices**

193 Joralemon Street
Just 1 block from Brooklyn Law School

Telephone: TRIANGLE 5-0696

SPECIAL DISCOUNTS TO LAW STUDENTS

Recipients of American Jurisprudence Awards, Fall 1983

COURSE	SECTION	NAME
CIVIL PROCEDURE I	1A	Thomas, Lisa
CIVIL PROCEDURE I	1B	Keller, Barbara
CIVIL PROCEDURE I	2	Lutwak, Diane
CIVIL PROCEDURE I	3	Lazarow, Warren
CIVIL PROCEDURE II		Anderson, Richard
COMM. PAPER	Day	Remensperger, Donald
COMM. PAPER	Eve	Gutwillig, Debra
CONFLICT OF LAWS		McGrath, Catherine
CONSTITUTIONAL LAW	1	Chaiken, Steven
CONSTITUTIONAL LAW	2	Feldman, Gregory
CONSTITUTIONAL LAW	3	Levine, Charles
CONTRACTS I	1	Stein, Martin
CONTRACTS I	2A	Carnival, Maryanne
CONTRACTS I	2B	Lewis, Finkleman
CONTRACTS I	3	Harris, Debra
CONTRACTS I	Eve	Curran, Elizabeth
CRIMINAL LAW	1	McLean, Kevin
CRIMINAL LAW	2	Finkleman, Lewis
CRIMINAL LAW	3A	Keating, Kevin
CRIMINAL LAW	3B	Merrill, Susan
CORPORATIONS	1	Crisonino, Edward
CORPORATIONS	2	Cosslett, Clare
CRIMINAL PROCEDURE I		Prevost, Michael
CRIMINAL PROCEDURE II		Gold, Barry
DEBTORS & CREDITORS RIGHT		Gutwillig, Debra
DOMESTIC RELATIONS		Goldsmith, Bonnie
EQUITY	Day	McEvoy, Dennis
EQUITY	Eve	Pye, Anthony
EVIDENCE (4 cr.)		Brown, Steven
EVIDENCE I	1	Thomas-Gonzalez, Sarah
EVIDENCE I	2	Silberg, Stuart
EVIDENCE I	3	Divine, Carol
EVIDENCE I	Eve	Mostel, Jon
LABOR LAW I	Day	McCahey, Stephen
LABOR LAW I	Eve	Pearlstein, Lisa
LEGAL PROFESSION	1	Seltzer, Eric
LEGAL PROFESSION	1	O'Halloran, James
LEGAL PROFESSION	Eve	Hruska, John
N.Y. CIVIL PRACTICE		O'Shaughnessy, Maureen
PROPERTY I	1	Boden, David
PROPERTY I	2	Keicher, Maxine
PROPERTY I	3	Dachowitz, Cynthia
PROPERTY I	EveA	Appleblatt-Perino, Cynthia
PROPERTY I	EveB	Wildman, Frederic
PROPERTY II		Potansnik, Joseph
TORTS I	1	Dachowitz, Cynthia
TORTS I	2	Horn, Linda
TORTS I	3	Ruben, Ann
TORTS I	Eve	Ouslander, Andrew
TRUSTS		Edmead, Carol
CORPORATIONS		Rosen, Mark
WILLS—ADM.	1	Abrams, Natalie
WILLS—ADM.	2	Schindler, Edwin
WILLS—ADM.	Eve	Corchia, Vanessa

Vote for 'The Most'

The Justinian
proudly announces
the second annual
Professor of the Year
competition

Official ballots may be
obtained at the
Justinian office (room 304A)
or in the Cafeteria
April 12, 13 and 23
from 1 to 2 pm

PAX BOOK EXCHANGE

Where You Save Money!

10% OFF ALL REVIEW OUTLINES

Gilbert • Nutshell • Casenotes • Emmanuel • Legalines
Sum & Substance • Smith Review • Black Letter • Blackstone

OFFER VALID WITH THIS AD ONLY—THRU APRIL 30, 1984

108 Lawrence Street

Brooklyn, NY 11201

TR 5-14.91

BAR/BRI Enrollments Are Up! BAR/BRI Pass Rates Are Up! and The New York State Pass Rate Is Up!

As BAR/BRI enrollments have climbed,
the state pass percentage has increased.
We don't claim "cause-and-effect,"
but we know we must be doing
something right!

Last summer, New York's pass rate was one of the
highest ever. And BAR/BRI trained more than
3,400 persons, more than all other bar review courses
combined.

BAR/BRI's overall pass percentage was higher than the state
rate, and at many New York schools we had a pass percentage
in the low 90's or high 80's.

Thus while some bar reviews claim astronomically high percentages each
year, there is only one pass rate you can trust—the State Rate. And as
BAR/BRI enrollments have climbed, the State Rate has climbed with it.

barbri

The New York and Multistate Expert™