

# The Justinian

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## The Justinian

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# THE JUSTINIAN

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## Bar Rates a Passing Fancy?

### Majors' Pass Rates Unknown

by Nina Keller

Why do students choose one bar review course over another? Advice of friends? Methodology? Outlines? Gift with purchase? Free pizza? While all of the above may be influential, most students would probably agree that an overwhelming reason to take a certain bar review course rests on one factor: PASS RATES.

In the hopes of getting accurate information that would allow students to make an informed choice of which course to take, the Office of Administration and Student Services, headed by Assistant Dean Robin H. Siskin, attempted to determine what the actual pass rate is of each of the five bar review courses that solicit at BLS. (The five courses are BAR/BRI, Josephson, SMH, Pieper and PMBR).

"All of the bar review courses have lectures students attend and there are bar representatives in the cafeteria with books and outlines," said Dean Siskin, "but one of the major things that bar review courses do is advertise in a real competitive nature with their pass rates. I get the feeling that each bar review course is saying 'I'm the best' and there can only be one best."

#### First Efforts

Dean Siskin attempted to find out from the five bar review companies the names of BLS students who had taken their course in preparation for the July 1985 bar exam. Then, by comparing those names to the bar exam results published in the New York Law Journal (results of the New York Bar, including names, are published several months after the exam every year) she had hoped to produce accurate pass rates for BLS students who had taken the

July '85 bar and who had also taken one of the five bar review courses.

Obtaining the names of BLS graduates who had passed or failed the July '85 bar was as easy as reading the Law Journal. Getting the names of enrollees from bar courses was not so simple.

Starting in March of 1985, Dean Siskin began to contact the bar review companies in order to find out, in confidence, the names of BLS enrollees. "I must say with all of them it has been like pulling teeth," said Dean Siskin. "We told them on the telephone and in a number of letters that we wanted to have the names of enrollees in their courses who were from BLS so that we could give some accurate information to our students."

#### Results Slow in Coming

Some of the companies complied. SMH gave her the names of four students, only one of whom took the July '85 New York Bar. That person, who was not a 1985 graduate, did not pass. Dean Siskin did not have information as to whether the three taking SMH in other states had passed.

PMBR, a course which reviews the Multistate portion of the bar and which is taken as a supplement to another bar review course, sent the names of BLS stu-

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Prince Moot Court Competition coordinator Catriona Glazebrook and Moot Court Honor Society faculty advisor Ursula Bentele are flanked by judges Bork and Gibbons (l.) and Deans Prince and Trager (r.) at the conclusion of the successful competition. Story on page 5.

## Insurance Crisis New Policies Considered

By Michele Hauser

Park benches in Florida bear a startling legend these days: "Do You Ache? Someone should pay for your pain." The message is clear: out there, somewhere, is a defendant. And standing behind that defendant, if the plaintiff is lucky, is the pre-eminent deep pocket, an insurance company, the real party in interest.

It is a scenario that is played out daily, one that has insurance companies crying poverty—and in some notable cases, withdrawing coverage altogether. According to the U.S. Chamber of Commerce, insurance rates doubled for 40% of its members in 1985; ten percent suffered rate hikes of more than 500%. The nation is facing a crisis in the availability of general liability insurance. The question, however, is whether the crisis is genuine or the result of a guerrilla campaign launched by the insurance industry to shore up sagging profits by limiting plaintiffs' traditional tort remedies.

#### CRISIS, WHAT CRISIS?

The cause of the crisis is a matter of dispute. The reality of an insurance crisis, however, is not: The roller coaster at Coney Island is not operating this year; the Roosevelt Island Tram was out of operation for several weeks when its insurance was terminated; parks and beaches on Long Island may prohibit surfing this summer for lack of insurance.

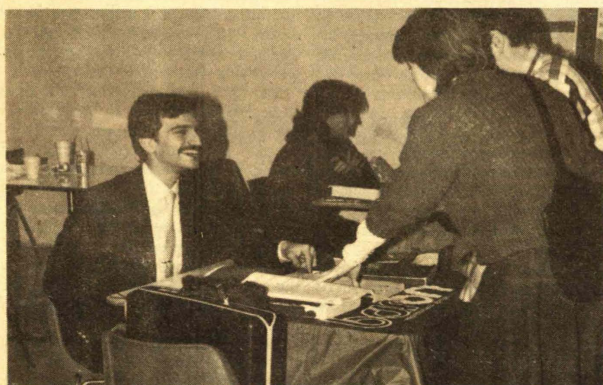
The insurance industry claims that it is losing money and that the cutback of reinsurance—reinsurers

insure primary insurers and spread the costs of verdicts throughout the industry—has made verdicts additionally burdensome. White House officials sympathetic to insurance interests claim the industry paid out \$25.2 billion more in claims than it received in premiums last year.

The industry as a whole, however, showed an overall profit of \$7.6 billion, as well as a \$32.8 billion surplus in net investments and other income (White House figures). Compared with other years, say industry sources, that profit was low.

But opponents of tort reform claim that any loss of profitability is due to the boom-and-bust cycle that plagues the insurance industry. According to the Alliance for Consumer Rights (the ACR was founded in 1985 by the New York State Trial Lawyers Association to oppose tort reform), rising interest rates in the 1970s prompted insurers to cut the cost of premiums in a race to raise more investment income. When interest rates inevitably fell and claims started to come in, there were fewer

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Rough and Tumble Trade: Bar review course sales, like law school, are highly competitive. It's hard to tell which are the best when they won't tell you what their pass rates are. Here, a smiling Bar Bri rep makes his pitch.



# ABA-LSD Students Make Changes

## International Law Symposium

By Judith Kahn

On March 15, the second circuit of the ABA Law Students Division (LSD) met for its annual spring conference. The participants were SBA presidents and LSD representatives from the fifteen ABA approved law schools located in New York City. This year, the second circuit governor is BLS's own John Folcarelli.

Folcarelli, a third-year evening division student who served last year as an LSD representative, has evaluated the ABA-LSD system as providing "an opportunity for law students to make concrete changes in the way law schools are run and what they want them to do." BLS students are this year's strongest participants in the LSD program.

To effectuate changes, students from all over the country submit resolutions to the ABA regarding educational standards and a means of testing faculty competence. These resolutions have included the right to due process in reviewing selection for law review, making a legal education accessible to the handicapped, and more active assisting of students who are not in the top 10% of their class.

The LSD also runs a series of programs which provide students with an opportunity to enhance advocacy skills and to receive money grants to participate in a community services program. For example, the LSD provides up to \$1000 in "seed

money" to start up a program such as "VITA" which trains law students to help the indigent prepare their income tax returns. "Unfortunately," Folcarelli states, "students should be, but are not taking advantage of this program."

The conference reviewed previously implemented changes and programs, discussed new proposals, presented awards and elected a new governor for the second circuit of the LSD. Dr. M. L. Henry Jr., the guest speaker, discussed the role of women and minorities in the judicial system. The spring conference also selected students to participate in the liaison program, which allows them to sit on an actual ABA committee, such as the labor and employment committee, and, in some cases to vote on relevant ABA issues.

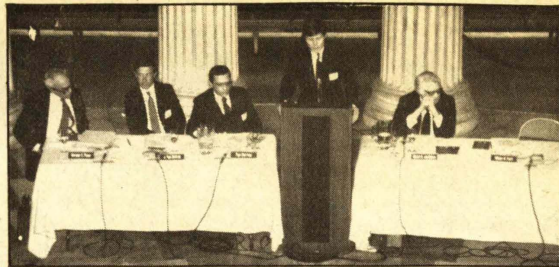
Folcarelli admits that, overall, the process of making changes "could be more expedient, but it works. We spend a lot of time hearing testimony from law students. It does take some time, but in order to make the process effective, it has to." For Folcarelli, participating in the LSD had been a "rewarding experience. I think it is something that first year students should get involved in."

Students who have resolution proposals, may submit them by contacting the LSD and SBA. Student changes will make law schools more student oriented, as they should be.

The Brooklyn Journal of International Law presented its annual symposium entitled The Future of Private International Arbitration on the evening of March 18 at Federal Hall in lower Manhattan. The program focused on a recent antitrust decision entitled *Mitsubishi Motors v. Soler Chrysler-Plymouth*. Robert B. von Mehren, a partner at the law firm of Debevoise & Plimpton, was the principal speaker. He advocated a strong preference for neutrality in choosing arbitrators in the international setting, "so they are perceived as captives neither of the party who appointed them nor of the country represented."

The program was moderated by BLS Professor Paul Sherman and featured several other panelists, including J. Paul McGrath, a partner at Dewey, Ballantine, Bushby, Palmer & Wood; William W. Park, Professor at Boston University School of Law and BLS Professor Norman S. Poser.

Articles by Mr. von Mehren, Mr. McGrath, Professor Park, and Professor Poser will be published in Vol. XII, No. 2 (1986) of the *Brooklyn Journal of International Law*.



**Pillars of the international law community speak out.**

## Forum On Philippines

Lectures, discussion, photo exhibits and a music and dance performance were all part of the 'Forum on the Philippines,' a four hour presentation held April 4th and sponsored by the National Lawyers Guild Chapter of BLS.

The featured speakers included Noel Leyco, head of the New York Chapter of the Alliance for Philippine Concerns (APC), Lourdes Marzan, a Filipino activist who is the New York Chapter executive of the Union of Democratic Filipinos (KDP) and David Williams, a Methodist missionary who spent fifteen years working in the rural Filipino community Mindanao.

\* Discussion focused on the effect Marcos' departure will have on the quality of life in the Philippines. The production was made possible through the cooperative efforts of the following organizations: National Lawyers Guild, Asian-American Law Students Association, Black Law Students Association, Lesbian and Gay Law Students Association, Hispanic Law Students Association, Italian Law Students Association and the International Law Society.

## African Art at Museum

*Curator's Choice: The Arts of Central Africa*, a selection from The Brooklyn Museum's collections of objects from Zaire, the People's Republic of the Congo, and Angola, opened at the Brooklyn Museum on April 2 and will be on view through June 30. These objects were chosen both to illustrate the range of artistic activity throughout those regions and to commemorate the Museum's first exhibition of African art which took place in April 1923. The Brooklyn Museum, located at 200 Eastern Parkway, is open M, W, Th., Fri. 10-5, Sat. 11-6 and Sun. 1-6.

The present exhibition reflects the interests of the 1920s in its emphasis on design and craftsmanship as illustrated in objects of everyday use, including wooden vessels, containers, weapons, basketry, furniture, utensils, masks, and sculpture.

Most of the objects were collected by Stewart Culin, the first Curator of Ethnology who set out for Europe in 1922 with the intention of acquiring an African collection for the Museum. Culin saw in African art a much needed inspiration for industrial designers and manufacturers; his hope was that it could provide new energy for American design, which he saw as lacking in innovation.

With this in mind, he purchased a col-

lection of 1,600 African objects from a dealer in Brussels. Upon his return, Culin arranged private showings of the collection for fabric designers, furniture makers and the design heads of large department stores.

The results of this energetic publicizing were seen in the fashion of the following seasons. Bonwit Teller advertised their "Congo cloth sports attire" and a furniture maker came out with a chair based on an African model. A dress designer created a black velvet copy of the costume worn by the Fon king of Dahomey.

The 1923 African exhibition also gave Culin the opportunity to illustrate his views of the role of a museum. A museum, he said, is not just "a depository" but should be a source of inspiration, "not only for the trained artist . . . but for every visitor who may in it find release from the obvious and walk along the enchanted ways of the imagination. . . ." The 1986 exhibition of the Culin African collection illustrates the enduring quality of the choices he made more than sixty years ago.

The exhibition, organized by Victoria Ebin, Associate Curator, African, Oceanic and New World Art, is the ninth in a continuing series that has been made possible, in part, by a grant from A & S.

## APRIL-MAY

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#### Mystery Man Prince

The Justinian presents a detective thriller written by Brooklyn Law's evidence savant, Dean Emeritus Prince. THE FINGER MAN, written over 40 years ago, is a psychological thriller that should, at least for a few moments, draw you away from your studies.

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Is a law school cafeteria an appropriate place for a juke box? A BLS professor argues that popular music is very relevant to the law school experience and that it speaks to students in ways text and lectures can not.

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# Career Opportunities in the Public Interest

By Judie Steinhardt

Richard Weinberg of the New York State Attorney General's office spoke on public interest law on Tuesday, February 25, as part of a series sponsored by Phi Delta Phi fraternity. Mr. Weinberg is Assistant Attorney General for Legal Training, Recruitment, and Development, and Special Assistant Attorney General for Antitrust Enforcement. He graduated George Washington University National Law Center with honors, became a research assistant for the chief to the Watergate Commission, received his LL.M. from N.Y.U. in trade regulation, clerked for Judge Henry Bramwell of the Eastern District of New York, and worked for Skadden, Arps, Slate, Meagher and Flom for three years before attaining his current positions.

Mr. Weinberg's information clearly came from his own wide range of experiences. During the Vietnam War, he was a conscientious objector and was assigned to teach in Bedford-Stuyvesant instead of fighting. He explains that he taught in the inner city schools "to serve what we considered a better society." The Assistant Attorney General's life has been devoted to upholding that philosophy, and he hopes to inspire others to follow his lead.

Mr. Weinberg perceives an attitude in law schools that is working against the public interest. He states, "the view of law school as the road to riches is apparent all the time."

He maintains an optimistic outlook, however, because he recognizes the benefits of a public interest career and believes they are important enough to attract lawyers who may start out in the big firms. He states, "The best place to be is in an institution of public service. . . . There's more important things than just making money. The people in my office are the happiest group of lawyers I've met. Most lawyers you talk to in big firms will tell you they're not happy. That's not coincidental. They become a small cog in a big wheel."

Some of the benefits of a public interest legal career are, "more responsibility at an earlier stage in your career, and an opportunity to influence public events," Mr. Weinberg states. At a public interest law firm "you get the marketable experience," while at a corporate firm you could be getting "\$50,000 per year for looking at documents in a warehouse."

He believes that lawyers are given the opportunity to make improvements in society, and they should use their power to impact public policy. He states that all lawyers "have a moral and ethical obligation to serve society. Something is more important than just winning your case. . . . Your license to practice law is a license to help your fellow human being."

One way of utilizing your legal power is by working for a government agency, such as the Attorney General's office. The



**Weinberg: "The best place to be is in an institution of public service . . . There's more important things than just making money."**

state's Attorney General's office is the only law firm in the state that handles certain issues, including environmental protection and anti-trust enforcement. He explains why working for the government can be especially gratifying: "You can make a difference in two ways in government: 1) you can stop them from doing something immoral right away before going to trial by questioning the government's actions, and 2) through consumer frauds and environmental protection."

Mr. Weinberg's feelings about his own job demonstrate the best reasons for going into public interest law. He describes his position as "intellectually stimulating and personally rewarding. I feel I make a difference. . . . I love where I am now at the Attorney General's office. That's what's important to me. I'm not going to get rich, but I may make a difference."

He recommends that every lawyer try public interest law sometime during his or her career. "At some stage in your life what you've accomplished is more important than what you have. Never underestimate your ability to make a difference. . . . Most lawyers do not like what they do and are not happy, according to ABA statistics," he states.

Lawyers should work a few years in a big law firm, and then take a job in public interest. "You don't have to go right from law school into public interest. . . . but somewhere along the way you might think of taking a detour," he proposes.

The Assistant Attorney General offered advice that every law student should consider. The ways he has used his own knowledge and experience can serve as an inspiration to students who forget to look beyond their studies and the money they plan to make when they graduate.

## Erratum

In the March edition of *The Justinian*, James Locantro reported that the SBA is planning to send out to students a petition on whether or not BLS should change its fall holiday and exam schedule. According to SBA President Oren Falk, however, no such petition is planned at this time. Falk states that a great deal of student and faculty discussion will be necessary before such an effort will be forthcoming. We regret having misinterpreted the SBA's efforts in this matter, possibly raising false expectations among students that the holiday and exam schedule may soon change.

In an article written by Judie Steinhardt, *The Justinian* stated that students on the Student Faculty Committee feel they have little impact on the actual faculty hiring process here. Oren Falk maintains that students have, in fact, been granted significant participation. Since this conflicts with the information gathered by our reporter, we reserve judgment on the actual value of student input into hiring decisions at BLS, and merely point out this discrepancy for our readers to note.

et al.: The Justinian

# Students' Prayer: Give Me a Job

By Jonathan Hudis

So, you're a law student looking for that "perfect" summer job. You would like to earn \$900-\$1000 per week. A meeting with the senior partner once in a while would be nice. Maybe he or she will "show you the ropes?" A luncheon once or twice during the summer wouldn't hurt. Of course proper experience is a must. Well, it is a nice dream, but it is not all that simple.

It is generally known that employers of the type described above accept only those students who are in the top ten percent of their class, with Law Review or Law Journal experience. Even then, nothing is guaranteed. "I had to send out over four hundred resumes before I obtained the job I wanted," said one BLS Law Review student. "It is really tough when most of the firms don't even respond; and those that do are not always encouraging." Another Law Review student, who is still looking for a job, said that he has been very discouraged by employers' attitudes. "I don't know," he said, "I guess I'm not what they're looking for."

Of course, it is not always that way. Most of the top students obtain jobs early. The process begins in August, after the student's first year. The placement office sends a list of firms that recruit on campus to the entire class. All students are free to submit their resumes, but only those with the best "paper qualifications" are chosen for interviews. By December, ten to twenty percent of the second- and third-

years are as good to us as para-legals or secretaries." Unfortunately, first-year students by this time know only "the basics."

According to Roger C. Cramton, AALS president and professor at Cornell Law School, "[l]aw placement as a whole now is an engine totally out of anyone's control, a market response to the cumulative actions of thousands of legal employers and job candidates, with law schools as the intermediaries and the educational program as the victim."

Professor Cramton's suggestion to this problem is to organize a national law placement system based on the Medical School Model. Before the start of the fall term, law students would go to one of several regional job fairs at which legal employers would interview prospective second-year students for clerkships and prospective third-year students for permanent employment. First-year students would have their own job fair in March. Earlier placement activity directed toward them would be prohibited. The whole process would be run by a computerized data system, matching students' and employers' wants and needs.

According to Professor Cramton, "the entire enterprise could be conducted for \$100 million per year instead of the current \$250 million. Law schools would cease to be hiring halls and would again devote themselves to education." Professor Cramton sees heavy resistance to this program for two reasons: "Many law schools

## Meaningful employment is tough to come by, but persistence pays off.

year class are offered positions. The other eighty to ninety percent have it a little tougher.

With most of the large firms filled for the summer, students who aren't as "qualified on paper" begin their search for summer jobs. Many students will find that the small and medium-sized firms are unsure of their summer employment requirements. They usually don't have the time nor the staffing ability to plan that far ahead. Between January and March, most of these firms respond to inquiries by telling students to "send us your resume and we'll get back to you." Some eventually respond with written letters, some do not.

The medium and small firms present a financial problem. They do not pay nearly as well as mega-sized firms with large budgets for summer programs. Salary offerings at these firms range from \$600 to as little as \$200 per week. Public Interest employers, such as the District Attorneys, the U.S. Attorney, the Attorney General, and Indigent Legal Services pay either a modest \$100 per week stipend or nothing at all. All of these employers are of the opinion that students "know nothing until we train you." Therefore, they feel no remorse in paying next-to-nothing for mentally back breaking work, or even worse, photo-copying. Because there are so many willing and capable students out there, the law of supply and demand forces students to take what they can get. Many are forced into working part-time during the semester to guarantee themselves a place in June.

For first-year students, the prospects are even less encouraging. Employers as yet have nothing on paper by which they can measure the student's qualifications. As one employer put it, "first-year law stu-

are reluctant to risk short-term placement advantages for the most compelling and communal reasons." In addition, "law students are so paranoid about placements that any change is likely to be viewed by them as threatening and suspect."

All students should be encouraged by one prospect: A recent NALP survey found that 92% of those students who graduated law school found legally-related employment within six months of graduation. This is a record-breaking statistic, despite the fact that the number of lawyers in the United States has doubled in the last ten years.

The survey also found that the nation's top salaries were offered to first-year associates by New York City law firms with over 100 attorneys — approximately \$46,000. The medium and smaller sized firms offered widely varying starting salaries, ranging from \$9,000 to \$37,000. Those who went into private practice from the outset earned anywhere from \$5,000 to \$100,000 their first full year. According to a JUSTINIAN article last year, Dean Trager observed that the BLS trend has been student and alumni placement in medium and small sized firms.

Marge DiSimone of the BLS placement Office has been very encouraged by Brooklyn's placement statistics. "Generally, we run with the national average," she said; "it is just a matter of each individual student hitting the right firm at the right time." According to DiSimone, BLS's placement files constantly circulate over 100 job offerings from BLS alumni alone and over 200 from employers city-wide. These employers are of varying types, from private practitioners, to law firms, to businesses and government agencies.

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# BLS Alum Lonn Trost: A Sporting Lawyer

By Rick Walder

"My sports memories go back to when Bobby Thompson hit a home run off of Ralph Branca at the Polo Grounds. I've gone from the bleachers to the penthouse" says Lonn Trost, sports attorney.

Mr. Trost has dealt with many exciting players throughout his career and manages to control his emotions by "approaching the stars on two levels, first as an attorney, and then as a fan." When asked how he felt when coming face-to-face with members of the Hall-of-Fame and former Yankee players, Trost stated that "they should only know how excited I was when I was sitting in Brooklyn watching them play!" Trost has been asked to review leases for the Yankees, draft the contract between the Yankees and its radio and television stations, negotiate and draft a contract for a new scoreboard, bargain with unions, and negotiate with players over contract terms. The person who makes demands such as these and others upon Trost is none other than Yankee principal owner George Steinbrenner, who once said that Lonn has "lasted longer than any manager."

"I'm a sports lawyer," said Trost. "Someone in sports medicine specializes in bones. That's a narrow field. A sports lawyer advises his clients about contracts, investments, media contracts and deals on matters such as stadium construction and the relationship of the leagues to the president or commissioner. We touch on all aspects."

Trost begins each day by reading each available New York newspaper sports section from cover to cover before coming to the office of Shea & Gould, where he has been working as an attorney since 1972. "I'm a partner in the firm. I read at length each day about all areas of sports. But I don't consider reading the sports page to be work. It may be required reading, but it's something I enjoy."

Trost, a Brooklyn Law School graduate (1971), has served as corporate counsel to the New York Yankees, and has performed legal work for the New York Mets, Rangers, and Knicks as well as the Cleveland Indians. Simply put, "sports law is the law of contracts." A former student of Professor Gilbride's Contracts class,

Mr. Trost defined the "blue book" as the rules of procedure governing the major and minor leagues of professional baseball and the "red book" as the constitution and bylaws of the American League.

## BACKGROUND

Before attending the Law School, Mr. Trost studied as an undergraduate at Hunter College, then located in the Bronx. In law school, he graduated fifth in his class. To a large extent, Mr. Trost attributes his subsequent success to the "wealth of useful theoretical and practical knowledge" that he acquired as a student at Brooklyn Law. "The students were enthusiastic, the teachers were top-notch, and the overall education which I received there was excellent."

Immediately after graduation, Mr. Trost worked for the Chief Counsel to the Treasury of the United States and was called upon to "write law review articles every week for a year." It was at this point in his life that he decided to call "Uncle Jerry" Leitner and urged him to "get me out of here." Fortunately, Professor Leitner was able to connect Trost with the New York law firm of Shea & Gould, where Trost was offered a job.

Trost rapidly became a "generalist" with Shea & Gould, but he started working in the firm's corporate reorganization department. In such a capacity, he solved a multitude of legal problems in areas ranging from real estate to labor to litigation.

## NEGOTIATING PLAYER'S CONTRACTS

In addition to the standard Uniform Player's Contract, Trost drafts appropriate riders to cover players' compensation and bonus demands as well as requisite deferral arrangements when necessary. These deferral arrangements focus upon current interest rates, the cost of money, and the overall tax effect on the player as well as the amount of money that the owner must use to fund the deferral.

Compensation is the sum of money which a player wants to be paid for a year, and the "bonus" is an amount of money which is paid to a player on condition that the player achieves a certain number of "at bats" or wins an award such as the Most Valuable Player, Cy Young, or Golden Glove. Furthermore, some players have "no trade" clauses built into their contracts, thereby ensuring their future with the ball club.

As counsel to World Sports Entertainment, Inc., Mr. Trost also enjoys giving legal advice to agents who represent players, mostly those involved with football. Agency responsibilities include "holding the player's hand, handling his taxes, and obtaining endorsements."

"Sports law is much easier to set your sights on, but much more difficult to accomplish" according to Trost. "Everyone in this small cadre of attorneys knows everyone else." Trost also notes that "you have to be lucky enough to get into a firm that has the clientele in order to do well." Predicting the future of sports law, Trost feels that it will "grow and expand, become more sophisticated, and continue to overlap into the areas of radio, television, cable, and corporate law."

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# Jock's Trap BAN BOXING

By Scoop Jackson

For anyone who has ever been in Dean Holzer's constitutional law class, and can recall any of his lectures on individualism, Ayn Rand, and individual rights, a statutory ban on the sport of boxing would seem ludicrous. Who can ever forget when Dean Holzer argued against laws banning pornography, when he would spout: "Why should we protect the 'HORNY' from themselves?", or when he bantered against maximum hour laws when he would say "Why should the collective have the right to prevent people from working in sweat shops eighty hours per week if they want to." Logically one might assume our noted and published Dean would also argue against law banning professional boxing by asserting "Why should the state protect boxers from themselves."

Well it has come to the point that we as members of the greatest civilized society ever to inhabit this earth put an end to the brutal and corrupt sport of profes-

sional boxing. The sport cannibalizes and destroys its participants, and makes blood-thirsty sadists out of its spectators. I doubt any person who witnessed either live or the numerous replays of Ray "Boom-Boom" Mancini knocking-down and fatally injuring his over-matched and defenseless opponent, Duk Koo Kim, will ever be able to forget the sight of the Korean fighter laying motionless on the canvas. The victim of a brutal and deadly sport. While boxing might have been acceptable in less civilized periods of human existence, the sport has no place in our society today.

The need to ban boxing stems from its outrageous brutality. Dozens of boxers, from small time club fighters to championship calibre boxers died each year. The names of Kim, Cleveland Denny, Willie Claussen, and other faceless boxers who have been murdered in the ring call for abolishing the sport. Not only does the sport kill its participants but the number

of punches absorbed by fighters permanently ruin their lives. Studies by noted physicians have discovered a direct correlation between the number of fights and the deterioration of brain activity. Cat Scans performed on boxers of all ages show the more years in the ring, the more damage done.

Furthermore, the present day hype of the sport, especially the circus-day atmosphere that prevails at championship matches, has the effect of teaching our children that the punching of other human beings is an acceptable means of interaction. No more evidence is needed to demonstrate how the youth of this nation are drawn to the sport of boxing and to violence, than by noticing the tremendous lines at the movie theatres showing the brutal sequels of the Rocky story or the Rambo-type movies. How can we ever expect to have a world without wars and violence, when we teach our youth that fighting is a permitted and even a preferred method of intercourse?

Another reason that boxing should be statutorily abolished is the fact that the actual participants are abused, battered and subsequently discarded. The sport offers false hopes of success to poor and disadvantaged children. While the success stories of the likes of Sugar Ray Leonard, Marvelous Marvin Hagler, Muhammed Ali, etc. are true Rags to Riches fairy tales, the reality is that the vast majority of fighters end up battered, bankrupt and uneducated.

Even those who have reached the pinnacle of the sport by age twenty-five can be relegated to a life of pain and torment by the age of thirty. The story of Sugar Ray Seales speaks for itself. The gold medalist

at the 1972 Munich Summer Olympics is now, legally blind at the age of thirty-six. Mr. Seales continued to box, and was given boxing licenses by State Commissions after numerous operations to repair detached retinas in both eyes. Now bankrupt and blind, he must fight even harder to re-establish a meaningful life for himself.

Another well publicized story is that of the greatest boxer of all time, Muhammed Ali. Once an eloquent orator, the man who "floated like a butterfly and stung like a bee," now can only speak in a slurred, emotionless tone. This reduction of his speech is the result of Parkinson's Syndrome, undoubtedly caused by receiving too many punches to the head for too many years. There are thousands of other horror stories about "Punch-Drunk" boxers who, when they have retired from the sport, are maimed and bankrupt. This so-called sport has no place in our society.

The need for a legislative ban, whether federal or enacted by the states individually, is now greater than ever. Advertisers (especially beer and car manufacturers), promoters, and television networks will lobby against such a law, but the time has come to end the brutality. In the mean time, a federal commission should be established to make uniform regulations, minimum physical fitness requirements, and mandatory periods of rest for fighters who have been knocked-out. Further, the commission would help prevent corruption and mismatches, and establish a Pension system for the fighters.

The above article expresses the opinion of the writer and not necessarily that of the Justinian.



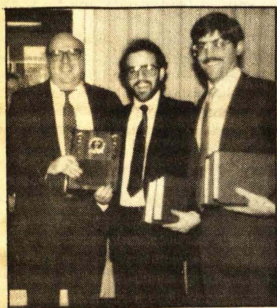
# BLS Evidence Competition Wrap Up

## Emory Wins BLS Takes 2nd

Emory University succeeded in defeating Brooklyn Law School in the final round to win highest honors in the First Annual National Jerome Prince Evidence Competition. In a contest which was decided by but one point, the panel, comprised of Judges Robert H. Bork and John J. Gibbons and Eastern District Chief Judge Jack B. Weinstein, selected the team representing Emory University as the winner. Cari S. Robinson of Emory University took the honor of Best Oralist with a superb final round performance. Her teammate, Jeffery E. Tompkins, took second honors. Washington College of Law of American University won the Best Brief award with Brooklyn again coming in second.

Emory argued the petitioner's position against a strong Brooklyn Law School Team comprised of Kevin McClean, Mark Wasserman and Tim Parlin representing the respondent. The argument was peppered with the Justice's criticisms of numerous Supreme Court opinions.

Tompkins of Emory, by alluding to *Griswold v. Connecticut* in discussing the privacy interests inherent in the spousal adverse testimonial

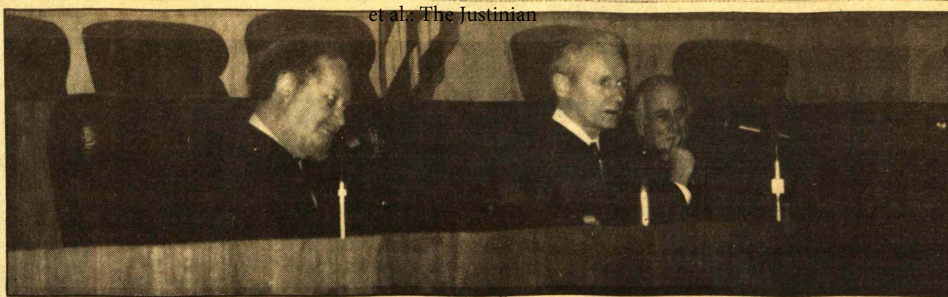


**BLS Team Members Mark Wasserman and Tim Parlin (r.) happily accept second place honors from Dean Trager. Missing from photo is team member Kevin McClean.**

privilege, sparked remarks from the bench. Upon denying that he was rooting the privilege in the Constitution, Justice Bork suggested he should, since "[y]ou can root anything in *Griswold*."

"The panel was extremely well prepared and it was a delight to watch Weinstein and Bork spar," said David Murphy, chairman of the Honor Society. "Generally all the judges and students involved seemed to enjoy the competition."

The weekend activities were well attended and ran smoothly thanks to the fantastic efforts of Catriona Glazebrook, the competition's coordinator. "The Honor Society thanks all those who helped make Brooklyn's first effort in a national competition a success," said Glazebrook. "It would not have been possible without the full support of Dean Trager, the entire administration, and the guidance of Professor Ursula Bentele. Moreover, with out the help of many, many students, particularly Millie Perez and Marilyn Zarrello, it would not have been possible," concluded Glazebrook.



## MOOT COURT JUDGES

Judges Bork, Gibbons and Weinstein presided over the final round of BLS's First Annual Jerome Prince Invitational Evidence Competition this past March. They greatly enhanced the adversarial spirit of the final round and demonstrated how legal knowledge, education and experience can influence people in different ways, resulting in varying legal interpretations. A brief look at their divergent backgrounds reveals distinguished legal careers—Steinhardt.

### Judge Bork

Robert H. Bork, a Federal Circuit Judge for the D.C. Circuit, was appointed in 1982 by President Reagan. He attended the University of Chicago, where he received his B.A. in 1948 and his J.D. in 1953. Bork was Solicitor General for the Department of Justice from 1973-1977, and taught at Yale Law School from 1962-1973 and 1977-1981. He is a prime contender for the next Reagan appointment to the Supreme Court.

Judge Bork is a strong advocate of a strict interpretation of the Constitution, a theory known as interpretivism. He believes that when the Constitution is not strictly construed, judges are left to impose their own values in reaching decisions, thereby restricting democracy. By imposing their own values, the courts become indistinguishable from the legislatures.

In 1982, Judge Bork wrote in *National Review*, "The hard fact is . . . that there are no guidelines outside the Constitution that can control a judge once he abandons the lawyer's task of interpretation . . . The truth is that the judge who looks outside the Constitution always looks inside himself and nowhere else. Noninterpretivism [a loose construction of the Constitution], should it prevail, will have several entirely predictable results. In the first place, the area of judicial power will continually grow and the area of democratic choice will continually contract. We will have a great deal more constitutional law than the Constitution itself contains . . . Rights will be created, and they will often conflict with one another, so the courts will find that they must balance them in a process which is indistinguishable from legislation." Bork, "The Struggle Over the Role of the Court," *National Review*, September 17, 1982, p. 1138. Bork's unbending position on the law has been a subject of great controversy which provided a very interesting viewpoint for the moot court competition.

### Judge Gibbons

John J. Gibbons, a Federal Circuit Judge for the Third Circuit, was appointed by President Nixon in 1969. He received his B.S. from Holy Cross College in 1947, and his LL.B. from Harvard University Law School in 1950.

One of his most important cases was *Halderman v. Pennhurst State School and Hospital*, 673 F.2d 647 (1982), a class action suit brought by Pennsylvania citizens against state government officials seeking an end to the institutionalization of certain mental patients. Judge Gibbons and his colleagues in the Third Circuit affirmed the District Court in granting an injunction against the hospital. The decision was overturned in the Supreme Court for lack of subject matter jurisdiction; the Court held that a federal court could not order state officials to obey state law even under the pendent jurisdiction doctrine. The case was then remanded to the Third Circuit to decide whether an injunction could be ordered under federal law alone.

The judge bases his legal philosophy on the separation of powers doctrine. He believes that the three branches of the federal government have become too intermingled, endangering their ability to check each other's power. Although the three branches are necessarily interdependent, they have become too dependent on each other, threatening the purpose of separation of powers. He perceives the problem of the intermingling of Congress and the executive branches as especially acute. He sums up his view, "Perhaps separation of powers in the sense in which I perceive it has outlived its usefulness as a method of governing this Republic. Since this method has served us better than other methods tried elsewhere, I hope not." Gibbons, *The Interdependence of Legitimacy: An Introduction to the Meaning of Separation of Power*, 5 Seton Hall L. Rev. 435, 488.

### Judge Weinstein

Jack B. Weinstein is Chief Judge in the Eastern District of New York. Appointed by President Johnson in 1967, he received his B.A. from Brooklyn College in 1943, and his LL.B. from Columbia University School of Law in 1948. He clerked for Judge Stanley H. Fuld of the New York Court of Appeals in 1949-50, and was a professor of law at Columbia for fifteen years, starting in 1963.

One of his most important cases was the Agent Orange litigation, which he took over in 1983. He focused the case's issue on whether Agent Orange really caused the plaintiff Vietnam War veterans to become ill. Weinstein had ruled that the plaintiff class could include anyone injured by the Agent Orange who served in Vietnam from 1961-1972 from the armed forces of the U.S., Australia, or New Zealand. Additionally, family members—spouses, parents, and children—"derivatively" injured were also included in the class. Weinstein pushed for settlement, which was achieved in January 1985, upon the judge's approval. The defendant chemical companies agreed to set up a fund for the plaintiff class members containing \$180 million, plus \$9.3 million in lawyer's fees and expenses.

Judge Weinstein demonstrates concern for the underprivileged plaintiff, who he believes our legal system underrepresents. In an article on Judge Weinstein in the *National Law Journal*, November 22, 1982, he describes his concern for poverty-stricken litigants. "These people need more money rather than less," he maintains. "I have figures which show that there is one lawyer for every five or six thousand people beneath the poverty line, and one lawyer for every 150 above the line." In response to this problem, Judge Weinstein established a pro bono program for civil plaintiffs who are below the poverty line in the Eastern District.



**The Winners of the competition were from Emory University. Cari Robinson, who also took best oralist award, and Jeffery Tompkins pose with a pleased Jerome Prince.**



# THE FINGER MAN

by Jerome & Harold Prince

As a respite from your studies, the Justinian presents a detective thriller written by Brooklyn Law's evidence savant, Dean Emeritus Prince. *THE FINGER MAN*, authored in the mid 1940's, is a psychological thriller. Written in a modern style, much of the suspense is built through the use of impressionistic clipped imagery and the character's internal mental activities.

As the detective story moves closer to the suspense novel and the tale of pure terror, it's inevitable that detectives should arise whose sensitivity fits them to cope with nuances of madness and evil as well as with the cold facts of the laboratory. Meet Inspector Magruder . . . and one of the most fascinating of modern murderers.

Sharp focus in the green-gray, blue, black, blinking, wide, dull, staring irises of many eyes; long rows of spikes, parallel, crowded, rust-veined, jutting from a block of wood; and a man's naked foot, trousers rolled, hovering over the spikes, up, down, foot on the spikes, muscles bulging, balanced on the spikes, skin, taut, whole, and the other foot, naked, too, over the spikes, down hard on the spikes, muscles, beating, moving, on the spikes, walking, one foot after another, across the board, skin unbroken—and a leap, the thud of heels on thick carpet, palms cracking against palms, tinkling of ice in tall glasses, woman-murmurs, deeper grunts of praise . . . and then a man's check, and the point of a hatpin, dancing, moving, steel-gray, swiftly, deep into the cheek, creasing the skin, point of the hatpin, bloodless, glinting high on the opposite side of his face; and the women, crowding about him (pin withdrawn, skin unbroken), chattering, applauding, men, dinner-jacketed, voices louder than necessary, taking his hand, patting him on the back, and he, flushed, grinning, answering questions, Jane saying to him, how wonderful it was, what a pity it was over, was it really over, was it, he, nodding, saying yes, regretfully yes. Jane coaxing, please, Don, please the others coaxing, come on Gallagher, be a sport, he, shaking his head, Jane, wheedling, please, the others urging, please; all right, but you must be quite; they, forming a circle around him now, seated, standing, leaning, backs against the bar, an empty armchair beside him, he, glancing from face to face, asking for a volunteer, they, smiling, no, don't count on us, he, trying again, shrugging, turning to Jane, I can't go on without . . . will I do? A little man, standing head as high as Gallagher's shoulder, dinner jacket hanging badly, face, clean-shaven, few angles, and Jane oh-ing feminine delight (you just watch this, her eyes were telling her guests), whispering, wonderful, wonderful; and the little man, head back, now, against the soft cushion of the chair, lights dimming about him, Gallagher, eyes, a pencil, in front of him, a long thin pencil, growing longer, and the room, trembling, gray as in dreams, and then Gallagher, pointing to where the Dali hung over solid wall, saying, you see that doorway, go through that doorway, and, they, opening the circle for him, grinning, the little man walking, rapidly, toward the wall, the picture toppling, his body pushing against the wall, pushing again, grins into laughter, pushing again, and Gallagher, finally calling him off, directing him back to the center of the room, saying, shine Robinson's shoes, and the little man, kneeling in front of the seated Robinson, whipping his handkerchief over Robinson's shoe tips. Robinson, speech liquor-thick, deriding, the others, crowding about, giggling, he, wiping the sides of the shoes, straightening the shoelaces, and Gallagher, beside him now, snapping his fingers, saying incisively, that will be all. The little man, staring, shaking away bewilderment, Robinson about him, explaining, youth-cruel, handkerchief into a ball, falling to the floor, laughter surrounding him, Robinson, fumbling in his pockets, spraying the carpet with copper coins, the laughter rising, he, on his feet, nostrils dilating, pudgy hands clenched into fists, stepping toward Robinson, in front of him. Robinson, standing; and the little man, pushing his way out of the group, walking to the bar, watching, the little man asking for a drink, Jane whispering earnestly to Robinson, the young man, nodding, Jane saying, good boy, Robinson toddling to the bar, slinging one arm over the little man's shoulder, saying, all in fun, can't you take a joke, swallowing a Manhattan, another, the little man, edging away, Robinson following him, repeating blurred apologies, the little man, trying to smile, finally saying, all right, forget it, and Robinson, happy, clapping him on the back, shouting for a dozen more rounds all on one tray, and they, breaking into small groups, talking, Jane at the piano, the younger set around her, Gallagher at the bar, lecturing informally, Jane beginning to play jazz, the little man walking away from the bar, a couple dancing, Jane beating it out with her left hand, they, crowding about the piano, deep gut-bucket blues, oh sweet mǎ-mǎ now don't you let me dǎw-ain, Harlem rhythm jumping, oh sweet mǎ-mǎ now don't you let me . . . at the bar, Robinson had collapsed.

The room in motion, discords on the piano, Gallagher holding Robinson's head, the doctor elbowing his way through, stethoscope over the heart, eyelids bent back, Jane, saying, hushed, is he dead, the doctor, bending closely over the body, searching for a wound. Jane: is he dead, the doctor, looking up, puzzled, Gallagher, saying, he's not dead—but he must go to a hospital, the doctor, nodding, walking to the phone, Jane, following, grabbing him by the arm, saying, then what's wrong with him—what's happened, the doctor, stopping, uneasy, hesitating for a moment, beginning to say

Gallagher said, "He had too much to drink. Isn't that so, Doctor?"

The doctor looked at Gallagher. He said, "Yes."

Then, Gallagher, outside, Central Park opposite, green-black, walking, north, into the Seventies, and the little man, waiting, walking beside him now, saying, "I'm glad you know."

Spray-gun rain, cold, halos around the lamp-posts.

"My name is Hoffman," the little man said, "You'd be surprised how much I had to pay to get in."

Two steps to Gallagher's one, half a block in silence, then, popping, like a broken blown-up paper bag.

"I had to see you."

Cross-town traffic bending into the Avenue, red light blinking into green, tires screeching on the asphalt; softly, Hoffman,

"I need your help."

An old two-decker bustled by like a frightened old lady. Gallagher nodded. Then the Frick Museum was beside, soon behind them, and Hoffman was talking, words leap-frogging at first, then freely, night-phrases, jagged, Gallagher, looking straight ahead of him, saying little, above them: the white-on-black edge of a right angle sign, jutting: E. 83 ST., and Gallagher, stopping, leaning on his cane, listening, cars passing like the ticks of a clock.

"I live here," Gallagher said. Then slowly, "I'm sorry . . . really. I can't help you."

The little man said, "I don't understand. You've helped others."

Gallagher said, "Oh, I see. You've read my books."

"Over and over. That's why—There's no one else."

Gallagher said, "I can give you some advice . . . if you want it. Why don't you see a psychiatrist?"

"Psychiatrist? I told you I've tried everything. I went. It was like nightingale in the chair. He said I talked. A lot, he said. I don't know. I don't want to go back."

Gallagher shrugged. He held out his hand.

"There's nothing I can do, believe me." Then, kindly,

"Good night."

Hoffman took his hand.

"Good night."

The little man stood where he was, alone, his face puckering, baby-fashion, spasms moving his tightened lips, drops of moisture forming in the corners of his eyes. He blew his nose. Then he moved away from the apartment house, into a side street: a candy store at the corner, a telephone booth; then out into the street again, dimout dark, collar up against the wind, face turned away from the Avenue, elevator-heels clicking, his shadow, in front of him, growing longer, reaching out for the darkness, light from the Avenue snake-slithering down the center of the gutter, the sound of leather on concrete, sharp and rhythmic, growing fainter . . . then the little man's rain-soaked shoes beating on a stone step, doorbell shrilling, a crack widening in the doorway, behind it: auburn hair tumbling, a young girl's throat; Sam! and light splashing on the sidewalk, rain pecking at the closing door, his coat, flung on a table, hat, spinning to rest beside it, and she, two steps above the living room, looking down at him from the foyer, head in his hands, panting.

"Sam, what on earth are you doing here at this hour?"

He said, "Where's Dave? I'm in pain—the whole left side of my face. Where's Dave?"

She said, "Dave had to go to the lab. Somebody called."

Then, "You are sick," crossing over to him. "You're green."

He said, "Who called?"

"A patient. Dave never tells me who. He should be home soon." She looked at the clock. "He should be home now. I called there a half hour ago. Nobody answered. He must be on his way." She said, "I'm jittery."

She lit a cigarette, threw her head back, inhaled. Then she squashed the cigarette. "Wait a minute." She left the room, returned with a wet washrag. She bent over him, placing the rag on his forehead. He could feel the edge of her dressing gown brushing against his cheek.

He breathed, "Bernice . . ."

"Do you feel any better?"

"Bernice . . . you're lovely."

She burlesqued her surprise, saying, "At your age." She lit another cigarette, saw it tremble, ground it out. The door was behind, Hoffman in front of her. She turned her head swiftly.

William Schneider insists that the Justinian credit him with the idea to print this story. It was a good idea and it was his. He has generously offered to share credit with Michele Hause, who did the legwork—a trip to the ninth floor to get the story. Both William and Michele concede that some credit must go to Dean Prince and his brother Harold for their contribution in writing the story—ed.



**Mystery and murder stories are just a sideline for Dean Prince. His real specialty is writing and teaching the law of evidence.**

The door was still closed. Hoffman was leaning forward. The washrag was lying on an end table beside him. His forehead glistened.

Hoffman said, "I'm not so old. Forty-three isn't so old."

She tapped a cigarette package. It was empty. She tossed it aside. The clock was electric; it was never wrong.

Hoffman said, "I know what you think of me, Bernice. All of you think the same. Bernice . . . I'm not what I seem."

She was listening for the sound of an automobile's brakes, or for hurried footsteps.

"Bernice . . . suppose, suppose that I had power, so powerful that I could—"

She shrieked, "Don't be silly."

His mouth moved awkwardly; then he sank back in his chair, his eyes lowered. She was on her feet, walking (the door, the clock, the clock, the door), pulling up the window blind, letting it sag, slowly. Up the street, she could hear a couple quarreling. There was no other noise.

She said, "I'm sorry, Sam. But you can be such an ass at times. Oh, my God, you're green again."

He looked at, then he looked away from, her. She thought: He's pouting—Dave will put him out—he'll thank Dave for putting him out. It was ten after one. She looked again. It was ten after one. She picked up the phone. She heard the mechanism buzz a dozen times at the other end of the wire before she hung up. The couple up the street were quiet. Hoffman was sitting stiffly, his head still averted, saying nothing. She drummed on the window sill with her fingers. She said,

"Oh, my God, Sam. I didn't mean to hurt your feelings. Can't you talk?"

He refused to look at her. She snapped the radio on, viciously. The tubes began to warm, humming. The telephone bell screamed. Hoffman was standing. Bernice ran past him. The receiver was against her ear.

The radio said, "Do you know, I used to be a fighter in a candy store."

Bernice said, "Yes. This is Mrs. David Simon. What is it?"

The radio was amazed. "A fighter in a candy store?"

Bernice said, "This is Mrs. David Simon. What is it? Please."

"Yeah, yeah," the radio answered. "I used to box candy."

Bernice let the phone slip back in its cradle. There was no blood left in her face. Her lips were moving, but she made no sound. Dave's dead, she was trying to say.

Hoffman had begun to walk up the steps to the foyer. The muscles around his mouth were twitching.

Hoffman, the room like a pan shot: French windows opening on a terrace, books from ceiling to floor, a map in a black glass frame, medieval distortions, on the mantelpiece: two ivory lions, between them a shelf of books, author: GALLEGHER, GALLEGHER, GALLEGHER, and below, in front of the fireplace, behind a desk, rubber tip of a pencil tapping, Gallagher, head thrown back, Hoffman forgotten, the words of the review of his latest book sweeping through his brain, *Out of this great seminal period of American life, with the realities of a mature scientific and industrial epoch giving the lie to those starry-eyed Utopians of the turn of the century,*



there emerges a man whose exuberant romanticism may well be the expression of a new decade. In his own lifetime, still young, he has already become a legend—the incomparable Gallegher, heir to the traditions of Mungo Park, Richard Burton, and Marco Polo. In a gay prose, noted for Gallegher, the review still in his hand, rising abruptly, Hoffman wanting to speak, Gallegher, gesturing for a moment's time, leaning against the terrace doors, frowning. It is to be feared that Gallegher, like *Salutis* or *Bierce* or *Poe* before him, works too often with the ersatz; but unlike the others, he has not the refuge of fiction or antique biography to sustain him. To him, the esoteric and the occult have always been the factual concomitants of strange places and alien shores; but the war has brought disenchantment: ancient Gods vanish and the medicine man wears a silk hat when the Marines land with Coca-Cola and the Saturday Evening Post. Later, one will be forced to decide that behind the brilliant facade of his style, the bric-a-brac of pretentious folklore and old wives' tales, there is little except a bibulous and brooding imagination. What happens—and what does not happen—in the *Moluccas*, happens—or does not happen—in Times Square. Gallegher, flushing, suddenly impatient, testily.

"Look here, Hoffman, there are a few points that need clarification. I'm not a witch doctor. What you saw at the party were tricks anyone can learn. I'd like to believe you—" Hoffman said, "There was another last night."

The light behind him, full on Hoffman's face, Hoffman, eyes dog-soft, quietly,

"Before the party, I had dinner with an old friend. He's a doctor. Dave Simon?" Gallegher shaking his head, no. "He joked about my wanting to see you. I can't—I couldn't stand that. We quarreled. I knew what it would mean. I thought maybe you would help—then you left me—I went to his home. I wanted to apologize. I wanted to do something. I thought maybe I could stop it."

Gallegher, behind the desk again, the morning papers in front of him, sheets turning rapidly,

"I couldn't."

Stopping, reading, marking the outline of a column in blue pencil, setting the paper aside, picking up another, searching. Hoffman.

"His laboratory blew up. He was in it. . . . Have you found it there, too?"

Gallegher nodding, making a note, nodding yes, Hoffman, "Please cure me."

Looking up, Gallegher, Hoffman, no expression on their faces, Hoffman, Gallegher; then, carefully, like drops from a burette,

"You knew all the while, Mr. Gallegher. Maybe you were afraid to admit it, even to yourself, but I have that power. It doesn't matter who he is, or what he does to me—if he angers me, my anger brings death. . . . and he doesn't wait long to come." right hand spanning the side of his face, eyes closed, head swaying softly, almost to himself, "I know five have died already. God only knows how many more there were. . . . It isn't suicide, Mr. Gallegher—you know it isn't accident. That's the only way it happens. I get so angry, I can't talk. . . . or see. . . . everything is all upside-down. And then my power kills them."

After a while, Gallegher said, "Come back tomorrow. At four."

Hoffman returned—to find Gallegher almost boyish in his enthusiasm. (There was a chance—he may have found it, here, after all, on his own doorstep, murder, undiscoverable, following hard on Hoffman's anger, done by the unseen.) And for the next few days Hoffman was treated in a manner calculated to break down his mental barriers; and he responded, talking freely, while Gallegher, informal, jotted down what he was told in a queer admixture of abbreviations and shorthand. We must get the facts first, Gallegher had said; but as the days passed and his notebooks filled, he realized that Hoffman could do no more than merely embellish the story he had told him that night after the party; and he could see in Hoffman's eyes the beginnings of a lack of confidence, and the doubt that this method of catharsis by suggestion would ever cure him. Gallegher said then: We can't cure yet, but we can prevent. Let's try to remove the source of irritation. Quit your business for a while, stay home, read light books, stay away from people—above all, stay away from crowds. When you come here each day, since you can't drive, take a taxi. . . . Hoffman smiled at that, promised, and came back to sessions that were beginning to grow empty, until he suggested to Gallegher that, perhaps, others had been able, in some lesser measure, to duplicate his power consciously, and that if he knew their willful techniques, he could put his finger on his own unconscious parallel actions, and, knowing them, eliminate them—and Gallegher accepted with alacrity. After that—and a week had already passed—the daily conferences became lectures, with Gallegher picking from his memory all the cases of the power of the will over matter, and Hoffman, humble, attentive, finding no analogies, leaving each night at six, unsatisfied, but confident that tomorrow must bring an end to it all.

By the close of the third week, Gallegher's knowledge had approached the exhaustion point, and he was irritable from the dysphoria that comes with the unfulfillment of half-formulated hopes. Several times that day, he was on the verge of telling Hoffman that he had never really known of a case that could not be explained naturally, but instead he repeated what they had talked about yesterday and the day before; and when the stuttering session was over, Hoffman said thanks and good-by, obsequious as always, and still hopeful.

It was just after six, Gallegher saw, and there was an appointment at six-thirty that he was eager to keep. He hurried downstairs, but neither he nor the doorman could find an empty

cab. He decided against telephoning a garage, and walked on toward Lexington Avenue, then a few blocks north to the subway: kiosk, hot tunnel smell, a newsboy shouting, voice dwarf-thin, office girls, sweaty, complaining, whining sounds, jostling Gallegher, down the stairs, a small landing, at right angles to it: another flight of stairs, steep, below him: the station, people massed, two long lines converging on a booth, nickels spewed from a glass arch, turnstiles clicking, crowd-murmur, Gallegher, stopping, finding a coin, waiting on the platform, steel noises pouring from the tunnel, louder, a briefcase, insect-face of the rushing train, the crowd, mass-moving toward the edge of the platform, a briefcase, swinging, dropping, legs against it, an old man, stumbling, many eyes: dull then wide, many mouths: gaping, the old man falling, scream, screams, a subway guard catching the old man, train at rest, crowd funneling toward the doors, the guard, picking up the briefcase, flinging it at a man entering the train, shouting, redfaced, *You damn fool, you're in such a hurry to get in, you might have killed somebody*, doors snapping shut, train shuddering, Gallegher, looking down from the landing: a little man in the train, face squeezed against a glass window, the train moving slowly,

Gallegher shouted. Moving faster.

Gallegher waved and shouted, the little man, making no sign, the train, a blur of yellow and black, a blast of wind, the crowd-murmur swelling, empty tracks.

Gallegher turned and walked up the steps to the street.

Apparently, Hoffman had not seen him. . . .

Near by, Gallegher found a small French restaurant. He telephoned Inspector Magruder. Magruder said he'd have the information for him by tomorrow afternoon, would that be soon enough? Gallegher said, yes, thanks, then ordered a bottle of Chablis and cold duck. He drank a good deal of the wine, but ate so little that the proprietor, mock-irate, stood over him, scolding. Gallegher made the necessary remarks, then left, walking across Central Park, then down through the Mall. At Fifty-ninth and Eighth, he remembered the two tickets in his pocket: MADISON SQUARE GARDEN, HOCKEY, SIDE ARENA, BOX. He decided to use one.

When he took his seat, the game had already started. Across the ice, two players were throwing punches at each other, hitting the air, looking clumsy. Gallegher thought: *He'll want to kill me now. . . .* The puck was in play again: no pattern: blues, reds, yellows, streaking up and down the ice. . . . I think he saw me. It's not without its irony: after all these years on the other side of the world, writing about it, never truly believing, wanting to, perhaps hoping, and now, here, home, in New York. . . . The tall player wearing number seven took a short pass, body-shifted, slipped by his guard and drove hard for the goal. . . . Stay away from crowds, Hoffman, I told him, above all stay away from crowds. I'll do that, Mr. Gallegher. But if he had gone tonight—rush hour, the Eighty-sixth Street station—he must have gone other nights. Mr. Gallegher, you've written how out in the East they make their minds control things, won't you tell me how it's done? The subway—people, tired, unhappy, anger flaring easily. He didn't come to me to be cured. . . . Skates flinging sprays of snow, players tangling on the ice, a red light over the cage flashing, and a woman next to him, bobbing up and down, shouting, "Oh, you Billy-Boy! Oh, you wonderful man!" . . . He came to me to learn how to use his power. He must know I knew—other nights at six. . . . The crowd was on its feet. . . . The subway is his proving ground. . . . Then he saw the puck coming. He put his hand to his face. When he took it away, it was covered with blood.

Across the street to the Polyclinic, surgery, white gauze swathing his head, pulse: one hundred and thirty, hypodermic: barbital derivative, deep sleep; then home, noon, behind his desk, refusing to move, waiting, leaving his food untouched, forbidding the maid to bring in knives or forks, not bathing, the hour hand, slow, no one in to see him, his mind made up, no telephone calls answered, the maid, always at least three feet from him, he, watching the clock, having the maid remove the letter opener, the fountain pens; and, at four, Hoffman, coming across the room, swaggering, one elbow leaning on the desk, gay.

"I'm sorry to hear about you," pausing melodrama-fashion, "accident."

Gallegher saying nothing.

"Look here, Gallegher," Hoffman, "we're getting nowhere, and to me, time is money. You're not helping me, so I'm going to tell you what you're going to do. You've got publishers, you've got outlets—you're going to write me up. They'll read about me all over the world and—who knows?—maybe somebody will be able to help."

Gallegher breathing hard.

"No."

Hoffman, smiling indulgently, sitting on the desk, feet dangling,

"Why not?"

"You're a liar."

Color rising in Hoffman's face, draining, Hoffman, moving off the desk, looking down at Gallegher, a row of sweat-drops on Hoffman's forehead, Hoffman, apologetic.

"I'm sorry to have troubled you."

Leaving, turning.

"Send me a bill—I'll pay you more than you ask."

Hoffman gone, and Gallegher, leaning back in his chair, not believing it, then grinning, bubbling over, saying to the long-chinned man who had just come in,

"It's the damndest thing. All I wanted to do was bring it to a head—have it out with him face to face—and he collapsed like a pricked balloon. It was a hoax all the time."

The man, gesturing his bewilderment, saying,

"I wouldn't know. You, Gallegher? I'm Kuchatsky," badge flashing, "Homicide. Inspector Magruder sent me up with some info for you."

"Oh, yes. . . . I don't need it now," the brandy bottle in his hand, breaking the seal, "Say thanks to Magruder anyway," picking the two glasses from the desk top. "Have a drink with me," and Kuchatsky pleased, accepting, then remembering, saying doubtfully,

"But the chief isn't going to be happy. If he says do something—Well, you know the chief."

And Gallegher, amused, brown liquid gurgling, handing Kuchatsky a glass, pouring for himself, Gallegher,

"I'll listen."

Kuchatsky sipping, then putting down his glass hurriedly, a dirty-brown notebook, tiny, lost in his wrestler-hand, partially reading.

"In the last three weeks, there were sixty-three deaths by suicide or accident in the metropolitan area."

Gallegher, lifting his glass, inhaling the bouquet, placid, Kuchatsky,

"Of these sixty-three, one—a sixteen-year-old girl—died on the Eighty-sixth Street subway station at six-fifteen P.M. two weeks ago," tumbler to Gallegher's lips, tilting, "and nine more of them—three men and six women—used the Eighty-sixth Street subway station without fail every week-day between the hours of six and seven P.M. before their deaths."

Suddenly, the brandy odor seemed strange. The glass slipped from Gallegher's fingers. A wet spot was growing on the rug.

"That's a hell of a thing," said Kuchatsky, "wasting good liquor."

Gallegher's rooms, Gallegher, Magruder, alone, Magruder, tobacco pouch, pipe bowl scooping within it, tip of his nail, wooden match flaring, lighting his pipe slowly.

"Do you know Freudenberg?" he asked.

Gallegher lifted his eyes and said, "Yes, well, He's one of the old guard psychoanalysts—studied with Freud under Charcot. He's one of the few practitioners in this country who still uses hypnosis as a therapeutic."

Magruder nodded, handed Gallegher a sheaf of typewritten paper stapled together.

Magruder said, "He treated Hoffman—just once. What you're reading is a transcript of Hoffman's monologue under hypnosis."

Gallegher read it. When he had finished, he said,

"It's just what he told me."

Magruder said, "Yes, I know." Then: "I asked Freudenberg what he thought of it. He told me it might mean one of many things, or all of them—a strong mother fixation, frustrations, an abnormal yearning for power—recognition. He said that the four deaths mentioned in the manuscript were probably wish-fulfillments without any factual basis. We traced back, Freudenberg was wrong."

There were blue dabs under Gallegher's eyes. He looked like a man who hadn't slept for a long time, and who knew he wouldn't sleep for a long time again.

"When Hoffman was seven," Magruder said, "his nurse—whom he probably had reason to hate—fell down a flight of stairs and broke her neck. He was found kicking the corpse in the face. His father had him sent to a private sanitarium for observation. The sanitarium was located here in New York. There was a girl inmate, Alice—the Alice of the manuscript—who hazed Hoffman. She was later found dead in a sewer. She had been playing with Hoffman and some other children in a restricted street opposite the sanitarium and had fallen down an open manhole. The house physicians, though, found no traces of homicidal mania, and when his father died, he was released in his mother's care. She took care of him, good care of him—and then she died three years ago. He almost immediately proposed marriage to his secretary—that's the Edith. She refused and was found one morning at the bottom of a staircase in his office building. The fall had broken her neck—just as it had his nurse's."

Magruder saw the bones white under Gallegher's cheeks. He mixed a drink. He watched Gallegher gulp it down. Then he said, "He was fond of this Nelson he mentions. Nelson was his junior partner. He blackmailed Hoffman for some minor infraction of the moral code, Nelson committed suicide by leaping from the terrace of Hoffman's penthouse apartment. Then, with Nelson and Edith dead, he turned his affections to Bernice Simon. Bernice Simon was married. You know what happened to her husband. And, by the by—Robinson? The drunk at the party?" Gallegher nodded. "He was poisoned. They found acetone and traces of carbon tetrachloride. It seems he swallowed some cleaning fluid. That doctor who treated him first told me he thought so, but that you browbeat him. Why did you do that?"

Without tone, "I just thought he was drunk."

Magruder said, "So Hoffman was telling the truth. We know definitely of five deaths by accident or suicide that followed quarrels with him. But we've found no physical evidence at all that connects Hoffman with the commission of any of these deaths."

Gallegher snapped, "How could you expect to? The power he has doesn't leave fingerprints."

Magruder sucked on his pipe. He said slowly,

"I've been on the force for thirty years. I've seen queerer things. I'm not disagreeing, but it strikes me—doesn't it strike you—that there are a few aspects of this affair that don't quite mesh with your ideas? Here's what I mean: I think of the supernatural as something infallible. Yet this power of his doesn't always work. Robinson is still alive. So is that old man you saw stumble on the subway station. So are you—and I think he'd like to see you dead."

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Gallegher's voice was tired. "I explained all that. He hasn't full control of his power. At first, it was entirely unconscious. He came to me to learn how to use it."

Magruder said, "You're probably quite right. But there is another way of looking at it. That night you saw him in the subway, he saw you. He also saw the papers the next morning. He knew that you would think he had directed that wild puck to hit you, and that you were about to be murdered by his power. So he came—and offered you a bargain. What he said, in essence, was this: give me publicity and I'll give you back your life. Being hit by a puck was a dramatic accident, but if you had slipped on a banana peel and he had known about it, he would have behaved the same way. What he was after all the time was recognition, some type of fame at any cost—and the power that comes with it. Because of your position in the literary world, you could give him that—and with a certain amount of dignity: he wouldn't be a freak. Remember—under hypnosis, he said he flew over tall buildings. Freudenberg pointed out to me that that's a well known dream symbol for the desire for power. It all fits together."

Gallegher rubbed his temples, his eyes closing. Then he looked at Magruder. He said, meaning: please don't treat me like a child. "You know it doesn't. Because he came to me to learn, ten people who used the Eighty-sixth Street subway station died. Magruder, that wasn't coincidence."

"You're right. It couldn't be coincidence. We know that Hoffman used that subway every night at six after he left you. There may have been quarrels—we think so; we can't be sure. But there is a possibility that what happened in the subway had nothing to do with his power. . . . No, Gallegher, I'm not trying to kid you. Listen to me: After you had been hit by the puck, he visited you. You had decided to force the issue, insult him, and battle for your life by matching your will against his then and there. I can understand that, knowing your background—your nerves were shot, you'd been hurt. You did insult him. You called him a liar. He folded. The word 'liar' frightened him. Was that because he realized you knew he had been using the subway? That couldn't be the lie. If I'm right, he was capitalizing on that very knowledge of yours to force you to terms. He had been lying all along about something else, and he thought you had discovered it—something so important that he was willing to give up his plans for obtaining publicity through you, and to offer you more money than you asked for—in order to keep it quiet."

Gallegher shook his head. He said hopelessly, "What could he have been lying about?"

Magruder said, "I don't know—except that it may have been connected with his activities in the subway and elsewhere. He's being tailed. Kuchatsky is watching his apartment through binoculars. We're not making too much progress. But if I'm right about his psychopathic desire for publicity, I'll be able to find out." He paused. Then: "I know how you feel about this, Gallegher, but you'll have to co-operate for your own good. We'll give you all the protection necessary, but do this for me: Call Hoffman, apologize, be nice to him. Tell him you'd like him to meet a friend of yours. Stress this: that this friend is a great authority on the occult, with wide influence, and a wider audience. Ask for an appointment at his penthouse."

Gallegher's face went stiff and blank. After a while, he said, "All right—as long as I'm free of fear again."

A penthouse terrace, the street twenty stories below it, one side: masonry, *The Justinian*, Vol. 1986 (1986), Iss. 1, Art. 2, around the edge of the terrace: bamboo sticks, close together, neck high, rooted in concrete, perennials, green, weaving around, between them, through the door: Gallegher, a tall man beside him, blue serge suit, string of a polka dot tie hanging from a shapeless white collar, hair, chemical-black, close-cropped as a cinema Prussian's, features, good-looking, hard-boiled fashion, intelligent; and Gallegher acknowledging the welcome.

"This is my friend who is a student of the occult. Mr. Hoffman—Mr. Magruder—Mr. Magruder—Mr. Hoffman."

Hands stretched, pressed, and Gallegher, leaving them, nerve-gnawed facial muscles relaxing, March wind, soft, gusts from the Hudson, yards away from him: standing, Hoffman, Magruder, talking.

"Mr. Hoffman just told me a very interesting story. It's about a man who has a power which brings death to whoever angers him. You know, Gallegher," meaning: why did you waste my time bringing me here, "I don't put much stock in that sort of thing any more."

Hoffman, nostrils thin, sucking his lower lip, sitting not far from Gallegher now, looking up at Magruder, eyes frosting, Magruder, turning to Hoffman, glib,

"A few months ago, I went up to a small town in Maine to investigate a series of so-called devil deaths at the local inn. The town was in a panic—until the police chemist discovered that the innkeeper was putting roach paste in the soup," laughing, businessman fashion, loud, hollow, and Hoffman, face wooden, staring coldly in front of him, Magruder,

"Oh, say, Hoffman, I didn't mean to hurt your feelings. It's only that after all these years, I'm a bit disillusioned. I'll tell you something, though—I think more of a murderer than I do of a man with supernatural powers. I think it's a finer thing to be a criminal genius *yourself* than merely to be the instrument of something beyond you."

Hoffman, eyes like white buttons, then narrow as a camera slit, body taut as the hair of a bomb sight,

"Do you?"

"I'm writing a book about it."

Surging to his feet, eyes racing back over Magruder's face, smile: a rictus, then vanishing, suddenly calm.

"I know a man—he's not a criminal, Mr. Magruder, mind you that, he's not a criminal—but I think you would appreciate his life's work."

Walking slowly up and down, then turning to Magruder, Magruder, absorbed, Gallegher watching Hoffman, Hoffman, so slowly that Gallegher counted watch-ticks between the words,

"This man was told when he was a child," to Magruder, "told by God," Magruder nodding, understanding, pace accelerating now, "that he was to single out the transgressors for Divine judgment."

Hoffman waiting, Gallegher shifting his eyes, Magruder nodding, go ahead, go ahead, Hoffman, excitement tumbling the words,

"But God said to him: you're human, you can make mistakes. Prepare the execution, I'll accept or reject. I'll be the executioner—not you."

Gestures frenetic now, eyes glowing, Magruder, Gallegher, Magruder saying softly,

"I'm sorry, I don't understand."

And Hoffman, laughing, explosive, one syllable, it's simple and it's wonderful. Suppose this man knew of an evil woman. Before she walked down a flight of stairs, he would place a small toy on the top of the stairs—a roller skate, a toy elephant on wheels. If God didn't want her, she would see the toy. If he wanted her, she would fall and break her neck. . . . I know that a child was once marked by him—oh, long ago. She was playing blind man's bluff in the street with her hand over her eyes. He removed the manhole cover. God accepted her," face close to Magruder's, words machine-gunned, whispering, "He opened the Bunsen burners in a doctor's laboratory. God wanted this doctor. The doctor came into the laboratory with a lighted cigar in his hand."

Eyes like aircraft flares,

"He found evil where people congregate: theaters, ball parks, museums—but he liked the subway best of all. He dropped his briefcase on the platform once. She stumbled. The train cut her head off, right at the base of the neck. Sometimes there were difficulties: he had to follow the men and women he marked in the subway. There was a carpenter. He followed him to his shop, loosened the head of his hammer. God wanted him—and the hammer-head struck him in the temple. . . . Tomorrow perhaps, or the next day, he'll go to a night club he knows. He'll drop a match in the fireproof decorations. If God accepts—" a voice uncertain, walking more slowly, standing still, "He put cleaning fluid in a cocktail at the bar. The man drank it—but he didn't die. The other man smelled the bitter almonds over the brandy," Hoffman, suddenly pale, "God rejects, too," sitting, his body an empty sack, shivering, biting the underside of his index finger, his chin quivering like an infant's,

"But nobody would admire that man. They'd call it murder. Nobody would understand that man."

Magruder saying,

"I would. I'd like to meet him."

And Gallegher, bitterly,

"A page from Krafft-Ebing."

Hoffman, eyeballs lost in the corners of their sockets, grin incipient, to Gallegher,

"Maybe . . . that's where I read it."

And Magruder, expiration of air, soft, almost whistle-sound,

"For a moment there," disappointment, "you almost had me believing you knew this man."

Then, Hoffman, looking up, smile: experimental, soon natural, bustling to his feet.

"Gallegher! Come here to the edge of the terrace. The Hudson is beautiful. You've never seen such a view."

Gallegher shaking his head, no, not a chance, pressing his body firmly to his chair, Magruder, catching his eye, motioning him to go, Gallegher hesitating, Magruder insistent, Gallegher, walking, close to the bamboo fence, his body leaning against it, then: leaves dancing away from the broken bamboo fence, the street below him, bamboo sticks floating downward, a hand hurting his shoulder, street turning into blue sky, Magruder flinging him back on the terrace floor, two men above him, swaying together, Magruder's voice,

" . . . binoculars . . . we saw you cut through the bottom of these poles," a panting Hoffman, quiet now, handcuffs on his wrists . . .

Gallegher rose. Hoffman smiled at him, then turned to Magruder.

"You see," the little man said, "this one, God did not accept."

# Graduates: Congratulations and Good Luck!

Tape Session starts Tuesday, June 2  
New York Session starts Tuesday, May 27

**barbri**

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## PERSPECTIVES

# Time to Get Tough

by Robert Axford

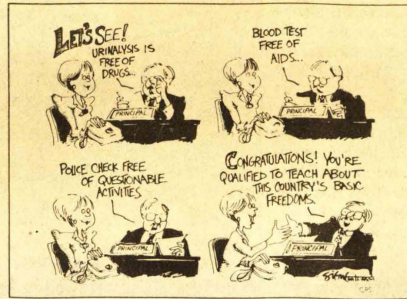
Baby, do you understand me now  
Sometimes I feel a little mad  
Don't you know no one can always be an angel  
When things go wrong I seem to be bad  
I'm just a soul whose intentions are good  
Oh, Lord, don't let me be misunderstood.  
Eric Burdon

**L**ock-up the druggies! Incarcerate Keith Hernandez. Put away all the drug users, recreational or professional. Let's clean up America.

A recent report from the Presidential Commission on Organized Crime proposed mandatory drug tests for "most of America's workers." While this is a start, drug testing alone is not enough. Enforcement of the laws already on the books (plus, of course, more restrictive and punitive legislation) is sorely needed. Nearly half of all the Fortune 500 companies now test prospective employees for drug consumption and still the problem persists.

Current government statistics reveal that over 20 million Americans consume marijuana, 5-6 million partake in cocaine and about 500,000 use heroin. This, we all can agree, cannot go on if we are to survive as a thriving nation. It will eat at our national resolve like a cancer and we will inevitably become lazy and liberal. Our international influence will suffer.

The Presidential Commission also recommended that the states prosecute all those with illicit drugs, "even for small amounts of marijuana." As long as the possessor does not have a prescription (or the drug is legal like, for example, nicotine, some amphetamines, some depressants, cocaine in limited amounts in certain cough suppressants dispensed by governmentally regulated pharmacists, tobacco, caffeine, alcohol, with its time, place and manner restrictions, and so on) then the government should prosecute the possessor to the fullest extent of the law. To not do so only breeds disrespect for the law, which is axiomatic.



At the very least, mandatory drug testing should be required of any one who accepts any type of government benefit. (Of course, this does not include the various tax breaks and shelters which the wealthy earn.) The testing is certainly consonant with constitutional interpretations which permit the government to humiliate anyone who, because of impecuniousness, is dependent upon government assistance or services. (See, for example, cases dealing with the Solomon Amendment or any welfare benefit.) Therefore, before one could receive Social Security, A.F.D.C., Unemployment Compensation, disability benefits, federally guaranteed student loans, etc., the potential recipient could be tested for drug use. If the tests prove positive, no benefits. Then, perhaps, the individual may be prosecuted, depending, of course, on available resources since there will surely be no shortage of potential defendants. Besides, think of all the money that would be saved in denied benefits. Soon, people won't even apply for welfare because of the humiliation factor alone. Another plus.

Undoubtedly, this will hurt organized crime (the intended source of evil to be eradicated by the Presidential Commission). No customers, no profits. There is really

no purpose in going after the traffickers themselves (Miami Vice notwithstanding). They are too well heeled and can litigate the government to death. It's simply not cost effective. Legal theory 101 teaches us that shallow pockets make good defendants.

The reason to lock up Keith Hernandez in particular is symbolic. This will send a message to the drug public. Although there is no proof other than his own immunized admissions, I think we can all agree his word is good in this instance. Additionally, Michael Ray Richardson, the New England Patriots, and everyone who has either played in or went to a Grateful Dead concert should also be locked up to get around equal protection or selective prosecution problems.

This is only a start, of course. Perhaps, to show our solidarity with the Presidential Commission, here at BLS we could be tested before exams to see if anyone is seeking that edge. Or we could be tested for drugs before we receive our diplomas to see if we are deserving. We all have clean hands, right?

After all, it is one thing to overlook the harmless transgressions of a Marcos or Duvalier or even a Manes. They were not potheads, only bumbling despots. Richard Nixon's sins, while bothersome, similarly do not rise to the level of Keith Hernandez's. Keith has a heightened duty to be lawful because America's youth looks up to ballplayers as role models, not to politicians. That is indisputable.

While we're at it, we should test everyone for AIDS and give all U.S. workers polygraph tests to see if they've stolen anything at any time from their workplaces. Also, it would be indubitably beneficial to our national security to administer loyalty tests. This way we can put all the druggies, the new-age lepers, petty thieves, commies, anarchists and fourth amendment freaks in a place away from the rest of us law-abiding types, as well as give us an opportunity to monitor their collective behavior. My suggestion is that we stash the undesirables in the Dakotas, either North or South, it does not matter. We could keep them with the American Indians, a strategy that has worked well in the past.

God bless America.

## Totalitarians, Authoritarians and Democracy

By Edward M. Jordan

**Y**es, it was very moving. Hundreds of thousands of Filipinos, sharing a common vision of democracy and freedom — the will of the people transformed into mass political courage. An authoritarian right-wing regime has evolved into a democratically oriented state, an outcome undoubtedly favorable to all.

Contrast this occurrence to the many totalitarian communist regimes throughout the Third World which, by nature, will never enjoy such a metamorphosis, and we can begin to understand a fundamental distinction. The elements which played the supporting roles in the Philippines: the opposition press, the Catholic Church, and the electoral process itself, are the very elements of society which communist regimes are so quick to suppress. These democratic institutions in the Philippines, working with a patron government in Washington (which, all rhetoric aside, is concerned more with democratic morality than with geo-political strategy) were meant to produce, alas, a happy ending.

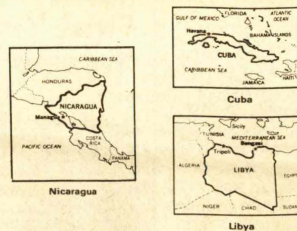
One cannot help but to feel proud, in looking back over those few weeks, that our Administration has found itself on what Jimmy Carter called the "right side of history." With the flight of Duvalier from Haiti amidst American-Flag-waving natives, and the recent departure of Ferdinand and Lady MacBeth Marcos, Americans can feel a pride in their foreign policy that only last surfaced with the invasion of Grenada. Speaking of which, the locals of that liberated island paradise recently hailed the visiting American President as "Uncle Reagan," while American visitors were warmly amused by the many captured Cuban transport planes bedecked with "Reagan-Bush '84" stickers.

*"Perhaps forty days and forty nights of aerial bombing over Nicaraguan military targets at the hand of the Commander-in-Chief will act to inspire a defeatist Congress to show a little greater resolve in its efforts to protect democracy in the Americas."*

Given the opportunity, perhaps the Nicaraguans would be singing the same songs that they're singing in Grenada these days. Unfortunately, they are still reeling from the totalitarian trademarks that have crushed what little they once knew of personal freedom. Recently, we've all bid farewell to the autonomy of the Catholic Church, to the independent voice of *La Prensa*, to the rights of the accused — and it appears as though nobody is in the mood for singing. Today, the communist regime of Nicaragua sticks out like a sore thumb as the only non-democratic state in the entire region. Contrast this to the Central American political scene in 1980 and then tell us all about how horrible our southern foreign policy is these days.

Perhaps forty days and forty nights of aerial bombing over Nicaraguan military targets at the hand of the Commander-in-Chief will act to inspire a defeatist Congress to show a little greater resolve in its efforts to protect democracy in the Americas.

I doubt that this approach will find much support among the liberal "Blame America First-ers." For some reason, evident only to a handful of self-righteous and



misled pacifists (and the New York media), we'd rather fight against our own interests than those of our enemies. With the "dreaded" Marcos on the run, the network and print propagandists have been quick to gloss over the rash of communist machine-gun slayings against Filipino police and civilians, anxious instead to move on and attack American interests on new frontiers. In passing, let us note that the fact of renewed communist aggression under the Aquino government may just imply a lack of interest in democratic reform after all — but it's time to move on. Next stop, the South Korean Government of President Chun Doo Hwan.

Many in the press have been quick to find fault with the man who has led the Korean people to relative prosperity while living under the shadow of 750,000 Soviet-backed North Korean soldiers perched only 45 minutes north of the South Korean capital of Seoul. Tunnels dug by the communists under the Demilitarized Zone have been discovered on three separate occasions. The most recent communist excavations were capable of sending 30,000 men an hour, along with personnel and weapons carriers, into South Korea. In his attempts to govern under these near insurmountable conditions, perhaps President Hwan can be excused for his derogation from the freedoms that we Americans, surrounded by Canadians, Mexicans, and fish, have come to expect.

Over recent years, the Korean GNP has quadrupled, unemployment has leveled at 4%, exports have risen from \$50 million to over \$20 billion — no minor achievements for a nation recovering from life under the successive iron-fisted rulers that reigned from the post-war period through 1979. Surely President Hwan can be seen as a breath of fresh air. The majority of the people are enjoying the benefits that come with the Korean economy being near the head of the "newly-industrialized" class. Furthermore, opposition political parties control 2/5 of the legislature and actively propagate their positions. This is not the work of an oppressive tyrant, but of a pragmatic, democratically-oriented leader trying to maintain a cautious optimism while occupying the toehold of a land mass dominated by hostile Russians, North Koreans, and Chinese.

With the many legitimate threats to our national interests that we currently face on so many fronts, why not just deposit this South Korea "issue" in the "much ado about nothing" file and get back to work.



## BLS's Glacial Movement

As the spring semester draws to a close, congratulations are in order to those fortunate graduating students. We wish you the best of luck and much success in your future exploits. As to those remaining behind for another year or two or three, well, you've gotten this far. . .

In trying to assess the accomplishments and failures of BLS's past year, what is striking is how slowly progress is made. The movement of glaciers has been clocked at faster speeds. Perhaps it is inappropriate to measure the change at BLS against our brief tenure here as students. Perhaps the relevant time span to measure BLS progress against is our lifetimes. Perhaps it is the history of the world. . .

But first let's look at the positive side. The BLS clinical programs are flourishing. Students gain exposure to the practice of law by working with judges, AGs, DAs and government agencies as well as exploring special interests such as women's rights or the rights of the indigent or elderly. These programs provide excellent opportunities. Sign up for them. (They also look good on a resume, for those who find that to be a prime motivating factor.) For night students, the clinics are obviously less accessible—but not impossible. If you can manage a day free each week or a couple of afternoons, try setting up a clinic on an independent basis. Or if you can get a short leave of absence from your job, the summer clinics may prove to be the best alternative.

Another positive point is the improvement of certain aspects of the library. (Calm down—the library's also on the other list.) The quality of the copying equipment is better than ever. (Thanks to the spontaneous complaints of students and efforts of the SBA.) Furthermore, additional Lexis and Westlaw terminals have been installed. IBM PC and Infotrac equipment is also available. If you are unsure of how the equipment works, the BLS librarians are extremely helpful. Don't waste this invaluable opportunity to become proficient at these skills.

Finally a positive point that should not go unrecognized is the vast improvement in the quality of BLS's food service. Perhaps full student stomachs will be the administration's most effective way of coping with student grumbling. At any rate "black letters" is a welcome addition.

And now, what you've all been waiting for — THE DOWNSIDE, or why BLS continues to remain a barren, unresponsive, uninspiring place. Of primary concern is the library. Training programs should be developed to accompany the IBM PC equipment and use of computers should be integrated into the course study. For example, an advanced tax course at Harvard Law School uses computers to expose students to its practical application in a tax law career.

Moreover, the library simply needs more books. Course casebooks are no longer kept in stock, a plainly inequitable policy that needs to be reversed. Many other books are not available that should be. Clearly, if BLS is aspiring to a national reputation, we should at least have access to the laws of every state. But according to the library staff, there isn't enough room. . .

Which brings us to another favorite topic. If we have no room to hold books required in a law school library, then why don't we . . . buy another building?

Or better yet, use space currently available in the buildings already in possession. The library needs to be expanded — not tomorrow, but today. This is not the time to discuss the efficacies of being landlords. BLS currently owns three buildings yet the vast bulk of its daily operations are still crammed into the main building. When are those major renovations going to occur? When will the library be expanded? When will the lounge be overhauled? When will the dining area be improved? Why hasn't any timetable been made known to the student body?

And while we're on the subject, how much is tuition going up this year? Once again we are forced to ask the proverbial question, "Who's zooming who?"

Which brings us to a brief discussion of the juke box. The controversy surrounding the juke box may actually be based on other underlying factors. Although a few people may actually believe music is generally inappropriate in a law school because it undermines the serious and academic quality of the atmosphere, the vast majority of us find some form of music to be comforting and even a stimulus to creative thought. However, the BLS juke box offends some people because it deprives certain students of the ability to study in the cafeteria. Others are simply concerned that the quality of the sound system will turn music into static and inspire headaches rather than harmony. Still others fear that a style of music they abhor will play incessantly at a loud volume.

Students need a real lounge. The suggestion that the third floor pit is actually a lounge is absurd. Students need a comfortable dining area. The current vendors have made a world of difference but they face an uphill battle without the Administration's support. Will we have to wait until the School can afford to refurbish the entire building before it will spring for a few chairs or a couch in the lounge that wouldn't be rejected by the Salvation Army?

Yes, even law students occasionally succumb to the desire to relax and socialize. And music would certainly be appropriate in one room of the student lounge or dining areas of the future BLS.

But back to reality. The Justinian conducted an anonymous survey of faculty members to elicit comments on a variety of issues concerning the BLS community. TWO PEOPLE RESPONDED — AND BOTH WERE ADJUNCT PROFESSORS . . . Ironically, both people believed communication between faculty members and students needs to be increased. One further commented, "students do not spend enough time/energy thinking about issues and appear to want "answers" to questions rather than understanding what the appropriate questions are." According to the other professor, a major problem facing BLS is the "overemphasis by students on bar-readiness and practical courses."

For those who responded, thank you for your interest and concern. For the vast majority that didn't find the time, if only we could assign grades to you. . .

But enough for now. We're too impatient, for although we're still in the Ice Age, in a million years or so, we'll reach the Renaissance. In the meantime, ENJOY THE SUMMER!

## THE JUSTINIAN

A FORUM FOR THE BROOKLYN LAW SCHOOL COMMUNITY

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## Here We Go

By Robert Axford

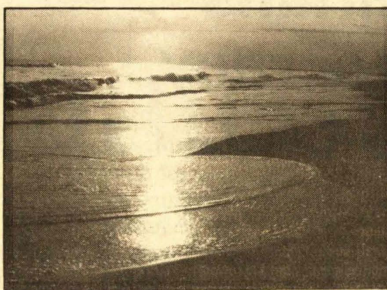
Back in 1982, I recall hearing the psychohistorian Caspar Schmidt say that Qaddafi was the psychological mirror-image of Reagan. That is, both Qaddafi and Reagan satisfy the identical societal urge for a dominant father figure. Just as one who is insecure seeks out someone to be his or her emotional parent, so does an immature society search out for a leader to satisfy the need for an authority figure.

Accordingly, what took place in Northern Africa recently between the United States and Libya was the psychological equivalent of "my dad can beat up your dad." Freud would postulate, of course that the game was more akin to "my gun is bigger than your gun," but no need to bring our genitalia into this. However you analyze the recent actions, it was macho on parade.

Our bombing of Libya was immoral and stupid. It will achieve none of its stated objectives. To the contrary, it will likely increase the violence directed against Americans and entrench Qaddafi's stronghold on Libya.

Of course, the bombings had nothing to do with military strategy. Reagan, like Qaddafi for the Libyans, is our pagan leader leading us in our ritualistic sacrifices (forget the euphemisms like "surgical strike" or self-defense"). Reagan may pay lip service to peace, but his

## Graduates: Congrats, Good Luck and Good Skill on the Bar . . . First Years: That's One Down . . . Second Years: That's One to Go . . .



Summer beckons as students settle in for finals . . .





STEIN '86  
ROCKY MOUNTAIN  
NEWS-NEA



ling of civilians by forces funded by outside nations) any more than the Libyans. If we did, we would stop funding the Contras. In fact, we and Libya are more alike than either nation is willing to admit. Our methods are similar: violence as a means for protecting our interests or achieving our objectives.

But I forget: the Contras are "freedom fighters" (as if the package was more important than the contents). We condemn Libya — in fact, kill Libyans — for supporting random violence against innocent civilians. At the same time, we arm mercenaries in Honduras (\$10,000 per Contra per year when the average yearly income of a Nicaraguan is \$1,000) to make "raids" (forays into Nicaragua to kill and maim civilians followed by running back into Honduras) in order to democratize the Nation. Right.

It is the apex of hypocrisy that Reagan and Qaddafi profess to be religious men. It is equally as hypocritical that we condemn Nicaragua for "exporting terrorism" when the United States has the biggest franchise, at least in this hemisphere. Without question, Qaddafi is an evil man. But one does not answer evil with evil. For too long, we have suffered because of our willingness to use violence.

Our collective, compulsive neurosis is our desire to see bloodshed. It sells movies and newspapers and elects presidents. But violence resolves nothing; indeed it only inevitably leads to more violence, more death and more destruction.

My favorite media metaphor was that we gave Qaddafi a "bloody nose" by bombing Tripoli. That's absurd. What we did was kill numerous innocent (in the truest sense of the word) people in the name of revenge. Nah, Nah! I got you back. Feel better now?

## LETTERS

### Justinian: You're Wrong

To the Editor:

We are writing to clarify Judie Steinhardt's "SBA Fun And Games Stressed Over Academics," published in the March 1986 edition of the *Justinian*. While we agree that student participation on faculty committees give "students the chance to be heard . . . outside the classroom," we disagree with Ms. Steinhardt's suggestion that the effectiveness of student participation on the Curriculum Committee is "debatable."

As student members of the Curriculum Committee, our voices have been heard to the same extent as those of the faculty members. Indeed, Chairperson Berger actively solicits our input on the students' perspective on issues debated.

We find it particularly distressing that Ms. Steinhardt did not approach either of us to inquire either about the extent of student effectiveness or about the most recent agenda of the Curriculum Committee. We can only hope that the *Justinian's* journalistic methods will be more thorough in the future.

Glenn Katz  
Jonathan Glasser

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May, 1986 • Justinian 11

### Elderly Clinic Praised

I am a graduating student and for the past 2 years I have been a law student intern at BLS Legal Services/the Elderly Clinic. Before I leave the BLS community I want to share my thoughts about what has been for me the highlight of my law school career and so much more. It is no exaggeration to say that my internship at the Elderly Clinic was the turning point in my life, the clinic has helped me to formulate my career and my life goals. Quite simply, this is a love letter to the Elderly Clinic.

In terms of practical, hands-on lawyering the training offered by the clinic is unique. At the Elderly Clinic I was called upon to prepare all manner of legal documents, to negotiate with opposing counsel and landlords, to represent clients at administrative hearings and to argue motions in the Housing Part of the New York City Court. The clinic has provided me with excellent skills and training in the areas of housing law and public benefits. Most importantly, however, the attorneys who are at the Elderly Clinic, Prof. Marc Finkelstein, Marcia G. Sikorvitz, Mark Burman and Oscar S. Straus III, have impressed upon me that caring about others is also part of the legal experience and that there can be legal solutions which will protect society and at the same time enhance the value and dignity of people.

A former client of the Elderly Clinic once told me, "when you look into these eyes you see the rage and frustration and tired hopes of an old man who has seen things, that with any luck, your children and your grandchildren will never see." This is what the Elderly Clinic is all about, hope and a commitment to a just future. My participation in the Elderly Clinic has made it clear to me that no matter how difficult the circumstances, as attorneys we must be committed to trying to build a society that respects human life, cares for the weak and stands in solidarity with the poor and oppressed.

Maria Milin

### Library on the Move

On Saturday morning, April 5, 1986, members of the professional Library staff presented a three-hour lecture on Advanced Legal Research Techniques. The librarians who participated were

Sara Robbins, the Acting Law Librarian, Linda Holmes, Associate Librarian for Public Services, and Rosemary Heisler Campagna, the Government Documents Librarian.

This program has been regularly offered at least once each academic year, particularly in response to requests from students for more advanced research techniques that they will employ in their practice of law as summer associates, as well as during their future legal careers. The topics covered in this latest session included federal legislative history research, the use of government documents, administrative law materials, looseleaf services, and a discussion of the various computer services that the Library offers to its students and faculty. Among the services described were Lexis, Westlaw, Nexis, InfoTrac, Wilsonline, Dialog, Vu/Text and OCLC. The program included handouts, as well as opportunities for questions and the examination of the specific materials discussed. Additionally, the students who attended have been invited to participate in a special Saturday training session to be given by Linda Holmes on April 19th. During this three-hour session, students will have hands-on experience with both Lexis and Westlaw in the Temporary Learning Centers set up at One Boerum Place.

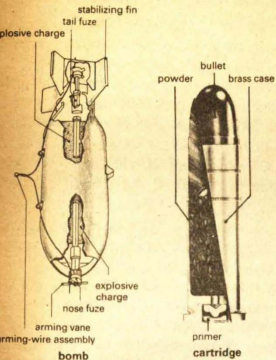
The subjects covered by this Advanced Research Lecture have always been found quite useful by those who have attended them. The members of the Library staff were delighted to have 20 students sign up for the program, which was announced in the Library newsletter *Inform* and by a large poster with a sign-up sheet in the Library itself. The time and date selected were based on the need to reach part-time, as well as full-time, students. Unfortunately, though, only 5 students attended the actual lecture. We were disappointed at this showing, but hope that when similar programs are offered next year, students will consider the value of the sessions and make the effort to attend. The subjects are not covered in the first-year legal research course, and the materials and techniques discussed should be extremely useful in all future legal research endeavors.

Sara Robbins  
Acting Law Librarian

## Go Again

agenda is death; he was elected and re-elected for one reason only: his willingness to spill blood for cause or no cause at all. Who is killed at what cost is irrelevant. Our only concern (as a group) is to see that red river flow.

The media's role in all this has been



typically loathesome. Its flag-waving jingoism — mixed with an unhealthy portion of racism and xenophobia — is not even ideological. Rather, the media exploited the sad situation simply because it sells soap (the inherent problem with a capitalist media, of course, but I'm talkin' psychohistory, not Marx). It is de-

### Lawyers, Guns and Money

In a few days I shall be graduating. As a service (or disservice, as the case may be) to those who will remain, I would like to share with them the following thoughts and observations:

The most interesting odors are to be found not in the cafeteria, but in the elevators.

The SBA should consider holding its social functions in the first floor of the library; provided, however, the SBA starts operating again next year.

I graciously thank all those people who have told me that I have nice legs.

It's been a long and difficult wait, but I can finally write in my bluebooks, "As a graduating student, I am of the opinion that . . ."

A distinguished scholar once said that those points scored over and above the grade required to pass the Bar Exam are nothing but waste.

Eating the cafeteria's "Potato of Death" (a split baked potato filled with chili, onions, mushrooms, cheddar cheese, jalapeños, tabasco, sour cream, salt and pepper) is analogous to bad sex: you enjoy it while it's happening but, thereafter, you do not have fond memories of the event.

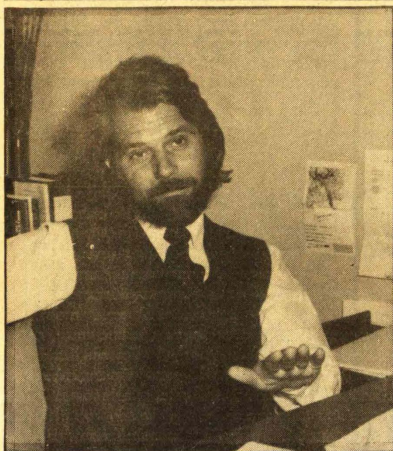
I heard it through the grapevine: the SBA is sponsoring an "Undistinguished Alumni Lecture Series." How appropriate!

The cruel but accurate truth? It's not that hard to look good when you're surrounded by incompetents.

Send lawyers, guns and money . . .

Richard Garelick





By Gary Minda  
Professor of Law  
Brooklyn Law School

One of the more interesting questions to be raised recently at Brooklyn Law School concerns the appropriateness of a juke box at the Law School. As reported in the March issue of the *Justinian*, student representatives of the SBA recently adopted a proposal for the installation of a Juke Box in the law school cafeteria. After a heated debate, the SBA decided that a juke box should be installed in the cafeteria, to be used during restricted hours on an experimental basis. The actual proposal was the result of a reasonable compromise seeking to recognize the need for time and place restrictions on use, apparently in an effort to accommodate the interests of those who might object to the playing of music in the cafeteria.

Despite the reasonableness of the proposal and the obvious attempt to "balance" the interests of those affected, it soon became clear that the question of the juke box was highly controversial. Indeed, the installation of the Juke Box has since sparked a heated debate involving the entire law school population; including the law school student body, faculty, administration and the cafeteria vendor.

Some believe that the presence of a juke box distracts from and is fundamentally at odds with the intellectual and professional mission of the law school. Those of this view seem to argue that music, especially rock n' roll, has no place in the institution. The argument seems to be based on the idea that the academic mission of the school demands a serious, business-like atmosphere conducive to competitive lawyer-like dialogue.

Others, of course, argue that the problem with the juke box is that it interferes with the freedom of those who want to use the cafeteria for reading and study purposes. This group seems to define the issue in terms of rights — the right to be free from each other, the right to a quiet environment, etc.

Still others argue that the real problem with the juke box is that it doesn't contain the type of music they prefer. A colleague, for example, has suggested that the real problem with the juke box is that it doesn't have any opera records to play. This view seems to rest on purely subjective, aesthetic grounds. Even the Cafeteria vendor seems to be having trouble making up her mind on the question. You see, it's not exactly clear whether the juke box will be good for business. In light of apparent lack of consensus on the Juke Box question, the administration has decided that the Juke Box should be allowed to stay in the Cafeteria for a one month period and that a referendum be taken at the end of the month to determine if Juke Box should remain permanently.

No group, however, has seriously argued that music, especially rock n' roll, might be relevant to law study and the academic mission of the School. Indeed, everyone seems to assume that the playing of rock music would be, at best, a mere respite from the serious business of law study or at worse, an unwanted distraction. But might not an argument be made that rock music has relevance to what we do at the law school? In a forthcoming article in the University of New Mexico Law Review, law Professors Karl Johnson and Ann Scales of the University of New Mexico Law School have argued such a position. In their article, *An Absolutely, Positively True Story: Seven Reasons Why We Sing*, Professors Johnson and Scales report on why they believe music (especially popular music) is relevant to law study and their law school's academic mission. I found the article insightful and interesting. I also believe that what these professors say is highly relevant to the juke box debate at Brooklyn Law School.

## The Juke Box Question

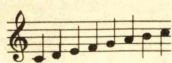
# ROCK & ROLL LAW



Why would a law professor be interested in rock n' roll? Why should the law school allow students to have a juke box in the law school cafeteria? First, music — especially popular music — tells us something important about the nature of our culture and the type of society we have created. Sometimes the stories told in these songs are tragic, other times depressing or affirming and inspiring. Yet, never are they neutral. Bruce Springsteen sings about factories closing down in the heartland of America or the killing of the "yellow man" in Viet Nam. The ex-Police vocalist, Sting, reminds us that "In Europe and America, there's a growing feeling of Hysteria." The late Bob Marley proclaims that "We free the people with music, sweet music." Sade sings about "smooth operators" and betrayal.

Sure, sometimes these songs can be crude and just plain silly. Sometimes, "girls just want to have fun." But even when the song is about just having fun there is still the song's underlying statement about how difficult it can be today to "walk in the sun" and "just have fun."

Johnson and Scales write that "We never heard a neutral song, never met a neutral teacher." To them, music can be useful for understanding something about law which is never really talked about in law school. To them, "thinking like a lawyer" can mask and hide truth. Popular songs, on the other hand, can be useful in providing us with the poignant descriptions of reality that are missing in the analytical descriptions of legal analysis. In Tina Turner's recent album, *Private Dancer*, there is a song called Steel Claw. Its about law:



*Life is so cool  
Easy Livin' When You Make the Rules. . .*

*The politicians have forgotten this place  
Except for a flying visit in a black Mercedes  
On election time  
They cross the line  
And everybody runs to catch the pantomime*

*If they could see what's going on around here  
So many people hanging on the edge  
Crying out for revolution  
Retribution. . .*

*Sometimes I think I'm going crazy  
Sometimes I do a line  
Makes me laugh  
Makes me want to take a joyride  
On the high tide  
Sometimes I'm contemplating suicide. . .*

*The odds turn out even when you give up  
believing in the. . .*

*Cold law Steel claw  
Try to get on board you find the lock is on the door  
Try to get on board you find the lock is on the door  
Well I say no way  
Don't try to keep me out or there'll be hell to pay  
I don't know who's right, who's wrong  
It really doesn't matter when you're lying in the gutter  
It's a see saw  
A long hot battle with the cold law  
Is what you get for messing with the Steel claw.*

Now, it's obvious that Tina is singing about something which is not what most of us experience when we think about "the law." On the other hand, the song does project a picture of law and authority which can have relevance for understanding the way some people (the poor, the disadvantaged, etc) have experienced law. For some, law is alienating and threatening because legal authority is experienced as something which oppresses and denies freedom. According to Johnson and Scales, to some law students, "law school looks like the parade of missiles in Red Square, a massive show of authority." For these law students it may be difficult, if not impossible, to

survive the competitive struggle of the first year. As Johnson and Scales suggest, "When you're down, it's hard to sing and even harder to learn." Maybe, the alternative voice found in some popular songs can be useful in providing us with a way for understanding our differences so that we can be more effective in using the law to build and preserve relationships. Instead of learning how to crush an opponent, maybe we can seek new ways in law to build and preserve working alliances and trust?

Certainly, the song, the Steel Claw, provokes us. In projecting an image of law as a "Steel Claw" the song forces us to make normative judgments about the role law does or should play in society. Isn't that a useful purpose for law study? As Johnson and Scales write, "[n]o rule, no technique, no role, no 'process,' no calcified concept of self or reality can tell us what to do nor justify what we have done. By virtue of being born, we have to make judgements that affect everyone. For teachers, the responsibility to participate in interpreting the world is weighty. For law teachers, the obligation is particularly grave, since we are empowering people to engage in a version of reality-making backed by the force of the state. When we squeeze students to adjust to how things allegedly must be instead of urging them to imagine how things can be, we deny the contingency of any picture of 'how it is' and obscure the normative presuppositions that underlie this picture. We offer a place to hide from the moral effects of acquiescence in domination. When we flee behind the smokescreen of objectivity, we dispense a narcotic that deadens us to commitment." Music can, like other alternative non-legal modes of communication, be useful in bringing to light the necessity of commitment — the importance of taking a stand as a lawyer, law student and law teacher. Certainly, that is useful and relevant.

Of course, the fact that music, especially rock music, is provocative may be a reason why popular music has been regulated and even banned in some societies. It's no secret that the Russians have sought to keep Western Rock music out of their culture. I don't think that Russians dislike Rock music just because it's Western or "Capitalistic." Rather, I think it is the subversive message in the songs — the anti-authoritarian voice — which authoritarians might find threatening. Rock evokes strong anti-authoritarian feelings — of release and let go. The music is called Rock n' Roll for a reason. The music is about freedom from restraint, the yearning for self-expression and individuality. Rock is contrary to the voice of authority which is the dominant voice of the law.

But Rock is also a voice which calls out for understanding and love. When Sting sings: "I hope the Russians love their children too," he captures something which we all hope to be true — that differences between East and West, Straight and Gay, Right and Left — can be tolerated if for no other reason than self-survival. Such songs can also be helpful in reminding us that law can be used for good and evil and that we have a role to play in determining which of the two roles predominates.

Johnson and Scales reveal that Woody Guthrie had a sticker on his guitar which read "This Machine Kills Fascists." No doubt it did. Songs can be a way of exposing and smashing rationalizations for domination and oppression. Maybe, that's what law should be about — A machine that kills fascists. Anyway, as for me, I say turn up the volume and

Tell Tchaikovsky the news  
I got the rockin' pneumonia  
Need a shot of rhythm and blues.  
Chuck Berry.

Phew!

Made it through this year!  
Next year . . .  
Get involved in the Justinian  
We need repressed  
writers-artists-production staff



## PERSPECTIVES

# Phil's Parting Shot or: "What I should have said last year"

By Philip L. Reizenstein

For the past year and a half, I have been writing a column for the Justinian, giving my personal perspective on current issues. For this, my last column before I graduate, I am going to state my perspective on Brooklyn Law School—the people and the issues.

Last spring I ran for the office of SBA Vice President on a ticket with the current President—Orren Falk. I had served for a year as an SBA delegate, and I had several projects that I wanted to implement in the future. My main campaign theme centered on the creation of an SBA copy center and an SBA sponsored Job Symposium. My opponent, Debbie Sit, ran on the platform (and I quote from her policy statement published in the May 1985 Justinian on page 16) "PARTIES! PARTIES! PARTIES! And then some more parties. (sic)" Debbie Sit, who had no experience with the SBA and had never attended an SBA meeting, beat me by approximately 14 votes out of 500. Needless to say, I was not only quite hurt by the loss, but also very embarrassed.

For this entire year I have refused to speak about the SBA. Earlier in the year I declined an offer from the Justinian to cover the SBA for the newspaper. I have been biding my time, and the time to speak is now.

First, I have no shame in admitting my happiness over the news that Debbie Sit has resigned in disgrace. Sit resigned rather than face an impending impeachment vote over her inactivity as SBA Vice President. Sit has become the Richard Nixon of BLS; and if that places me in the unusual position of being BLS's answer to George McGovern—so be it. I have nothing to be ashamed of. I am proud of my previous service on the SBA, and I know I would have done a good job as VP. Sit was an incompetent disgrace from the beginning, and I'm glad it's now out in the open for all to see.

Last spring, under the guise of the "Students Services Slate", the National Lawyers Guild—for which a more truthful title would be "the lawyers communist party"—engineered the successful campaign of all of the members of the current SBA executive board, except for Orren Falk. The NLG was crafty. They knew no one in this school would vote for an NLG slate, so they

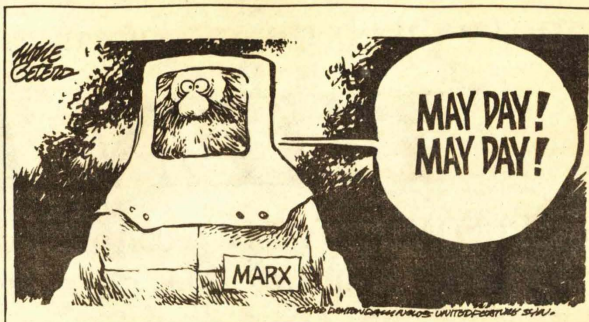
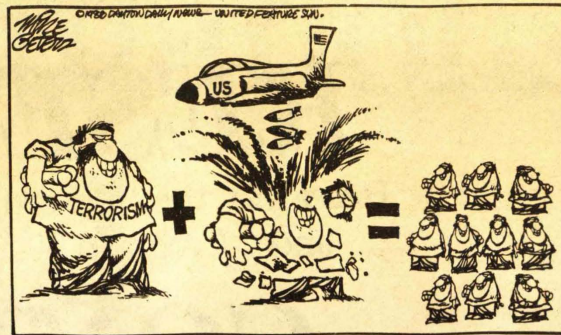
silently supported a group of puppets—students who were not NLG members, but were NLG sympathizers. I knew what the NLG was doing, but I refrained from making it an issue at the request of my running mates. They thought it would be seen as red baiting. Not speaking out was one of the biggest mistakes I ever made.

The NLG, as well as other student organizations like Balsa, view the SBA budget as a means for furthering their political ends. When I was an SBA delegate, the NLG submitted a budget request for over \$5,000.00 dollars. Most of the requested money was earmarked for their own personal political causes, like the Nicaraguan and El Salvador political refugee project. That same year Balsa also requested an enormous sum of money. Balsa's expenses included money for a Moot Court Competition open only to blacks. Representatives from both groups strongly opposed any attempt on my part to impose a rule that SBA money must be spent on activities directly concerning the BLS community. It is an outrage that a few self-righteous sanctimonious neo-liberals are able to waste our money.

This year, via the NLG controlled executive board, the SBA voted to give 98% of its budget to student groups. What was our money spent for? Well Balsa saw fit to use a portion of our money on a private dinner party for themselves. I guess my invitation got lost in the mail.

The point of what I am saying is simple: the SBA has become a vehicle for the distribution of student money for personal and political profit. This can only change if the electorate will take an interest in the upcoming elections, and if the candidates speak out on the issues I have raised.

Believe it or not, I leave BLS as a happy man, and not as a bitter one. The school has delivered to me all that it had promised. The quality of the faculty has continued to rise, and I feel privileged to have studied under some of the professors that teach here. I have met many good people, as well as a few very bad ones. To the good people, including those whom I have been honored to work with for the past two years on the Brooklyn Journal of International Law, I say that I hope we can remain friends, even though I will be living in another state.



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# The Supreme Court and Intellectual Honesty: Necessary and Proper?

by Lance Gotko

There comes a time in the affairs of a first year student when, inevitably, one is introduced to the "Blue Book." One quickly finds out that the Blue Book is *not* the social register for lawyers. Shortly thereafter (usually at four a.m. the night before the first writing assignment is due) one begins to curse a world so unjust as to dictate the way students must cite. Why, one asks, must I be shackled to this book (rivaled in technical esotericism only by the Karma Sutra) while judges feel free to cite any ol' way they please? Why are they not bound by this formality of legal scholarship? But proper Blue Book form, I fear, is of minor import compared to my larger concern. [Note: I think I should warn you that this thing reads like one big digression, but trust me, we'll get where we're going.]

I was reading *Garcia v. San Antonio Metropolitan Transit Authority* the other day (no, I'm not going to use Blue Book form in a letter). In *Garcia*, I'm sure you recall, the Supreme Court decided that the sovereignty of the States was well-protected through their citizens' participation in the national political process: "The political process ensures that laws that unduly burden the States will not be promulgated." The dissent (penned by Justice Powell) was worried by this holding and, instead, argued that such a scheme would reduce State power to a level incompatible with federalism as structured by the Constitution. Justice Powell discusses *The Federalist Papers* and tells us that "the Framers believed that the separate sphere of sovereignty reserved to the States would ensure that the States would serve as an effective 'counterpoise' to the power of the federal government." Justice Powell lets us know that he's quoting from *The Federalist No. 39*, written by Hamilton. I looked through my own copy of *No. 39* and, sure enough, there was that word: "counterpoise." But what Hamilton actually said was that the States would be an effective counterpoise to the power of the federal government "and, not unfrequently, dangerous rivals to the power of the Union." Hamilton, in *No. 39*, is expressing anxiety *not* over the power of the federal government, but over the power of the States. The States, he said, are over-protected by the loyalty of their citizens, hence the federal government needs enumerated powers lest it have its vitality sapped by the more powerful States: "The separate governments in a confederacy . . . will generally possess the confidence and good will of the people, and with so important a support will be able effectually to oppose all encroachments of the national government. It will be well if they [the States] are not able to counteract its [the federal government's] legitimate and necessary authority."

You see, the Federalists were just as concerned with majority faction tyranny (through the States) as tyranny of the supreme sovereign. Perhaps more so. Through the Constitution, they had made tyranny of the supreme sovereign in its most pure and familiar-to-them form—monarchy—impossible. To deal with tyranny of the majority they set up federalism and accordingly enumerated the powers of the federal government so that they could not be *taken away* by the States acting in the name of their people. Hamilton, in *No. 39*, agreed with the Court's opinion in *Garcia* (not the dissent) and felt quite confident that the States' powers would be adequately protected through the political process. The Constitution, according to *No. 39*, was designed not as a sword for the States, but

as a shield for the federal government.

Enough, for the moment, of *Garcia*, Justice Powell's dissent, and *Federalist No. 39*. Let's talk about Hamilton.

In arguing for the Constitution's ratification, Hamilton assured its foes that the Necessary and Proper Clause was "harmless"—the federal government, he told them, had only those powers enumerated by the Constitution. The Clause was a throwaway. Not to worry. His subsequent assertions, however, indicate that assurance to have been an indulgence in "intellectual dishonesty" or just a damned lie. For we know that Hamilton wasted no time, after the ratification of the Constitution, in seizing upon that "harmless" Clause in defense of the First National Bank: Congress, he said, could use those *means* it found necessary in order to exercise the powers delegated to it (that is, in order to reach the Constitutionally allowed *end*)—Congress has explicit and implicit powers. And, he informs us, "necessary" does not mean *NECESSARY* but, rather, merely that which Congress finds expedient and proper in exercising its Constitutionally allowed powers.

What are we to make of this duplicity? Are we to believe that Hamilton was secretly plotting the abolition of the States' powers when he argued for the retention of the Necessary and Proper Clause? Some would say that ever since the Court in *McCulloch v. Maryland* adopted Hamilton's explicit/implicit and "necessary"—but-not-*NECESSARY* argument, the States have been all but eclipsed by Papa Federal. Did Hamilton want this to happen and so accordingly urged the retention of the Clause? Probably not. He'd probably be shocked at the extent that the federal government has used the Constitution and the Clause as a *sword*. But back then he probably thought that calling the Clause "harmless" and then subsequently using the Clause as the very predicate of an expansion of federal power was an act of necessary intellectual dishonesty.

Remember, from your Humanities classes, Jean-Jacque Rousseau?: "Man was born free, and everywhere he is in chains." Good ol' Jean-Jacque begins with that statement and then goes on in his *Social Contract* to formulate (like so many political philosophers before and after him) his utopia. O.K. that sounds good.

But you know what? He goes on to declare that because of man's nature it will be necessary to base man's sense of duty toward this utopia on a necessary lie. Oh, that *doesn't* sound good. I'm not going to discuss this concept save to greatly oversimplify and state my own synthesis of it (*please* read the work yourself): Rousseau's society would be the best society because it would best protect the freedom of man in society. But man, because he is naturally free (and hence, naturally self-interested) will even rebel against this best of societies. However men respect their souls, and are scared to Hell of going there. It is necessary, then, to scare the bejeezus out of man by telling him that this best society's laws are dictated by the Divine, and that violation of them sends one directly to the inner circle of the Inferno come the afterlife. This lie is *necessary* because it's for man's *own good*. He said.

Hamilton was undoubtedly familiar with Rousseau's work, and as he assured our predecessors of the harmlessness of the Necessary and Proper Clause (with full intent to later argue for its full use in a big way) he very well could have been repeating to himself, "Necessary lie,

necessary lie . . ." for being (perhaps too) sure that the checks and balances instituted on the national level would do their job against the supreme sovereign's tyranny. Hamilton then did his damndest to bolster the federal government against the incursions by the majority faction through their slaves, the States. Hamilton was none too sure that the Union had a strong enough *shield* and so sought to strengthen it by discovering implied powers of the federal government in addition to those enumerated.

It should be remembered that at the time of the First Bank Controversy the young nation was not out of the woods by any means. The Constitution had just *barely* become the supreme law of the land. The States were still unruly and not tied together by any modern idea of national unity (Hamilton must have been apoplectic during the Whiskey Rebellion). In addition to this "threat from within," the fledgling nation was a sitting duck [block that metaphor!]: Mother England could be expected to return to claim her errant child (and *did*—remember that Dolly and James were ousted from their house when it was torched in the "War" of 1812), and the other imperialist European powers, no doubt, were smiling hungrily over this new, rag-tag, independent *land*. Good God, thought Hamilton, this is no time to be bickering over the power of the States! We just barely got this thing off the ground after that disaster of a government under the Articles of Confederation and you want to . . . why, I oughta' . . . quick, hand me that Clause! It's for your *own good*.

And so Hamilton made his argument. And so it was later adopted in *McCulloch*. And so implied powers were added to Congress's "kit bag." And so, some say, the process has ever since been one of "ever increasing federal hegemony over the States with a noninterpretist judiciary as grand marshal in the Parade of Horrors—that Hamilton's poor supreme sovereign who needed enumerated and implied powers as a shield against the States is like the "little one" who kept on saying, "Roll over, roll over" until it alone remained in the bed.

Perhaps dual federalism is vital to liberty—perhaps that system is outmoded. Perhaps a "four corners" reading of the Constitution is mandated by that very document—perhaps a looser, "activist" reading is dictated by the principles in that document and by the ever-changing society above which it reigns. I don't know. A debate on these scores is, as they say, "currently raging." And so, no, I will neither go in for a penny nor a pound on these issues. This first year student will wait at least until the completion of my Con. law class before "pronouncing" on these issues. But what I will go in for with a *ton* is honesty.

Rousseau's necessary lie is repulsive. Hamilton's duplicity for the sake of the early Union was wrong. No, Virginia, the end does *not* justify a lie. And that's why the Supreme Court's occasional intellectual dishonesty stinks to high heaven.

Why is the dissent in *Garcia* quoting *Federalist No. 39* so out of context when *No. 39* and Hamilton actually agreed with the idea that State power will be protected by the political process? Why do opinions quote dicta, cite it, and make it seem like a holding? Why do our Justices, in the midst of discussing a precedential case, drop a statement ipse dixit, and then move on as if it were a part of Constitutional case law? Because it's *justified* by their cause, that's why. And that's wrong. I don't care how much you think your cause is *the way* to protect freedom—strict constructivist or activist, Rousseau or Hamilton—intellectual dishonesty is abhorrent and unjustifiable. No truth can be saved by a lie. A truth does not need acrobatic sophistry to survive—competent and honest argument is its best ally.

Luckily the Court members seldom are unanimous and so their clashing opinions show us that this B.S. is going on. The dissent will let us know that the majority is quoting out of context and then inform us what the case in point really meant. The majority, in its footnotes, will say that the *dissent* is quoting dicta and that *they* are the true foes of the Constitution. Then off they go shooting assorted allegations at each other down at the bottom of the page in print so fine it would be unenforceable in a consumer contract. The "thrust and parry" of these opinions and their counter-counter-footnotes make for exciting (?) reading, but they hardly inspire confidence in our nation's highest court.

All members of the legal profession are law students from the first day of law school 'til the day we die. All students, undergraduate and beyond, know that quoting out of context is verboten. All law students know that mis-stating a case or a statute is tantamount to a capital offense (our professors constantly, and rightly, cry, "But what does the statute say?"). The Justices are honor-bound as students of the law to argue within the boundaries of academic honesty. The Justices should all be able to find a copy of the Constitution in their offices. *The Federalist Papers* can be easily procured at any fine bookstore. And any BLS student will, I'm sure, be willing to part with their copy of *A Uniform System of Citation*—at least, temporarily. It would be for a good cause.

As we continue this latest, and perhaps, decisive, round of Constitutional debate, let's at least approach it with the scrupulousness that behooves the subject and the intellectual integrity demanded of all.

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# Bar Pass Rates

from page 1

dents who had enrolled that year. "They were quite cooperative and fairly responsive in terms of time," commented Dean Siskin. Out of the 55 names that PMBR supplied, 34 passed and 21 failed the July '85 bar, making a 62% pass rate.

Josephson sent the names of all 1985 enrollees and were "very pleasant about it and responsible" said Dean Siskin. In the figures she had originally received from Josephson, she had calculated that out of 31 names given, 19 had passed, and 12 had failed, making a 62% pass rate. Later corrections to this list, made by representatives at Josephson, showed that because some Multistate portions of the exam were lost last year, the actual number of Josephson enrollees was 29. Furthermore, three enrollees reported as failing had actually passed (due to spelling and/or computer errors), increasing those who had passed to 22. Thus, with a 22 out of 29 pass ratio, the Josephson pass rate comes close to 76%.

## BAR/BRI Stalls

Dean Siskin got some letters from BAR/BRI that were "very nice" but which contained none of the information requested.

the results were published in the Law Journal. (According to representatives at BAR/BRI, about 150 people were signed up to take the course in 1985).

Dean Siskin was not satisfied with an analysis based on the names given to her. "They could be very misleading and I would take them with a cellar full of salt," she said. Of the 38 names given to her, 31 passed, making an 82% pass rate. "When you consider the overall state pass rate is about 70%, 82% looks pretty good. But keep in mind how they were arrived at."

Steven Rubin, Associate Director at BAR/BRI, pointed out that the figures were slightly incorrect for the same reasons that Josephson had pointed out. According to his figures, 39 names had been released to Dean Siskin, but two of the names were victims of the Multistate loss, so the actual total figure was 37. Thus, since 31 passed out of 37, the actual pass rate based on the total number of names received by Dean Siskin was close to 84%.

## Pieper Declines

Pieper sent Dean Siskin nothing. "I've called and I've written," she said, "and he has tried to call me and missed me

## "BAR" GRAPH: PASS RATES

SMH	0% *
JOSEPHSON	76%
PMBR	84%
BAR BRI	84% **
PIEPER	??%

SMH, PMBR and JOSEPHSON fully disclosed enrollees. BAR BRI disclosed only 38 of approximately 150 enrollees. PIEPER disclosed no enrollees.

\*Only one BLS enrollee took 7/85 exam  
\*\*Incomplete sample of enrollees

Then in July of 1985, (about the time of the bar exam), BAR/BRI sent a letter to its enrollees saying that various law schools and law school newspapers requested the names of their enrollees. In this letter, BAR/BRI asked that the students indicate whether or not they wished to have their names and bar status released.

"Frankly, my feeling about this is one of concern that this letter could be interpreted in a number of different ways," said Dean Siskin. "There is no place for students to say 'yes, you can release my name, but no, not my bar exam status.' Furthermore, bar exam status is published in the New York Law Journal. It's not a confidential thing. So why BAR/BRI had to bring something like that to the attention of the students, I don't know."

"Putting out this kind of letter tends to put people on the defensive," she said. "They feel all of a sudden their privacy had been violated, particularly with the bar exam, which is a very touchy thing. The letter never indicated who wanted the information and how it would be used."

"It could be an attempt to thwart a real accurate study. If we can't have all the names, we can't say with complete confidence and accuracy that X number of students took the bar and X number passed." Dean Siskin even made individual inquiries to graduates who had taken BAR/BRI. Some did not even remember getting the letter, not surprising since it was received just about the same time as the bar was given.

BAR/BRI reserved permission to release 38 names and sent them to Dean Siskin in October 1985, prior to the time

several times and I missed him. But he knows why I'm calling and why I've sent letters. I told his assistants in the office what I wanted. This has been going on for a year."

After this reporter made a couple of calls to Pieper, John Pieper found time to call Dean Siskin back. "John is reluctant to give any figures because the other large bar review course, BAR/BRI, hasn't given all the names of their enrollees so he figures why should he. Furthermore, since there are so many ways the numbers could be inaccurate, he feels it would be misleading to release any pass rate. He also doesn't believe in pass rates."

## Future Efforts

Dean Siskin hopes to circumvent the vested interests of the bar course by conducting a study without their help. Towards Spring semester's end, graduating students will be asked which bar review courses they are enrolled in. This information, together with the published names in the Law Journal, will enable the school to provide students with more accurate pass rates for the respective courses. "There's no reason why anyone should decline to give information," said Siskin. "It's a way of helping other students to decide which course to take."

Pass rates, of course, are only one indication of the effectiveness of a bar review course and should not be taken as the sole criteria of which course to attend. Since each course has different teaching methods which may be beneficial to some students but not to others, the choice should be based on both subjective and objective reasons. As Dean Siskin puts it, "It's really a crap shoot."

et al.: The Justinian

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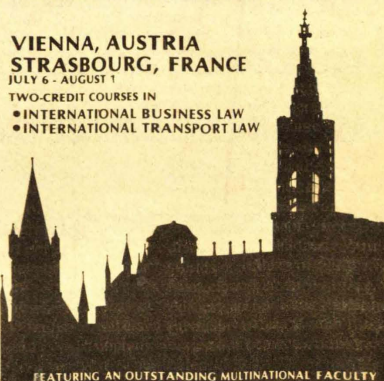
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## Insurance Crisis

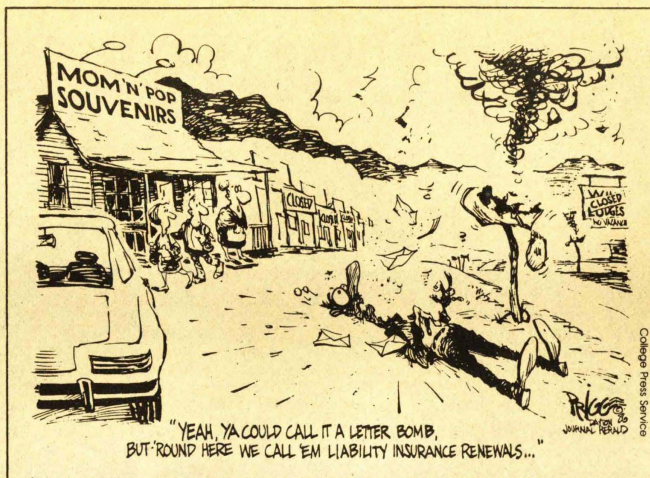
from page 1

dollars to cushion the payments. In response, the insurers let the cost of premiums skyrocket.

Moreover, loss figures are inflated by what ACR director Tom Goddard calls "voodoo accounting"—the insurance industry's practice of counting tomorrow's losses today. The system fails to account for the fact that reserves set aside to pay future losses will earn investment income in the meantime.

### MUNICIPAL LIABILITY CRUNCH

The insurance pinch has been felt in the municipal insurance market. Municipal insurance, like medical malpractice insurance, is not a particularly lucrative market, says Goddard. Compared with auto insurance, for example, medical and municipal insurance figures are hard to come by and the population over which the risk is spread is smaller. This makes it more difficult to assess the risk and provide a protective cushion. "The insurance industry," says Goddard, "is pulling out of its less lucrative lines."



### INDUSTRY PROPOSALS

The industry's solution is comprehensive tort law reform. The tort reforms pressed on legislatures target the twin demons of the current crisis, as perceived by insurance interests: a litigation-happy public and overly generous juries.

"[L]itigation is basically out of control," according to Sean Mooney, vice-president of the Insurance Information Center. "It is grossly expensive and most of the money goes to the attorneys." He claims the industry has no quarrel with the tort system itself.

To reverse that trend, the insurance sector seeks limits on pain and suffering awards, changes in the contingency fee system, sanctions for frivolous suits (including court

costs and attorneys' fees), abolition of the doctrine of joint and several liability, and more arbitration and mediation.

One source close to the New York State legislature agrees that "something has to be done to protect the deep pocket in cases of joint and several liability." The result may be to limit the application of the doctrine's application to those instances where the deep pocket is at least 50% liable.

### SOME ALTERNATIVES

The ACR has its own ideas of how to solve the municipal liability crisis. It contends that the state should take action to prevent policy cancellations and excessive premium hikes, prohibit rate changes in excess of a set percentage, prevent price-cutting wars and steep increases, mandate that experience be taken into account in writing municipal liability insurance, and form self-insurance pools.

These changes, say ACR officials, would curb the boom-and-bust cycle in investment income and the lack of effective state regulation of insurance practices, the real causes of the problem.

"Self-insurance," says Jack Floyd, executive director of the Tennessee League of Cities self-insurance program, "is no panacea. It's hard, gritty work." But it does provide municipal coverage at rates well below those of commercially purchased policies. "Let's face it," he says, "this is a government, low overhead operation. We're not flying people around the country to go to football games. And in a market that's going to pieces, that's a significant advantage."

## New York's Med Mal Reforms

Forty-three states filed legislation in 1985 intended to contain the medical malpractice crisis. New York joined them in July 1985 with the passage of the Medical Malpractice Reform Act. The Act's principal objectives are to contain malpractice insurance costs while providing adequate compensation to injured parties, to expedite malpractice claim resolution and to reduce the incidence of medical malpractice. Key portions of the Act include the following:

**Increased self-regulation** by the health-care community. The Act requires hospitals to design and implement malpractice prevention programs. Hospitals must also review staff competence, establish procedures for prompt resolution of patient grievances and conduct a detailed investigation of physicians before granting or renewing professional privileges. Misconduct by residents as well as licensed staff must be reported.

**Education.** The Act requires hospitals to educate staff on the legal aspects of patient care and the need for patient communication. In keeping with this duty, hospitals must offer continuing education programs for physicians in their area of specialty.

**Physicians must supply hospitals** with detailed and accurate information concerning their professional background. Licensed physicians in New York State are now guilty of professional misconduct and subject to penalty if they have been disciplined in another state or if they voluntarily surrendered a license to halt disciplinary proceedings in another state for acts that constitute misconduct in New York State.

**Litigation is to be expedited.** Plaintiffs must file a "notice of malpractice action" within a fixed time period that can only be extended by court order. Precalendar conferences are mandatory and settlement is encouraged. Discovery must be completed within 12 months of the date the notice is filed and all parties must be ready for trial within 18 months of that date.

**Frivolous claims are discouraged,** as well as frivolous defenses, counterclaims and crossclaims. Courts are empowered to impose costs and attorney's fees upon a finding that any claim was asserted to delay or prolong litigation or that any claim lacked a reasonable basis in law or fact.

**Revised contingency fee schedules.** Reduce the potential fee available to plaintiffs' attorneys. Mandatory recognition of a broader range of collateral sources of compensation in determining the amount of the plaintiff's award. Evidence concerning all past and future collateral sources is admissible if the plaintiff is legally entitled to receive the collateral source payments.

**Mandatory recognition of a broader range of collateral sources of compensation** in determining the amount of the plaintiff's award. Evidence concerning all past and future collateral sources is admissible if the plaintiff is legally entitled to receive the collateral source payments.

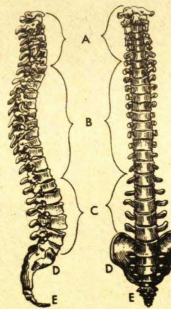
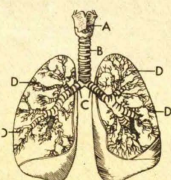
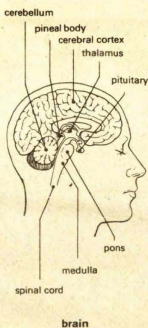
**Periodic payment of all future damage awards** in excess of \$250,000 and termination of specific portions of awards on the death of the judgment creditor are required.

**Development of physician's merit ratings** will key the cost of malpractice insurance to the individual doctor's record. Excess coverage provisions are required.

*The Medical Malpractice Reform Act is the subject of discussion in an upcoming Brooklyn Law Review Article written by Betsy Rosen.*

A few of New York State's larger political subdivisions—including New York City—are self-insured: they do not purchase coverage from private insurers. But there are nearly 1,600 local governments in the state that do.

According to Michael Connors, president of the Professional Insurance Agents of New York, municipal insurance availability "presents a crisis that must be addressed. If tort reform becomes a reality in the next few months, it will be in the municipal insurance area."



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### DAY 4 — CONSTITUTIONAL LAW

MORNING — SIMULATED MBE CONSTITUTIONAL LAW TEST (ANALYTICAL)  
AFTERNOON — ANALYSIS OF PRACTICE TEST (SUBSTANTIVE LECTURE REVIEW)

### DAY 5 — CONTRACTS

MORNING — SIMULATED MBE CONTRACTS TEST (ANALYTICAL)  
AFTERNOON — ANALYSIS OF PRACTICE TEST (SUBSTANTIVE LECTURE REVIEW)

### DAY 6 — REAL PROPERTY & FUTURE INTERESTS

MORNING — SIMULATED MBE PROPERTY TEST (ANALYTICAL)  
AFTERNOON — ANALYSIS OF PRACTICE TEST (SUBSTANTIVE LECTURE REVIEW)

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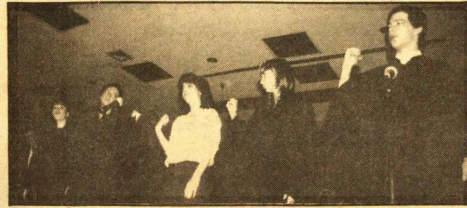
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# The Circus Comes to Town



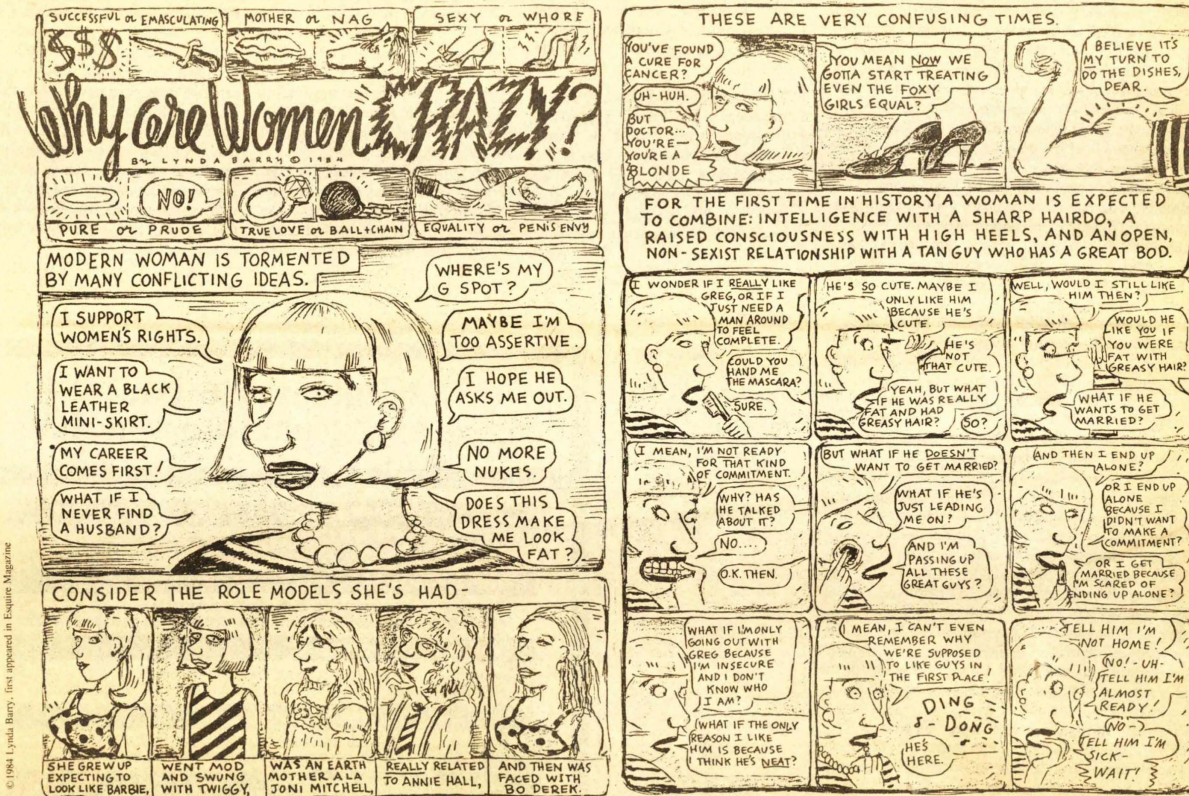
THE SECOND CIRCUS CAST asks us all to throw our books away and join the circus like we wanted to. No one who attended will forget the show: the hot band, Brownstone's Fanagler and his Farrell, Lori and Susan's sweet voices, Garelick's DeMeo and too much more to mention.



TAKING A BREAK from her real estate class, Rosemary Arnold suggests that her instructor ruined her. Ya unnerstan? Ya gotta think like a lawyer. Also in photo are Lori Puleo, Susan Jennison, Diane Miceli, Robert Brownstone.



CAUGHT eating in the library by Docket (Bob Bashner) and stubbs (Dave Zwerling) was Susan Jennison. The concerned look on her face doesn't do justice to the fate that awaited her at the hands of the smooth administrator, Dean Johnson.



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