

# The Justinian

---

Volume 1989  
Issue 3 *October*

---

Article 1

1989

## The Justinian

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

---

### Recommended Citation

(1989) "The Justinian," *The Justinian*: Vol. 1989 : Iss. 3 , Article 1.  
Available at: <https://brooklynworks.brooklaw.edu/justinian/vol1989/iss3/1>

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

October, 1989 Vol. LIX, No. 2

# *THE JUSTINIAN*

FOUNDED IN 1931 - A FORUM FOR THE BROOKLYN LAW SCHOOL COMMUNITY



## Justinian

"... a function of free speech under our system of government is to invite dispute. It may indeed best serve its high purpose when it induces a condition of unrest, creates dissatisfaction with conditions as they are, or even stirs people to anger."

Mr. Justice Douglas

Volume XXXIV - No. 8

MONDAY, APRIL 1, 1974

Page One

## THE JUSTINIAN BROOKLYN LAW SCHOOL

VOL. XXVIII, No. 1 OCTOBER 25, 1967  
BROOKLYN, NEW YORK



## The Justinian

Brooklyn Law School



St. Lawrence University

MONDAY, DECEMBER 18, 1933

## THE JUSTINIAN

Brooklyn Law School



St. Lawrence University

BROOKLYN, N. Y., MONDAY, APRIL 18, 1932



# ABA Awards Justinian 1st Place

---

*The Justinian* is proud to announce that it has been awarded First Place in the American Bar Association's 1988-1989 Law School Newspaper Contest for class B schools, (those with over 750 students), Entire Magazine Reporting Over the Year. *The Justinian* was awarded: Second Place for Feature Articles on Internal Law School Affairs, *Protest Against Military Discrimination*, by Bruce Kaufman and Jeff Schagren; Second Place for Feature Articles on Substantive Law, *Child Abuse, Children's Rights and the Foster Care System*, by Chun Wai Wong; Third Place for Written Editorials on Broader Aspects of the Law, *Bess Mess Best Left Behind*, by Andrea Montague.

*The Justinian's* recent conversion from a tabloid format to magazine format enabled the *Justinian* staff to internalize virtually the entire production process. Time and cost have both been cut. This heightened efficiency has been made possible by virtue of our entry into the computer age of desk-top publishing. These innovations should help enable *The Justinian* to be published on a more regular basis. (Unless our computer freezes up again - more about this in our next issue.) However, success equally depends on the support of the student body. Any articles, letters, help in the editing and layout is welcomed and greatly appreciated.

By Phil Presby

---

The next issue of *The Justinian* will be coming at the end of next month. **If you have an article you would like to submit for publication please bring it to Room 307 by November 14.** We would appreciate it greatly if submissions were on an IBM five inch diskette in Wordperfect, or on a Macintosh diskette in either Wordperfect or Microsoft Word. Our computers are available for you to use for such purposes; at the very least, submissions should be typewritten. **Hand-written submissions will not be accepted.**



# The Justinian

A Forum for the Brooklyn Law School Community

Editor-in-Chief  
*Stanley Lee*

Managing Editor  
*James Sherman*

Articles Editors  
*Ruth Bernstein, Chun Wai Wong*

Business Manager  
*Dawn Kelly*

Executive Consultant  
*Ching Wah Chin*

Associate Editors  
*Irene Chang, Helen Lee, Nancy London, Clare Wee, Karen Wong*

Arts & Entertainment Editor  
*Barry Stelbourn*

Senior Writers  
*Michael Harding, Mary Schwartz, Colleen Piccone*

Staff  
*Joe Accetta, David De Gregorio, Chin Wei Fong, Mark Gaw, Mickey Z. Heller, Phil Presby, Marcus A. Spevak, Daniel Tam, Geanine Towers-Dioso*

Washington Bureau Editor  
*Robert Roth*

Outlines Editor  
*Freddy Jacobs*

## CONTENTS

### October 1989

#### FEATURES

Justinian Awards	2
Change is Forecast For City Charter	10
SBA Update	12
New Faces At BLS	13
When A Stranger Calls	18
BLS Organizations	24
Puzzle	30

#### DEPARTMENTS

Editor's Corner	4
Correspondence	5
Placement News	8
Heard On Joralemon Street	20
There Ought To Be A Law...	22
Arts And Entertainment	26
Poet "Lawreates"	28
Inter Alia	31

*The Justinian*, the community forum of Brooklyn Law School, is published three times a semester. Advertising inquiries may be directed to the Business Manager at 718-780-7986. *The Justinian* is funded by the Brooklyn Law School Student Bar Association and through advertising revenues.

© 1989 The Justinian \* Brooklyn Law School  
250 Joralemon Street \* Room 307  
Brooklyn, N.Y. 11201 \* (718) 780-7986



## Editor's Corner

## A Proper Perspective

In recent years, the Columbian drug war has brought the murder of the Colombian Attorney General, as well as 220 judges and judicial aides. Under constant death threats, judges must travel in armored vehicles with personal bodyguards. Their families and homes must be continuously protected.

While some Colombian judges have resigned, most have persisted in their duties, knowing that their nation would suffer a worse fate if they did not remain on the bench. In contrast to the selflessness and courage exhibited by the Colombian judiciary, a United States District Judge was recently impeached for accepting bribes and related allegations.

In our society of wealth and plenty, of stable government and institutions, we nonetheless have members of the legal community who would rather spend their efforts on their own greed rather than on helping the powerless and hungry.

Even as law students, we have little time to spare. In our sterile world of law school, we have much to keep[ us occupied: classes, papers, deadlines, finals, and the like. We often take our passage into the American legal system for granted. We find it easy to lose sight of the unfamiliar struggles of fellow lawyers, those with more somber implications.

As future lawyers, we should attempt to maintain a perspective of the truly important aspects of the practice of law.





# CORRESPONDENCE

## The People v. Steinbrenner ???

*An open letter to Mr. George Steinbrenner, principal owner of the NY Yankees baseball club.*

Dear Mr. Steinbrenner:

On behalf of baseball fans across the country, and especially local fans, I think there are a few important legal matters that need assessment before this woeful season is forgotten.

It seems that you have become the eye of a storm concerning the removal of fans' banners and placards from the Yankee Stadium stands by your security forces. This was a result of fans' disapproval of your constant interference with the ballclub's daily operations, expressed in chants of "George Must Go," and with signs displaying messages urging you to sell the team.

In some cases, certain fans have been ejected from the stadium for such actions, and when your security forces have allowed such fans to remain, the guards, following your orders, have confiscated these banners and signs. Well, Mr. Steinbrenner, your actions raise issues that I will address.

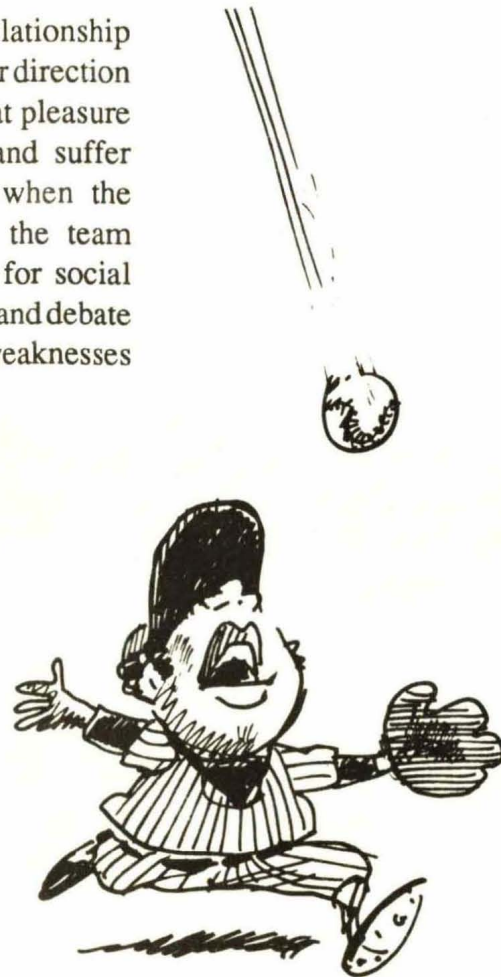
Let me begin with some elementary principles of baseball's fan-owner relationship. You see, baseball franchise owners have multiple motives in owning a team: to satisfy a thirst for power, to fulfill a civic obligation, to participate in a great national pastime and, most commonly, to turn a profit.

Let me now remind you that the fans are the ultimate source of revenue for any franchise through their attendance at games and their purchase of hats, gloves, shirts and other paraphernalia inscribed with the team's logo. Also, in the Yankees case, fans subsidize the team through their cable television fees, which go directly toward the \$500 million windfall you extracted from Madison Square Garden Cable last year for the rights to broadcast half of the team's games. As you can see, the fans, through their loyal support, are the heart and soul of any baseball franchise.

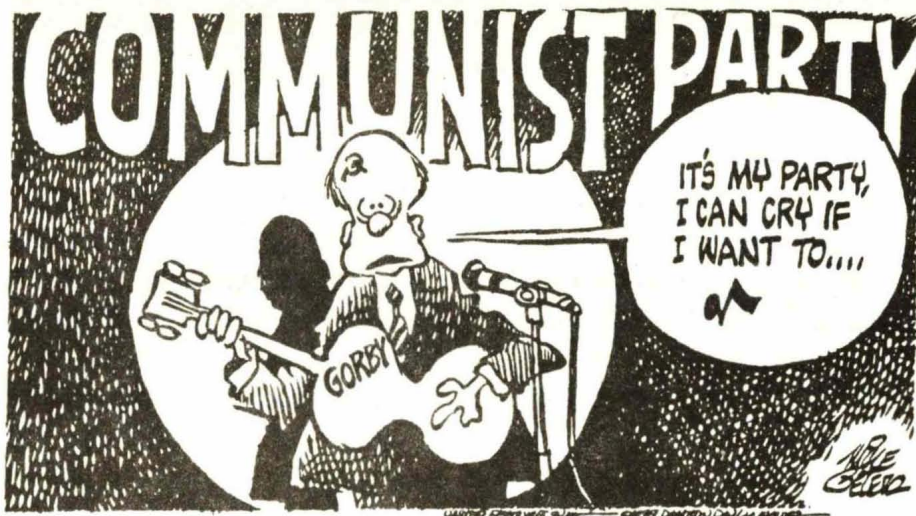
But the fan-owner relationship also operates in the other direction as loyal fans enjoy great pleasure when the team wins and suffer grave disappointment when the team loses. In effect, the team becomes a focal point for social conduct, as fans discuss and debate the team strengths and weaknesses

at the breakfast table, en route to work and at social gatherings. Keep in mind that you, as owner, benefit from the fans intense interest in the team.

With this in mind, I now turn to an important concept that lies at the very heart of our social process - the right to freedom of speech. This right is guaranteed in the Constitution, and has long been protected against limits imposed by those entities that have an interest in limiting that speech. For at the very heart of our society is the idea that the healthy exchange of opinions will lead to a more diverse, informed society, and any limits imposed on such protected







speech are detrimental to this goal.

In light of this goal, Mr. Steinbrenner, I'm afraid the limits you have imposed on the fans who voice diverse opinions on your role in running the Yankees are akin to limits that violate constitutionally protected free speech. Before I elaborate, I want to point out few things in your favor.

First, I do not question your motive in removing obscene banners and signs from the stands. Obscene speech has always had limited protection because it often does not advance any significant social goals. In fact, I commend you for instructing security guards to remove vulgar signs, since profanity often incites riots in the otherwise congenial ballpark atmosphere. I'm sure I speak here for any parent who brings a young child to the stadium and has to see and hear obscenities that a child might not yet be exposed to.

Also, please understand that I concede you the right to hire and fire managers, front-office personnel and players as you see fit. I do not doubt your sincerity in trying

to keep the Yankees among the elite teams. I am sure every Yankee fan has appreciated your efforts to provide them with a winner through the years.

However, I cannot condone the removal of banners and signs indicating that you should sell the team. Aside from any speech issues, Mr. Steinbrenner, you must realize that the fans pay good money to attend a Yankee game. Often, a fan will spend up to \$25 on a ticket, food, parking, and a souvenir, and it is more than reasonable to expect an average, knowledgeable fan to express his dissatisfaction when the team performs poorly. As a public figure, you must accept the fans' disapproval along with the adulation they shower upon you when the team is successful.

But more importantly, you must realize that the team plays its games in a publicly-owned stadium. In this country, free speech has enjoyed its greatest protection in the public forum, and by removing unobtrusive banners just because the fans' opinions are unfavorable,

you infringe on an important social function. If you are allowed to continue confiscating these banners, the fans might as well be robots, programmed to applaud only your good moves and to be silent when one of your moves backfires.

I must remind you that you are not King George III, and the fans are not treason-minded colonists. This tyranny, then, must cease because free speech conducted in a reasonable manner should be honored. For no one man should have power enough to infringe on the fans' right to express their opinions, especially when they are expressed in a publicly-owned arena.

In closing, I would just like to say that this is not merely an appeal for you to honor the adage "Do not bite the hand that feeds you." Rather, I feel that reasonably conducted free speech at a ballpark deserves protection, and I can assure you that any action you take to limit these rights should not be tolerated as long as the fans continue to put money in your pocket.

Let's be reasonable, Mr. Steinbrenner, and stop this practice before this matter goes to the courts. After all, the fans' goal is the same as yours: to have a championship ballclub in the Bronx. Let's look forward to next season, when fans will continue to support the team. Please encourage this support by allowing them to express their opinions at the stadium.

Most Respectfully Yours,  
Joseph M. Accetta  
A Baseball Fan



# Financial Aid Office Blues

To the Editor:

Basically, I'm writing to find out what's going on with the financial aid office. Comfortably before the March deadline on F.A.F. I submitted all material necessary for processing my application. The financial aid office confirmed my submission and assured me I need only await word from the state.

Well, it's September now and I've come to the belief the financial aid office is totally incompetent. In mid-August I was notified by friends that financial aid awards had just come in. So I took a trip to the Financial Aid Office to inquire the status of my application.

There, the officer tells me that my application is on file, but that no tax returns or loan applications have been submitted. I'm shocked and explain I've submitted those materials and was assured my file was prepared for processing.

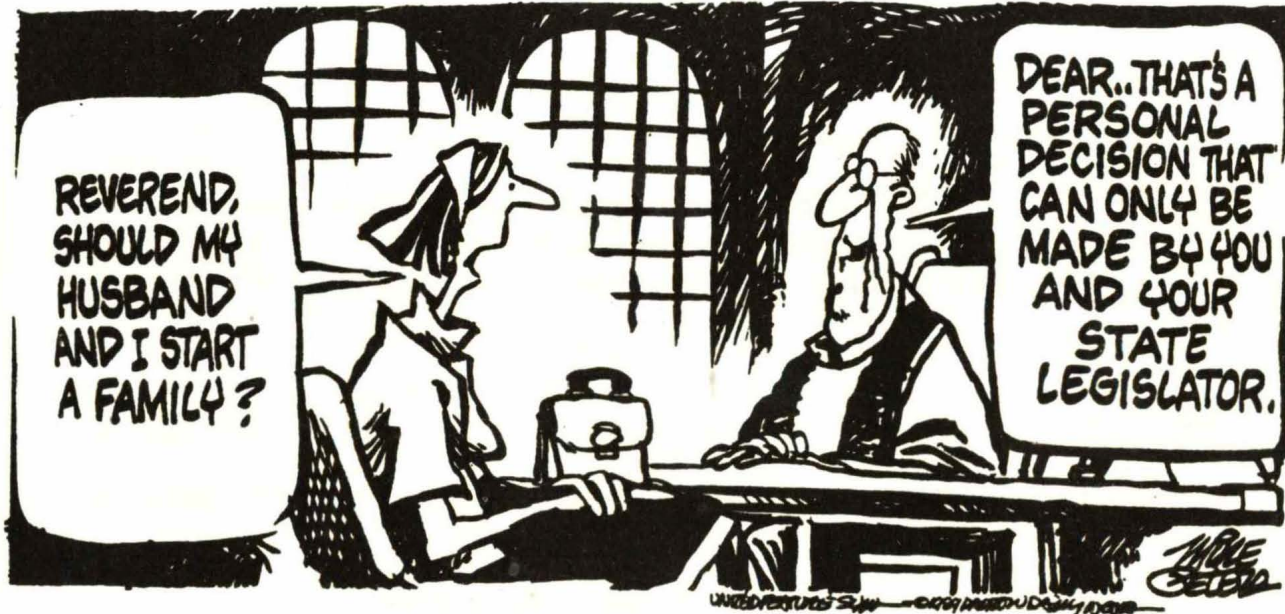
So, the officer checks and double checks, and still nothing. Finally, I'm exhausted and say fine I'll resubmit those items. A week later, on August 23, I go to Financial Aid to explain there may be some delays in submitting my W-2 form, since my employment was in Arizona. Then, the officer applies the death blow and tells me my Brooklyn Law School application for aid is not even on file.

It's not the point that it took me five minutes to fill out the form. It's just that I can't believe that an office that is entrusted with helping

students make ends meet is constantly misleading them. First I'm told that my file is fine, then I'm told I'm missing material. And at what point does this go on? In August, when the bursars office has its deadline for receiving tuition payment! Why not wait until December when I'm shaking an empty cup on Joralemon Street?

I expect a higher level of concern and professionalism from this school. Common sense would tell you when someone's financial aid application is on file and "missing" documents you tell them, don't let them know how busy the financial aid office is when the increases in tuition should provide for restaffing it. At some point, it's a question of priorities.

Sincerely frustrated and confused,  
Ron Rukenstein





## Placement Highlights:

The **National Association for Public Interest Law (NAPIL) Career Fair** will be on Friday, October 27 at George Washington University in Washington, D.C.

An updated list of participating employers is now available in the Placement office.

NAPIL's 5th annual conference, "Students Making a Difference" will follow on October 28 and 29, with students from over 50 law schools expected to participate.

The conference will feature panel discussions on timely issues pertaining to public interest law, and the keynote speaker is Ralph Nader.

### **Upcoming Placement Events** to watch for:

October: Forum on the Joys and Rewards of Public Interest Law Practice.

November: The beginning of our Specialty Series program.

### **Georgetown University Fellowship Program:**

Georgetown offers 22 2-year Fellowships leading to an LLM in Advocacy. Deadlines vary.

Also 8 non-degree Fellowships in conjunction with the Women's Law and Public Policy program.

Deadline is November 30.

**Nuclear Regulatory Commission:** Deadline for Honors Law Grad Program is October 27.

### **Department of the Treasury:**

Application deadline for their Honors program for 3rd year students and graduates is October 13.

Deadline for the summer clerkship program is December 15.

---

## S.B.A. Reminder...

These are the official guidelines for posting of announcements:

### **General Rules**

All announcements must be dated and posted on bulletin boards only!

No postings are permitted on doors, walls, lockers, etc.

The SBA Publication Committee will have the right to tear down all announcements in violation of these rules, at any time!

(All student organizations will soon be assigned clean-up duties).

### **Special Categories**

Bar Review posters are restricted to two areas, the bulletin boards on the 5th floor and the board between the first floor and the basement.

Sports announcements are to be posted on the small board in the basement, the one over the water fountain.

Summer study programs, domestic and foreign, are posted on the board next to the 3rd floor student lounge.

Solicitations for magazines, etc. are limited to the bulletin board next to the cafeteria.



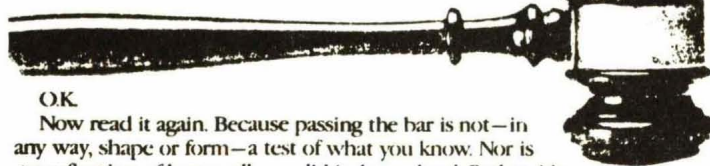
# THINK LIKE A LAWYER

## The Marino Method

Listen up.

You could learn and memorize every single piece of N.Y. & N.J. law. Every statute, every amendment, every case application. And still not pass the bar exam.

Did you get that?



OK.

Now read it again. Because passing the bar is not—in any way, shape or form—a test of what you know. Nor is it a reflection of how well you did in law school. Rather, it's a test of your ability to solve legal problems by applying the law and its principles. In other words, it's a test of your capacity to think like a lawyer.

Which is exactly what The Marino Method teaches you to do.

Step by step, point by point, example by example, this unique process creates the matrix around which you develop the specific knowledge, examsmanship skills and confidence needed to pass the bar the first time you take it.

### Here's How It Works.

First, Joe Marino will guide you through all the law that's pertinent to the exam. Unlike other programs that bombard you with an avalanche of printed material, or expect you to

behave like a parrot who can take steno; Joe will distill this pertinent law down to its essentials. And he'll teach you how

to memorize them with total recall, using easy-to-learn techniques which have been refined and perfected for over 40 years.

Then he'll show you how to apply this law to actual problems, which are presented in the same way they will appear on the exam. This

allows you to become adept at dealing with the format.

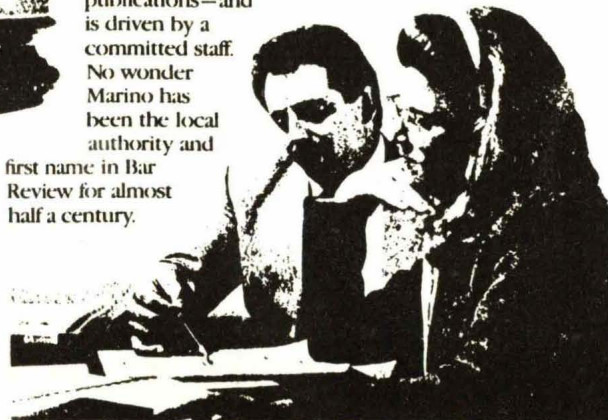
With personal attention, critiques and evaluations, you will prepare your own study guide; as you learn how to develop the kind of responses that will gain you critical points on the exam. Even if you don't know the applicable law or "correct" answer.

This interactive, student-involved approach is backed by Marino Books—the new gold standard of bar review publications—and

is driven by a committed staff.

No wonder Marino has been the local authority and

first name in Bar Review for almost half a century.



## Marino Comprehensive. The Method At Work.

Marino Comprehensive N.Y. and Marino Comprehensive N.J. are the first and only completely self-contained bar review systems, covering all preparatory aspects of the N.Y. & N.J. Bar Exams. Constructed around The Marino Method, these are the most thorough and effective programs available today. And with Marino

Comprehensive you pay one low price. That's all.

There are no add ons, no ancillary or material costs of any kind, no other courses to take, no other payments to make. So start thinking like a lawyer. Take a look at the various bar review courses available to you. Investigate, evaluate, analyze and compare.

See you in class.

Marino Bar Review, Inc. 115 E. 19th St.,  
N.Y., N.Y. 10003 212-420-9800  
1-800-J-MARINO.

*Think like a lawyer™*



# Change Is Forecast For City Charter

By Joe Cardieri

On November 7 New York City voters will decide whether to approve a historic change in city government. A revised City Charter will appear on the ballot, subject to voter approval. This revision was mandated by a Supreme Court decision that declared the old charter unconstitutional.

The revision will re-distribute the power allocation of various governmental departments. It is incumbent upon us as law students to understand exactly what the effects of the redistribution of power will be. Here is an analysis of the changes that would occur under the revised charter.

The document calls for the abolition of the Board of Estimates, so a natural starting point involves a description of the board's makeup and powers.

The Board of Estimates is composed of the Mayor, Comptroller, City Council President (each entitled to two votes), and the five Borough Presidents (each entitled to one vote). The powers conferred to the board include:

- 1) granting leases and concessions for use of city property, and entering leases for city use;
- 2) exercising final authority over the use, development and improvement of city land;
- 3) exercising final authority on zoning, contracts, and franchises;
- 4) exercising authority to

approve the standard, scope and final design of capital projects.

The Mayor currently controls city agencies, estimates city revenues and proposes the budget. With Charter revision the Mayor will retain these powers and be

## The Big Winner under Charter Revision is the City Council.

granted the additional power to appoint seven members to the new City Planning Commission (more on this body later). The Mayor's power will be augmented in that municipal contracts formerly awarded by the Board of Estimates will now be awarded by the Mayor and his agencies, subject to strictures set by a new three member board appointed by the Mayor and Comptroller. Borough Presidents would have the power to monitor contracts in their boroughs and force a hearing on a contract to which they objected.

The City Council President currently succeeds the Mayor in case of death or disability. The holder of that office also presides over hearings on governmental problems and acts as ombudsman.

With charter revision, the City Council President retains these powers and in addition, names one member of the City Planning Commission (citizens' problem solver).

The five Borough Presidents currently have power to recommend capital projects, hold public meetings on matters of public interest and lobby for borough needs. With Charter revision the Borough President will have the power to appoint one member of the City Planning Commission and propose 5% of new, non-mandated spending programs in the operating budget. Also, they could initiate legislation in the City Council and propose zoning changes.

Under the old charter, the City Comptroller has power to investigate and audit all matters relating to the finances of the city. With charter revision, the role of the Comptroller remains virtually unchanged, except that the office loses its two votes on the Board of Estimates.

The City Council has the greatest increase in its power from the dissolution of the Board of Estimates. Currently, there are 35 members, 9 of which are black or hispanic (26%). Its powers include passing laws, overseeing city agencies through committee hearings and sharing budgetary power with the Board of Estimates. With Charter revision the membership of the Council will increase to 51 members, with



possibly 20 minority seats (39.2%). In addition to retaining its current powers, the Council will have sole approval over the budget and final say over zoning changes. Also, the Council could choose to review placement of large city projects by majority vote or on appeal by the appropriate borough president.

Under Charter Revision the City Planning Commission will increase its membership from seven members to thirteen (seven appointed by the Mayor, one by

the City Council president, one by each borough president). Its powers to advise the City Council on zoning changes and to advise the Mayor and City Council on matters relating to city development unchanged.

The fifty-nine Community Boards will maintain their populations of fifty members per community. No significant augmentation of power is proposed.

The big winner under Charter

Revision is the City Council, with the Mayor coming in a close second. The Council will increase its membership, assume sole power over approving the budget, and be the final authority upon zoning changes. The Mayor will lose certain powers with the demise of the Board of Estimate, but will assume sole power over approving or disapproving municipal contracts, subject to the parameters set up by a three-member commission.

## Join the American Bar Association / Law Student Division (ABA/LSD)

Join any or all of the over 30 committees which cover all different areas of law.

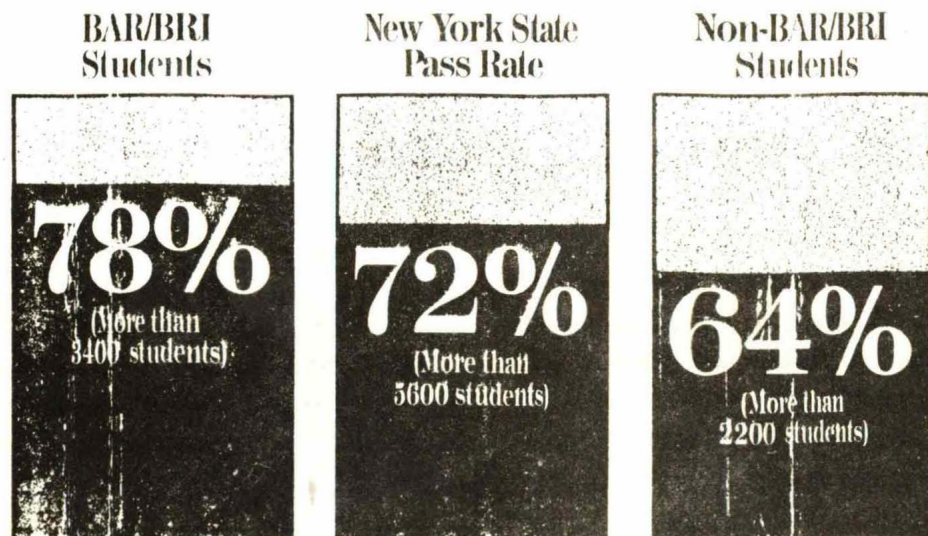
Receive the magazines:  
*Student Lawyer*,  
*ABA Journal*.

Receive discounts on:  
Insurance, Mastercard,  
Section Memberships,  
Preliminary Multistate Bar  
Review (PMBR) Course,  
Hertz Car Rentals.

For more information:  
Contact the ABA/LSD at  
(312) 988-5624, or your  
BLS ABA/LSD,  
Representative,  
Denise Iocco, at the SBA  
office, room 302,  
250 Joralemon Street.

# 1988 New York Bar Exam Results

The following percentages are based on all persons who took the Summer 1988 New York Bar Examination for the first time.



Another Reason More People Choose BAR/BRI  
Than All Other Courses Combined.

**BAR/BRI**  
BAR REVIEW

New York and the Nation's Largest and Most Successful Bar Review

NOTE: All percentages have been rounded off to the nearest whole number.

© 1988 BAR/BRI



# Student Bar Association Update

by Lawrence Schuckman

Welcome back! The SBA has relocated; our office is now Room 302. Thanks to all the upperclass students who answered the SBA questionnaire we sent out over the summer. It has helped us identify your needs and we are working on meeting those needs as best we can. We ask all students willing to work on improving student services to come to the SBA office and volunteer to help in those areas that interest you.

The student activities budgets were recently evaluated by the SBA Budget Committee and voted on by the SBA delegation. Here are what each of the student organizations received for 1989-1990:

AALSA	1400
ABA/Law Student Division	1000
BLSA	2500
Christian Legal Society	650
Contemporary Issues Club	200
Democrats	390
Environmental Law Society	1300
Gay and Lesbian Society	900
HILSA	1200
Irish LSA	500
International Law Society*	300
Intramural and League Basketball	1930
Intramural Football	100
Italian Law Students Association	1000
The Justinian	5500
Legal Association of Women	2100
Matrimonial Law Society	300
Mayfest	2000
National Lawyers Guild	1350
Republicans	300
SBA Social Events	3500
Second Circus	5500
Sports and Entertainment Law Society	900
Student Bar Association Admin.	500
Student Loan Assistance Committee	1000
Volleyball League	800

The new groups this year include the Matrimonial Law Society headed by Michael Shankar who is looking to fill the void for students who are interested in practicing in this field; the Contemporary Issues Club, headed by Joseph Cardieri and the Co-Ed Volleyball League. Check the bulletin board in the lobby, (near the guard), and in the SBA office for more details. We encourage all students to participate in these and other student organizations.

Do you need health insurance? If so, the American Bar Association makes it available to eligible law students. For more information about health insurance or the benefits of membership in the ABA contact Denise Iocco, the ABA/LSD representative, by leaving a message in the ABA/LSD box in the SBA office.

A ski trip is planned for February 2-4. Check the SBA office for details or contact Irene Chang or Michael Shankar.

The administration is considering changing their final exam-conflicts policy. If you have strong feelings on this issue, please let us know.

We had our first SBA general meeting on Wednesday, September 19. Because of an oversight, this year the SBA will have two additional delegates from the first year class. Additionally, we still have delegate vacancies for one student in both the 3rd and 4th year part-time students. If interested, please see Lawrence Schuckman A.S.A.P.

New guidelines on the posting of announcements in the law school were passed last April by the SBA in conjunction with Dean Wexler. These guidelines should make the school bulletin boards clearer and more easily readable. Check page 8 this issue for a summary of the guidelines or pick up a copy of the guidelines from the SBA office.



# NEW FACES AT BLS

By Mary Schwartz

Not only does September usher in a new first year class, but the start of a new academic year also brings new faculty to BLS. Professor Andrea Catania teaches Civil Procedure this semester and will teach both Civil Procedure and New York Practice in the spring. Professor Charles Wilson conducts the Negotiation Workshop and is currently teaching Labor Law. Professor Catania and Wilson bring unique backgrounds and perspectives to BLS.

## PROFESSOR ANDREA CATANIA

Andrea Catania is a 1976 graduate of St. John's University School of Law where she was Notes and Comments Editor of its Law Review. She is a 1966 graduate of Goucher College in Maryland and 1968 graduate of the Masters program in Teaching at Wesleyan University.

After leaving Wesleyan, Professor Catania spent the next four years teaching history to eighth graders in Connecticut. She states, "a roomful of thirteen year old boys was my biggest challenge." During her years as a teacher she "thought about law school, but chose teaching instead." She has combined both her interests in becoming a law professor.

After graduating from law school, Professor Catania worked for four years as a litigator with the Manhattan law firm of Cole & Dietz. In 1980, she became an assistant professor at Seton Hall University School of Law, a position she still holds today.

Last year, Professor Catania taught a Civil Procedure class at BLS as an adjunct. She likes BLS very much and finds the students "well prepared, engaging and supportive of one-another-- not cut-throat like at other schools."

From 1984 to 1988, Professor Catania served as an officer on the Metropolitan Women Law Teachers Association. In that capacity she participated in panel discussions about women in New York courts. The panel focused on how law schools could deal with gender discrimination in litigation. Although Professor Catania did not feel any discrimination herself, she said "some women did, they were given more research and less client contact because clients preferred male attorneys. And there was less chance to make partner." Professor Catania does recall an interesting personal experience before an oral argument, the judge looked up and asked "What's the argument, gentlemen?"

Professor Catania also told of the 1976 Harvard study entitled *Where Are They Now?* which detailed a phenomenon called "the glass ceiling" referring to the fact that while more women are being hired as associates, they are not

being made partners. The study traced a Harvard class throughout their careers and found that most of the men became partners but a majority of the women did not. The study cited the need for women to balance home and career responsibilities, concluding that "the mommy track" is still a solution.

Professor Catania observes, however, that law firms are slow to adjust to the reality that women are primary care providers. She notes that a few firms, such as Sullivan & Cromwell and Cravath, Swaine & Moore, have set up emergency child care provisions whereby children can be brought to work and tended by firm-provided child care workers in cases of unexpected illness of either babysitter or child. She believes, however, that it is done for the firm's economic interest rather than for any humanitarian purposes.

Although Professor Catania did not confront any prejudice at work, she was "aware of an unspoken contract of total commitment to the law," a very pernicious attitude which she feels affects partnership chances. In her discussions with fellow female attorneys, she said she got a sense of nonfulfillment due to the subtle messages sent by those responsible for decisions affecting female attorneys, messages which are both difficult to confront and to handle. Catania feels that at the outset of her law career she was very naive in believing that an influx of women into the workforce would change the attitudes, work environment, and values of the



workplace.

What can a law school do about this? Professor Catania believes that law schools can effect change by trying to develop an attitude in class whereby students, male and female, can work as a group to dispel prejudices and traditional attitudes.

She feels that Brooklyn Law School has done a great deal towards accommodating students' needs through the part-time day division. New York University and Columbia Law School have no similar part-time program. Many of the "national" law schools don't have an evening division because of the belief that "if you're doing law, you have to do it the right way."

But Professor Catania cautions against "excluding an entire segment of the population/student body who don't fit the mold. Diversity adds to the law school."

## PROFESSOR CHARLES WILSON

Professor Charles Wilson, who will be with us for the fall semester only, is an expert in employment law. He is a 1976 graduate of New York University Law School, having come to New York from his home in Kansas. Following his graduation from NYU he served as law clerk to Chief Judge David T. Lewis of the United States Court of Appeals for the Tenth Circuit in Salt Lake City, Utah. Upon completion of his clerkship, Professor Wilson returned to New York to work as a litigator for

Sullivan & Cromwell. He says that though he always wanted to teach, he "enjoyed practice more than he dreamed he would." After four years of practicing law, he obtained a teaching position at Ohio State University College of Law where he is currently an Associate Professor.

His work at Sullivan & Cromwell helped him develop a labor law curriculum at Ohio State.

Many law schools do not offer courses in employment law. His course traces the common law origins of employment at will, wrongful discharge, negligent hiring, and job defamation including relatively recent changes brought about by statutory regulation of the workforce by OSHA, Workers' Compensation, unemployment compensation, social security, and pensions. The course also explores the much litigated aspects of modern employment law -- the use of polygraph and drug testing of job applicants.

Professor Wilson explained that since the beginning of this decade there has been very little National Labor Relations Board practice because only fifteen percent of the workforce is organized, that is unionized. He believes that labor unions are losing their strength in the United States for two reasons. The first reason is the Reagan Administration "gutting" of the National Labor Relations Act through their failure to fill NLRB positions quickly. Once the positions were filled another problem arose as the Board's decisions more often went against the unions so that fewer

charges were filed against employers. When it became obvious the National Labor Relations Act had lost its bite, employees also stopped bringing large numbers of cases.

However, the National Labor Relations Act's force has been replaced by the growth of individual rights. People now look to the courts for redress when they are arbitrarily fired or face job discrimination. Moreover, there has been a great deal of social legislation such as OSHA (1974), and ERISA (1978). Congress has stepped in where the unions used to tread. The 1988 Supreme Court decision regulating the use of polygraph tests in employment practices has worked to further individual rights. Employer use of drug testing is delineated by state statutes and court decisions. There are currently many court challenges to drug testing because these tests are highly inaccurate yet they can have a profound impact on one's career opportunities.

The second reason, according to Professor Wilson is a result of trends in the workforce that have emerged since the late 1950's. The percentage of the organized American workers has gone down due to the changing nature of the marketplace.

Heavy manufacturing jobs are declining and the service industries are growing. The service sector historically has been harder to organize. Manufacturing was the ripest area for unionization. In large plants employees felt more need to have a voice and to have more bargaining power for better



work terms and conditions. Today, however, because of foreign competition and technology there is no need to organize. Professor Wilson points out that in the automobile industry robots are now doing the work of hundreds of

employees.

The offshoot of this decline in employee power through unionization is that employers are becoming more aggressive against workers. Professor Wilson states that employment discrimination is

on the rise.

Brooklyn Law School is pleased to have Professors Catania and Wilson, who together will serve to advance the high standards of education at our school.

## PUBLIC INTEREST COORDINATOR: KAREN COMSTOCK

by Mark Gaw

BLS's continuing commitment to public interest law has been affirmed by the arrival of Karen Comstock as the school's first attorney in the position of Public Interest Coordinator. Ms. Comstock comes to BLS from the State University of New York at Buffalo Law School, graduating this past year. She also holds a bachelor's degree in Political Science. Her extensive experience in public interest law includes a stint at the Office of the Senate Legal Counsel in Washington, New York Public Interest Research Group, and the U.S. Public Interest Research Group. In her last two years of law school, she was a graduate assistant for Public Interest Careers, a position which has prepared her well for her current position.

At BLS, Ms. Comstock's priority will be to facilitate job placement for students who are interested in public interest law. As she explained, "Unlike the more traditional law firms' recruitment programs, where the firms send out their personnel officers to recruit and students just have to show up for the interview, public interest organizations have less resources at their disposal to

conduct an aggressive recruitment program."

As a result, students who are interested in public interest careers generally have a harder time finding the positions they are interested in or want. To break this information barrier, Ms. Comstock has been working to put together information in conjunction with public interest research groups around the country and getting the information to the students. "Organizing the information is the key," says Ms. Comstock.

In addition to helping those who are interested in public interest careers, Ms. Comstock hopes to make public interest law attractive to other students who might not have even considered it as a possible career alternative. Aside from overcoming the information barrier, she hopes to "break down the money barrier."

"Because public interest organizations are usually nonprofit, they generally cannot afford to pay much," and this is anathema to many law students. The first thing Ms. Comstock pointed out is that many public interest jobs are government jobs. The salaries and benefits are decent, and government jobs have the advantage of being stable. This makes them quite desirable.

Secondly, "contrary to popular myth, public interest jobs are quite competitive, partly because they want good people and partly because there aren't too many jobs available."

Ms. Comstock is a member of the Edward V. Sparer Public Interest Fellowship Program. The program awards stipends of up to \$2,500 to students who are committed public service. In the past, Sparer Fellows have worked for the American Civil Liberties Union, The Center for Constitutional Rights, the NAACP Legal Defense Fund, NOW Legal Defense Fund, and various other public-interest organizations.

For graduates who choose careers in the public interest, Ms. Comstock is trying to implement a loan forgiveness program which will help students reduce their financial burdens. The program is currently in place at twenty law schools.

Ms. Comstock encourages students who are interested in public interest careers and those who are just curious about it to get in touch with her. She urges students not to compromise themselves by just choosing the first job that comes along and cheating themselves out of an opportunity for a fulfilling career.



# SAVE

# \$125

—••• WITH THE •••—  
**PIEPER  
SPECIAL  
DISCOUNT**

Law student's discount of \$125 will be deducted from the cost of \$1,075 for any student still in law school who registers for the Pieper New York Multistate Bar Review Course by November 1, 1989.

REGISTRATION MUST  
BE RECEIVED BY

# 11/1/89

*The Pieper Course Includes:*

- ☆ *Complete lecture series*
- ☆ *Essay writing*
- ☆ *Multistate Practice and Exam*
- ☆ *Multistate Professional Responsibility Exam (MPRE)*
- ☆ *Multistate Volume*
- ☆ *New York Law Volume*
- ☆ *Professional Responsibility Volume*
- ☆ *Plus — John Pieper's In-Class Guidance*

For more information see your Pieper Representatives or contact:

**PIEPER NEW YORK-MULTISTATE BAR REVIEW, LTD.**

90 WILLIS AVENUE, MINEOLA, NEW YORK 11501

Telephone: **(516) 747-4311**

***The Bar Course That Cares.***

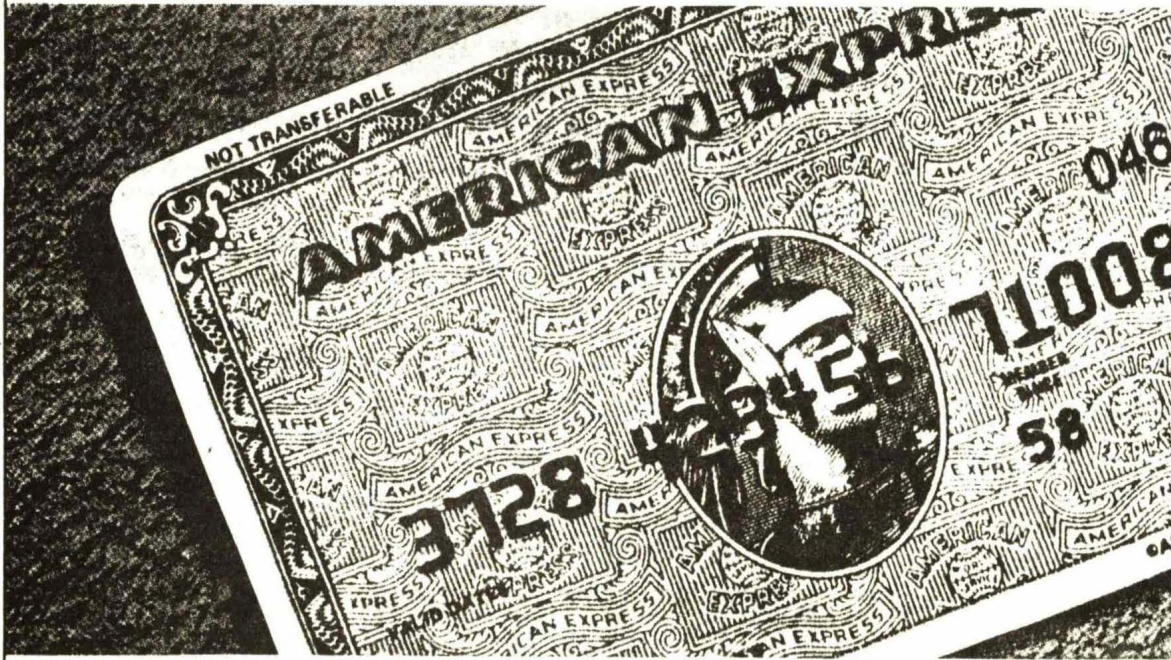
**BLS PIEPER REPS:** SUSAN FRIEDLAND  
ROSLYN LEWIS  
JACQUELINE TERRY

ELISA HEITZMAN  
JOSH POLLACK  
AMY WEINER

LAWRENCE KATZ  
AMY RHODES  
JOAN SHEA



## THE GOLD CARD® A SPECIAL MEMBERSHIP OPPORTUNITY.



## FOR GRADUATE STUDENTS EXCLUSIVELY.

Take advantage of this special opportunity to become a Gold Card member. American Express will approve your application based upon your status as a graduate student. Your acceptance will not be dependent on employment and income history. As long as you have no negative credit history and no negative American Express experience, you can soon be carrying the Gold Card.

And you need only call to apply. Any time, day or night, 24 hours a day. There is no lengthy application to complete.

Once you receive the Gold Card, you can begin enjoying the many benefits of this distinguished membership, including: Worldwide check-cashing privileges. Emergency Card replacement (usually by the next business day). A complimentary 24-hour, toll-free travel service. As well as insurance protection for your Gold Card purchases.

The Gold Card. Available to you now on this exclusive basis from American Express. Call today to apply.

**The Gold Card®**

**1-800-648-4420**



© 1989 American Express Travel Related Services Company, Inc.



# When A Stranger Calls...

By Geanine Towers-Dioso

Here's an experiment that Milgram, the noted psychologist, might have tried: Call a female student at a law library, pretend to be the dean of her school, get her phone number and call her back at home. Then have a conversation with her which turns sexual in nature, and see how long it takes for her to hang up. Thank goodness Milgram didn't.

This pathological twist on the infamous experiment analyzing obedience to authority actually took place a few months ago at BLS. It was conducted by an obscene phone caller. The woman he harassed wasted six hours on the phone under the belief that the caller was Dean Trager.

According to Linda Holmes, Assistant Librarian, the library has received several calls from someone who she politely refers to as a "problem phone caller." The caller first came to her attention in early June. Ms. Holmes circulated a memo in which she apprised evening and weekend workers that a gentleman had phoned the library in the off hours pretending to be either Dean Trager or someone working with or for the Dean.

Ms. Holmes spoke to the man herself on one occasion. He told her that he was Lieutenant Steve Rogers of the New York City Police Department. Another time he called himself Professor Bob Keller of Fordham Law School.

As one of the many prerequisites of working on the

library part-time staff, I actually got to speak with this man myself. His usual spiel starts out with the name-dropping described above. Then he asks to speak to a female about some "confidential" information he must ask her or

## a mild form of anonymous sexual abuse

give her. If, by chance, he gets a male worker, he doesn't hang up, he simply asks the worker to hand the phone to a woman. It seems innocent enough, and most student workers are quite eager to help the "Dean" or an "associate of the Dean."

These were the facts surrounding the six hour telephone harassment that occurred this past summer. A male library worker summoned a female reader on "the Dean's" behalf. Much later, at her home, after comprehending the true nature of the phone call and the invasion of her privacy, the distraught student called the police.

The police often choose to do little or nothing to identify "problem callers." The relatively less-than-violent nature of their misbehavior, on a cost-efficiency basis, makes the use of phone tracing devices to find these

sociopaths impractical. Moreover, tracing is often ineffective. Many phone phantoms, at least the thinking kind — the kind who might know the name of the Dean of Brooklyn Law School, for example—call from public places. The characters in those Bell public phone commercials, "He says he wants to talk in confidence to a female student, and he's on a pay phone," might inspire less rapid responses if people knew what might be hanging on the other end. Closely examined, obscene phone calls are a mild form of anonymous sexual abuse. They are a cheap and non-threatening form of sexual and psychological stimulation for those who make them. For those who answer them, they are often a cause of embarrassment, anger, fear, and humiliation. This is especially so if the process is one in which the caller first gains the listener's trust and then engages her in a sexually explicit conversation.

For example, the library caller alleged that he was conveying legal information, or wanted a female student's help with something legal. Women who trusted the caller because he sounded like a professor or a dean, and because he asked her for some form of informative help or input, suffer humiliation at being duped. This is, of course, a normal reaction.

There is nothing women can do about "the heavy breather" type obscene caller, or one who immediately spews vulgarities. But there are ways that I've thought of to avoid being fooled into

continued on page 21



## 2D CIRCUS MEETINGS

**2d Circus Revue is Brooklyn Law School's "Show"**

**Anyone interested in writing or providing input is invited  
to attend one of the two meetings.**

**Wednesday, November 8**

**Thursday, November 9**

**5:00 p.m.**

**Room 400**

**Up for discussion:  
all writing projects  
the theme  
the calender**

**Stop by the SBA Office for more information or leave a note our box.**

**Announcing a reception\* to mark the formation of the**

### **ASIAN AMERICAN BAR ASSOCIATION OF NEW YORK "AABANY"**

**at New York University School of Law  
240 Mercer Street - 1st floor**

**Thursday - November 9, 1989  
6:30 to 9:00**

**Featured Speakers:**

**Hon. Dorothy Chin Brandt**

**Hon. Randall T. Eng**

**Benjamin Gim - Gim & Wong**

**Stanley Mark - Asian American Legal Defense and Education Fund**

**Hugh Mo - Whitman & Ransom**

**\* Hosted by the NYU Asian/Pacific American Law Students Association,  
with support from the Asian American Law Students Associations at  
Brooklyn Law School, Columbia Law School and Fordham Law School**

**REFRESHMENTS WILL BE SERVED**



# HEARD ON JORALEMON STREET

By James Sherman

What do New York City, Brooklyn Law School's student groups, and the Marines all need? A few good a)men, b)women, c)social deviants with an interest in the law, d)mercenaries, e) another crack at the LSAT, or f) none of the above. The answer is all of the above minus choices d, e, and f.

As summer sprints from view and the cool chill tells you that you're approximately four weeks behind in your work, or someone is holding a steel knife to your back, a BLS man is in the somewhat unenviable position of being the front runner in the N.Y.C. mayoral race (having beat away graduates from Yale and NYU law schools). Not bad, but then again....

Regardless of your political and racial proclivities or lack thereof, New Yorkers are facing a choice between David Dinkins '56 or Rudolph Giuliani. This, to my mind, is not an enviable choice. I suppose, given the current risks and rewards of seeking political office, we the electorate, should be happy anyone wants to serve. As a matter of fact, most people of moderate intelligence believe it is sheer insanity to seek any elective office. (Is dog catcher an elected office?)

Let's look at the crop. With

Dinkins, we have a man who closely mirrors his electorate in that he neither chooses to pay taxes nor pays when given the opportunity. This was enough to prevent him from even being considered for a deputy mayorship during Abe Beame's administration. Maybe Dinkins doesn't think he's going to die either.

Don't complain about  
your city or your school  
unless you're willing to  
come forward and do  
something... anything.

Were that all, that would be good enough for this voter. But the problem is deeper and systemic. Dinkins is a product of the same Democratic machine that has run this city into the ground. His political predecessors trace to Boss Tweed and Tammany Hall. Having sold out to the unions, the teachers, the fire and police departments, you name it, how can it be anything but "business as usual?" The history lesson may seem out of place, but do you want more of the same?

Rudy Giuliani isn't much better, and who knows, he might be worse. First off, the guy can't take the heat which leads one to believe he should either cool out or get out. At the slightest hint of criticism, Rudy goes on the counter-attack. Rumor has it that this is a product of years at the U.S. Attorney's office and the staff of

"yes" men who never told the emperor his clothes were out of style. Of course, this situation only arises when Rudy has a position he can defend. But he usually doesn't have a position. (Where does Rudy stand on abortion anyway?)

But like Dinkins, these somewhat surface conditions might be mitigated were there not deeper, systemic problems at hand. Giuliani's problem is his solution. Cops, cops, more cops, and then some. For those of us who woke up this morning, throwing more cops at every conceivable problem is not the cure-all. Sure, law and order is great (it worked for George Bush), but most of us realize that systemic problems require systemic solutions, not just jails. The solution to N.Y.C.'s problems calls for more than this myopic view and requires someone who can see beyond the long arm and truncheon of police power and offer new solutions to old problems instead of the reverse. Like what? Solutions to come in subsequent editions of this column.

But my intention in this column was never to beat up on the candidates. New Yorkers, Brooklynites, and yes, even law school students, can do that themselves.

Rather this is a call to arms, if you will. For the city and for the school. We criticize the school and the city. The school doesn't have the standing it should; BLS is second tier; the city is falling apart; no one gives a damn anymore.... Do any of these sound familiar?

David Dinkins may be as good as the man he's running against,



but neither is the best this city has to offer. Likewise, BLS is suffering because students here don't get as involved as students at some of the schools with better reputations than BLS. Of course, that's assuming you even care enough about this school to read its newspaper. At any given time, Justinian operates with a skeletal crew of four or five. Last year, the BLS Environmental Law Society had four or five active members. Torts doesn't take all day and night. Your school, city, and environment need some equal treatment too.

Vote for whomever you want, do whatever you want, but don't complain about your city or your school unless you're willing to come forward and do something..... anything.

## Strange Calls

from page 18

participation in one of these conversations:

1. Never stay on the phone for six hours with someone who purports to be Dean Trager, no matter how convincing. It's not him. He doesn't have that much time to waste. Neither do you.

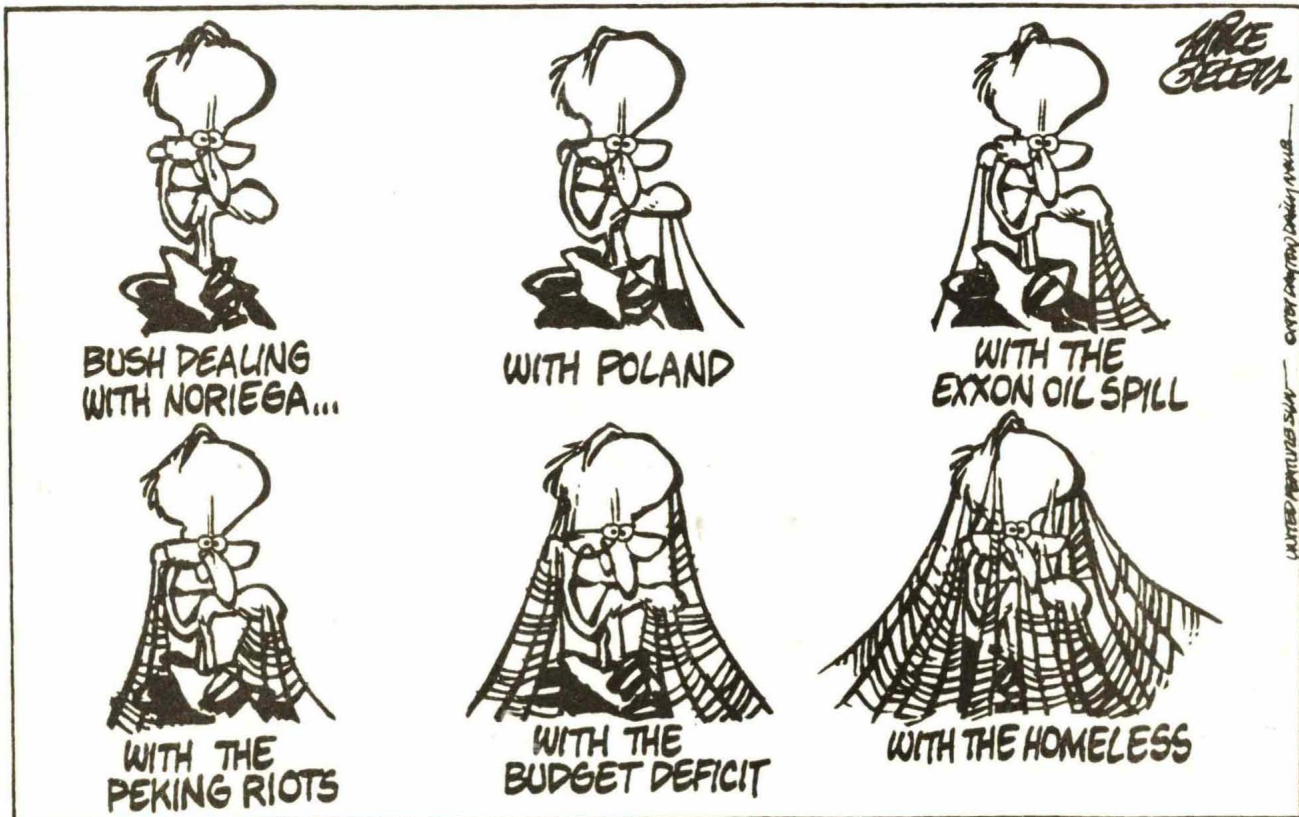
2. Don't take phone calls or give your telephone number to people you don't know. If a man calls you and won't tell you who he is or tries to make you guess, hang up. If he's your friend, he'll call back.

3. Never answer personal questions relating to clothing or sexual matters asked by a phone

solicitor. In fact, never stay on the phone with, or give your address to, a phone solicitor unless you can be quite sure he or she is legitimate and you want the goods or services offered.

4. Finally, if a woman does get an obscene phone caller on the line, Linda Holmes suggests simultaneously pressing numbers six and nine (on touch tone phones) and saying "Operator, check this call for the police." Then hang up. If the man should call back, do not talk; hang up again.

Women should not feel foolish for having been tricked by an obscene caller or for being humiliated and frightened by the experience. It is an abusive nuisance, and a shameful byproduct of advanced communication.





# There Ought To Be A Law...

by Joe Accetta

The idea for this article occurred to me before my first class, in this, my first year here at Brooklyn Law School. You see, I had just purchased my books, and I was leafing through the pages of Professor Garrison's Problem Supplement for Torts. The very first problem in this packet presented a situation where a baseball that had been hit out of a ballpark struck a woman who happened to be walking along the street.

Instantly, my mind conjured up scenes of mid-summer- afternoon homerun balls flying over the bleachers and onto Sheffield and Waveland Avenues behind Chicago's Wrigley Field. Often, the television cameras capture shots of eager fans scrambling for these souvenirs on these two residential blocks. I thought to myself how much fun this class was going to be if all I had to think about was baseballs striking unsuspecting by-passers.

You see, I love baseball, and I've spent the better part of the past twenty summers at Shea Stadium or on local ballfields watching and playing this game. And as I pondered Professor Garrison's hypothetical case that day, I suddenly recalled a college professor's advice on law school: "Joe, you'll have to think of everyday things in terms of the law. In fact, before you know it, you'll be thinking about every move you make in terms of the law!"

Having completed my first month of law school, I find that he

was right, for there are so many things that one takes for granted in the course of life. In that light, I'd like to share some law-related thoughts I contemplated while indulging in an ordinary, everyday event: going to a Met game.

To begin, it usually isn't easy finding a parking space near the



I didn't realize  
how the law  
could affect my  
trip to the  
ballpark.



ballpark on a game night, since the lot is usually filled with cars of Met fans and Long Island Railroad patrons. However, late arrivers often pay nearly \$10.00 to park on the streets in front of the various junkyards and factories adjacent to the parking lot. Well, not only do I object to the prices the owners of these businesses charge, but also, I simply seethe when I think about the fact that these guys are charging people to park on public streets.

Now I ask you, the streets are public property, aren't they? Well, what right do these people have charging taxpayers up to \$10.00 to

park there? I raised these questions to two rather burly men after I had removed one of the pylons they had placed along the curb and parked my car there. They weren't too pleased with my audacity, and simply told me that I might later find my car in many tiny pieces if I kept it there without paying.

Frankly, I was in no position to be a martyr, so I bluffed them: I said I was going to call a police officer over to settle the matter. They just laughed- no, they howled - at my suggestion, telling me that a policeman would just tell me to move my car and stop causing problems. Sadly, I didn't pursue this, since it was almost game time, and I did want my car in one piece when I returned from the game. I felt humiliated because I knew I was in the right. However, a back alley was not the proper place to press the issue with these two goons. So I reluctantly moved my car into the parking lot and decided to enjoy the game rather than be aggravated by this incident.

Inside the lot, the regular legion of ticket scalpers was out in full force- a pennant race will do that. I guess these young men didn't bother reading the fine print on the tickets they so boldly peddled. For if they did, they would have found that the resale of these tickets for more than \$2.00 over their face value was prohibited by law.

While it bothers me that scalpers hoard many tickets and then resell them at exorbitant prices,



what irks me more is that the police see these guys all the time and rarely intervene. This leaves the average fan at the scalpers' mercy, for the fan must either pay their prices or go home.

Luckily, I had bought tickets for this game well in advance, so I just watched in mild disgust as these hustlers practiced their trade before proceeding into the park. While passing through the turnstile, I saw a huge sign informing me that I couldn't bring cans, bottles, containers, or other such beverage holders into the stadium. I often wonder about the motive for this decree: is it to prevent disorderly fans from hurling these objects in the stands or onto the field, as the ballclub claims, or, more likely, to increase profit margins by forcing the thirsty fan to pay high beer and soda prices?

Anyway, as I watched the security guards confiscate a plastic thermos from a family of four, I had to chuckle. The guards were so busy with this family that a group of teenagers who had stuffed bottles of beer and alcohol into every available pocket and sleeve pranced through the gate without a hassle.

One need not be a Rhodes Scholar to figure out that a bunch of drunken, unruly teenagers are much more likely to hurl empty bottles than small children are to heave their parents' thermos.

As the security guard stopped me to search my bag after they mistook my umbrella for a bottle, I just shook my head and mused to myself, "the law is having a bad night at the plate: 0 for 3."

I made it to my seat in time to

hear the public address announcer urge fans not to use foul language or illegal substances, for such behavior would result in ejection from the stadium. Now if you are a baseball fan, I'm sure you'll agree that spewing choice expletives to express disgust with the home team's performance is inevitable, if not expected, behavior for an intense fan. Indeed, I am often guilty of such conduct.

I am sure that this announce-



ment is directed at the joint-toking, beer-guzzling few who band together and start those pre-meditated, resonating "BULL \_\_\_\_" chants to protest an umpire's unfavorable call. In fact, I seriously doubt that the security guards would eject a fan for using foul language, unless that fan was loud, rude and abusive toward other fans who were trying to enjoy the game. In fact, this announcement drew snide jeers and defiant laughter from a group of rough-looking teenagers. Maybe this warning is better left unannounced, for as I took a deep breath, I smelled the

distinct odor of marijuana in the air.

Whoa! There went a rocket foul liner behind third base. I hope nobody was hurt! There goes the scramble for the ball. I really get a charge out of businessmen in \$500.00 suits scratching and clawing for a \$6.00 baseball. Some people will go to such lengths for the prized souvenir.

But what if someone is injured in the scramble, or what if someone was struck by that line drive or by a piece of a broken bat? I've seen it happen, and did you know that a fan has no legal recourse to recover for an injury sustained in these manners? The ballclub was intelligent enough to anticipate the parade of possible personal injury suits, and it disclaims liability for such injury by informing the fan, on the back of his ticket, that the fan assumes the risk of such injuries as a condition of attending the game.

In that case, it is easy to distinguish a woman struck by a batted ball while walking along a residential street from a fan in the stands who suffers the same fate. And this brings me full cycle-back to Prof. Garrison's hypothetical case.

I guess I didn't realize how the law could affect my trip to the ballpark. Maybe this is what my advisor meant when he said it was time for me to start thinking like a lawyer. I'll have to assess that statement, but in the meantime, I hope you'll join me in some of my future journeys from time to time, as I contemplate the role of the law in the course of normal, everyday activities.



# BLS Organizations

## The Christian Legal Society

By Reg Rutishauser

There is a saying that curiosity killed the cat. Yet curiosity, it seems to me, is the healthy practice of many lawyers and law students. For those who are curious about the Christian Legal Society (CLS), a Brooklyn Law School (BLS) student group, this article provides some background information, a summary of last year's events, and some plans for this year.

In the beginning God created the heavens and the earth. Genesis 1:1. Thereafter, in the 1987-88 academic year, CLS was created for BLS student fellowship.

The progenitor of our group is a national CLS organization of nearly 4,000 Christian lawyers, judges, law professors and law students. The national CLS, formed in 1961, brings together Christian legal professionals for fellowship, spiritual growth, service, and to share views on legal issues.

As for CLS meetings at BLS, which I have attended since Spring 1988, they are sometimes silly and sometimes serious. In any case, I find them to be very worthwhile. A typical meeting will include consideration of an issue from a Christian perspective, along with other perspectives, and talk about school, home, church, jobs, etc.

Last year was punctuated with many CLS events. There were weekly general meetings, with discussions led by various students. A field trip was conducted in October 1988 to Teen Challenge, a Christian drug abuse treatment

held September 14, 1989. On the basis of student schedules collected at that time, we decided to hold weekly general meetings on alternating Tuesdays/Thursdays, from 5:00-5:50 p.m. These meetings will include a

“[A]nd let us consider how we may spur one another on toward love and good deeds.”  
Hebrews 10:24.

center for youths, discussed in the book “The Cross and the Switchblade”, written by Don Wilkerson, and the movie based on it. This center has one of the highest success rates for drug treatment centers of its type. This field trip was followed, in April 1989, by a discussion on substance abuse led by Jack Roberts, who operates a Christian substance abuse treatment facility in the South Bronx. A member of the Board of Directors of the national CLS, Julius Poppinga, came to BLS in May 1989 to discuss recent court decisions on the law of Church-State relations. Finally, CLS had relaxing socials around Christmas time and at year-end.

The organizational meeting of CLS for this academic year was

“Distinguished Lecturer Series” featuring speakers from various social, educational, religious, and legal organizations. There will also be other special events. A guest speaker is scheduled for Thursday, October 5, 1989, at 5:00 p.m., to discuss the McCauley Water Street Mission for the homeless here in New York City. This is the oldest rescue mission in New York City, founded in the 1870's.

Please come to a CLS meeting if you can. “[A]nd let us consider how we may spur one another on toward love and good deeds.” Hebrews 10:24. Meetings will be announced on the bulletin boards, especially the student activities bulletin board in the law school lobby.



# The Sports and Entertainment Law Society

By Inge Hanson

By themselves the words do not evoke visions of the law or its practitioners. Yet the entertainment and sports worlds are populated with lawyers. Legal documents define the rights a screen writer holds to a screenplay. Lawyers negotiate salaries for sports players. The courts define the limits on a biographer's right to use writing by his subject. The roles lawyers play in the sports and entertainment fields are broad and complex. However, it is often difficult for law students to learn what sports and entertainment law really means and how to begin practising in these areas after graduation.

The Brooklyn Law School Sports and Entertainment Society hopes to provide a forum in which students can meet and question lawyers involved in fine arts, publishing, sports, film, music and other fields. The society plans to organize a series of panels and lectures featuring lawyers who practice sports and entertainment law. Moreover, students will have the opportunity to develop an idea for a lecture or a panel, and then invite potential participants to speak. The success of the society depends on students creating, planning and putting on an event in an area that interests them and would attract fellow students with similar interests. We need your ideas for programs. If you want to

fine arts, publishing, sports, film, music and other fields

plan a lecture or a panel discussion, or if you have connections with sports and entertainment lawyers, please contact the society by leaving your name, phone number,

and suggested project in our mailbox at the SBA office on the third floor of 250 Joralemon Street. We need events for next semester.

**1989 FALL  
SEMESTER DISCOUNT**

**SAVE  
\$150**

**WHEN YOU REGISTER EARLY FOR BAR/BRI'S  
NEW YORK, NEW JERSEY, MASSACHUSETTS,  
CONNECTICUT, NEW HAMPSHIRE, MAINE,  
VERMONT OR RHODE ISLAND BAR REVIEW.**

**A \$50 REGISTRATION FEE SECURES THE CURRENT DISCOUNT TUITION  
OF \$995 IN NEW YORK, \$845 IN NEW ENGLAND AND \$745 IN NEW JERSEY.**

**BAR/BRI**

**BAR REVIEW**

**THE BAR REVIEW THAT CARES ABOUT YOU.™**

**THE LAST DAY  
TO SAVE \$150 IS TO BE ANNOUNCED**

**415 SEVENTH AVENUE, SUITE 62  
NEW YORK, N.Y. 10001  
(212) 594-3696 (201) 623-3363 (516) 542-1030  
(914) 684-0807 FAX: (212) 643-9460**

**20 PARK PLAZA, SUITE 930  
BOSTON, MASS. 02118  
(617) 437-1171 (203) 724-3910  
FAX: (617) 437-0698**



## ARTS AND ENTERTAINMENT

### BLACK RAIN: JUST A DRIZZLE

BY BARRY STELBOUM

*Black Rain*, the new film from Ridley Scott (*Alien*, *Blade Runner*) is yet another formula rehashing of the now all-too familiar police-buddy (this one more police than buddy) film that inundates the theatre marquis across the nation.

The film opens with Michael Douglas, as Nick Conklin, clad in leather jacket, involved in a drag race with another motorcyclist along the East River. Of course he wins in a dramatic fashion. And, of course, as in all these films, the "prologue" is used as a cheap device to foreshadow future action. The film opens with an informal hearing where we find out that Conklin is a cop under investigation for possibly being on the take. We soon find out that Douglas is gruff, aging, divorced with kids, and is struggling financially. Thus, the potential motivation for his wrongdoing.

While upset by this troubling situation, Nick meets his young, urbane partner, Charlie, played by Andy Garcia (*The Untouchables*) in a bar for some morning cocktails. Just by sheer chance, a Japanese mob had the same idea. Just as luckily for these wily cops, the rival mob comes in, steals a mystery box, kills a few members of

the other mob, and flees. A chase scene follows. Nick and Charlie eventually catch the evil leader of the rival gang, but because of international law, the Japanese government gets first crack at this standard bad guy (long leather coat and sunglasses). Guess who gets assigned to bring this guy back to Japan?

So Nick and Charlie go to Japan

one is the brutal killing of Charlie and the other, more significant event, is Conklin prompting his Japanese counterpart into action by saying, "sometimes, you gotta go for it!" It works every time.

Anyway, it turns out that the crime for which the villain is wanted for is counterfeiting. Where would this film be if the anti-climatic motorcycle chase (surprise,

---

If this plot synopsis  
sounds at all fresh and  
compelling, then I've been grossly  
unjust to this film.

---

and screw up by giving the bad guy over to the wrong people. It never ceases to amaze me how these filmmakers spend so much time establishing how intelligent and clever their protagonists are just to have them act so stupidly. They get mad that they blew their collar and rebelliously stay in the country to make amends for their faux pas. Needless to say, no one wants them to stay. Not surprisingly, they get no help from the local police with their investigation until Matsu, a straightforward, by the book Japanese police officer (originally assigned to keep them out of the way), comes to their aid. The motivation for Matsu's about-face in attitude is the combination of two events:

surprise!) through muddy fields where Conklin recaptures his prize criminal and triumphantly returns him to the proper authorities didn't miraculously materialize. I love a happy ending.

If the above plot synopsis sounds at all fresh and compelling, then I've done a great benefit to this tired and obvious film. Ridley Scott, who revived and redefined the horror movie with *Alien*, has succeeded in making everyone forget that he is capable of such grandiose achievement. As he did in his last film, *Someone to Watch Over Me*, Scott relies on a pulsating soundtrack and dark, smoke-filled, visuals to replace human drama. In *Black Rain*, as in *Watch Over Me*, this technique



fails to create a forceful, suspenseful feature. Somewhere between *Alien* and his current work, Scott forgot that what made *Alien* and, to a lesser extent, *Blade Runner* successful was more than just a haunting soundtrack and dramatic image. Each of these films had an interesting script and strong characters who had the ability to involve you in the action and in their lives.

*Black Rain* is totally devoid of anything remotely resembling either of these qualities. It is nothing more than a formulaic cinematic exercise of the standard protagonist whose misgivings and wrongdoings are ultimately redeemed by his heroic actions. Michael Douglas, who has of late achieved critical recognition and success as a box office draw, does nothing to merit that status in this film. He simply walks through this film throwing away his lines and throwing around his head (to hit other people's heads). The supporting cast including Garcia, Kate Capshaw (*Indiana Jones & the Temple of Doom*) and Ken Takakura as Matsu do as little as they possibly can to alleviate the problems of the hackneyed plot and the invisible script.

Essentially, all these elements comprise one of the duller, unoriginal, excessively violent, obvious, and tedious cop films in the last few years which will make much more money than it deserves. Please help contribute to minimizing this insipid film's potential profits and stay at home or see another more believable buddy picture like *Milo and Otis*.

# When you party, remember to...



**It's as easy as counting from 1 to 10.**

## Guests:

1. Know your limit—stay within it.
2. Know what you're drinking.
3. Designate a non-drinking driver.
4. Don't let a friend drive drunk.
5. Call a cab if you're not sober—or not sure.

## Hosts:

6. Serve plenty of food.
7. Be responsible for friends' safety.
8. Stop serving alcohol as the party winds down.
9. Help a problem drinker by offering your support.
10. Set a good example.



National Headquarters

150 Paularino Ave., Suite 190, Costa Mesa, CA 92626  
1-800-441-2337

Beer Drinkers of America is a non-profit consumer membership organization open only to persons over the age of 21.



# POET "LAWREATES"

## The Word Game

The dark is filled with brightly colored words,  
Sent swimming overhead without a cause.  
I've plucked them from the air to write a dream-  
Or wedged them between pieces of the Earth,

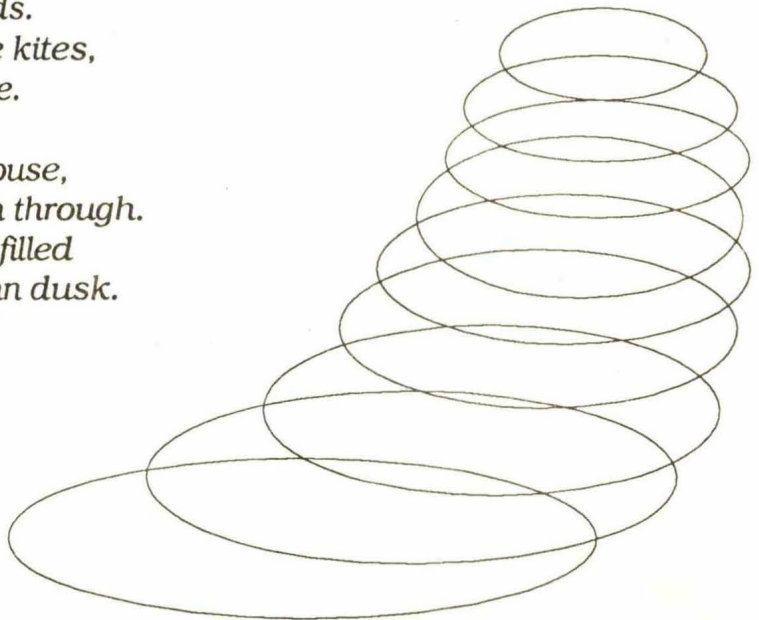
And used the words as stones to build our house:  
A party-patterned shelter, vain as wind.  
Daylight window brings its words of black and white  
To dance on pages of my tired heart.

My innocence in slumber next to me,  
He doesn't understand about the words.  
Nocturnal verbs he binds and flies like kites,  
And daily, inky nouns he sets like type.

While he is peaceful I must raze the house,  
With word not left on word, when I am through.  
I'll found a stronger home on volumes filled  
With amber tinged eloquence of autumn dusk.

For JTD 9/7/89

— Geanine Towers-Dioso







### **WHEN BO MET DIDDLY**

By Ron Rukenstein

*Fact laden  
and brow beaten by semantic distinctions  
I once more assume the risk of memory.*

*Flashbacks to easier times.  
When life was free  
of doctrinal encumbrances,  
and the wheels of a bicycle  
encircled the zone of danger.*

*There I find myself  
once more unresponsive  
to social expectations.  
Where life is no longer reduced to policy  
nor subject to interpretation.*

*Inextricably intertwined with my environment  
and enjoying the subtleties of my emotions.  
"Just do[ing] it"  
as the phrase would be.*

*More disarming  
is the logic of first year.*

*The basis of law lies here  
with the essential needs and feelings we all share  
and not the dreams and visions to which we can but nobly aspire.*

### **ONE L**

By Marcus A. Spevak

*Brooklyn Law,  
First year.  
Habl's "Loving it,"  
Are you?*

*Artwork  
More interesting than the  
UCC: You see C's, and transfer;  
to Parsons.*

*Abraham,  
more well known  
than Bruce Cutler or Dinkins  
could have imagined.*

*Brooklyn Supreme Court.  
Bensonhurst Case.  
Juicy trials at lunch nourish  
more than juicy hamburgers.*

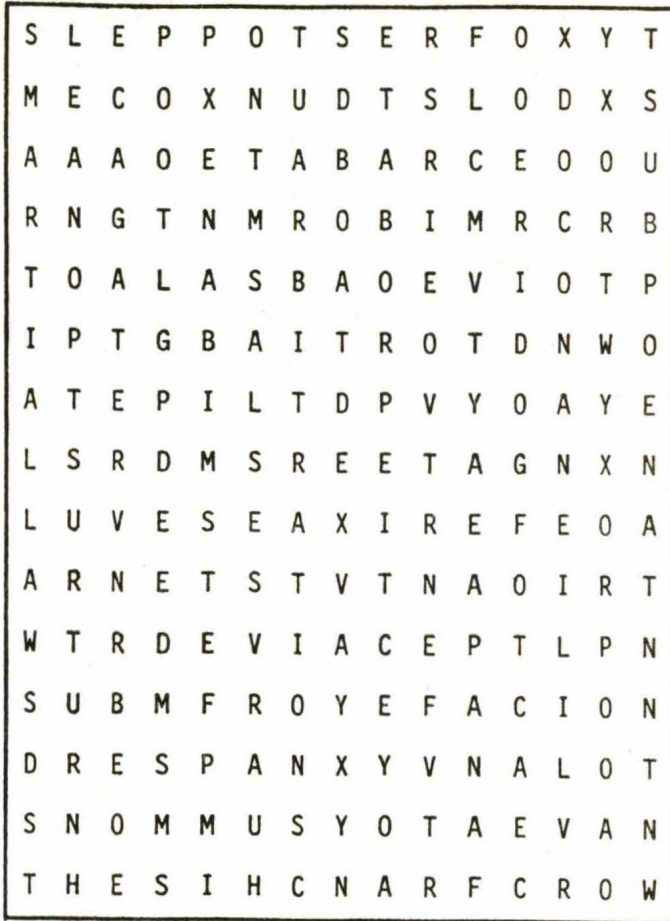
*Wouldn't watch Wheel of Fortune  
but for Vanna.  
Wouldn't attend Minda's T.A. section  
but for Kimberly.*

*Brooklyn Law,  
Ivy league?  
No.  
No grass for it to grow.*

*Brooklyn Law, instead:  
An Ivy league of people:  
Friends.  
For three years (At least).*



## collegiate camouflage



Can you find the hidden legal terms?

ABATE  
ACT OF GOD  
AGENCY  
ARBITRATION  
BAILMENT  
CAVEAT EMPTOR  
CONSIDERATION  
DAMAGES  
DEED  
DURESS  
EASEMENT  
ESCROW  
ESTOPPEL  
FELON

FRANCHISE  
LIEN  
MARTIAL LAW  
NOVATION  
PATENT  
PRIVITY  
PROBATE  
PROOF  
PROXY  
REMEDY  
SUBPOENA  
SUMMONS  
TORT  
TRUST

## !! PERSONAL ADS !!

*The Justinian* will be accepting personal and non-commercial classified ads for publication (subject to availability of space).

Please limit all ads to 25 words and submit with \$1.00. All ads must be in by November 14 for next month's issue.



# Inter Alia

by Michael Harding

**Hello Again!** It feels great to be back on the luxurious, sprawling campus of Brooklyn Law School. Only a BLS student can look forward to and appreciate this time of year. Isn't it great to put those warm, beautiful beach days behind us? No more barbecues. No more paychecks. No more late nights with the guy or girl of your dreams. Night after night after night. Gosh, I love this time of year. I love the excitement that accompanies the "On Campus Interview" season. The air is thick with the anticipation of finding the job that's "just right for you" by December 15, 1989.

Yes, the simple, non-stressful life of a law student that's for me. What could provide a more tranquil feeling than a Professor Gilbride lecture? Can anything be more invigorating than a two hour lecture on Unincorporated Business Associations delivered by Professor Ronayne? Yes, it feels good to be back where I can see the teaching staff in the flesh, only they don't look the same off of my wall and without the bull's-eyes. Just the thought of being called on during a Federal Estate and Gift Taxation class gives me a chill. The only thing that could top off this kind of excitement would be lunching with Professor Johnson while discussing legal theories. Yes, welcome back. Welcome back, indeed!

**Dean's letter.** Dean Trager has sent out his yearly letter advising those students in the bottom twenty-five percent that

statistically they "have a substantially lower pass rate" the first time around on bar exam than those who rank in the upper seventy-five percent. Dean Trager's letter was not intended to "frighten" those students, but to offer useful suggestions. My suggestion to these students: Try reading the damn cases! In any event, now I know why the windows don't open; to prevent Joralemon Street from being littered with students.

**Engagements.** Congratulations, good luck, best wishes etc... to one of BLS's prettiest:

Karen Levine 90 has announced her engagement to Lewis Aronson "90", Syracuse School of Law. The love birds plan to wed in August 1990.

**Bun in the Oven.** Here's wishing the best of everything to two wonderful people. Bill "90" and Cindy Edelson are expecting their first child in the early part of 1990. Congratulations and best wishes for a happy and healthy future attorney.

**Bun out of the oven.** Professor and Mrs. Gary Schultze became the proud parents of baby Emily. Mother and child are doing fine, but dad is still a little delirious. Rumor has it that due to his commitment to be a good father and stay close to home, Professor Schultze was forced to withdraw from the Ringo Starr concert tour. However, Schultze commonly referred to as the twelfth Beatle, may join the Stones on stage when they play Shea stadium this fall. In the meantime Professor Schultze will be displaying psychedelic ties from the sixties. The ties, some of which come with matching sneakers, can be seen around his neck Monday

through Friday during school hours.

**Marriage.** Another one bites the dust. Dave Rifkin 90 and Gail, his fiancée, are now Mr. and Mrs. David Rifkin. They honeymooned in Europe before Dave returned for the fall semester. Mazel Tov!

**New Baby.** This past summer Paul and Elisa 90 Hertzan became the proud parents of a baby girl, Dena. Congratulations, good luck, best wishes, and all that good stuff.

**Registrar.** Edward Schabes is no longer the Registrar. He left BLS over the summer. Presumably, the school is looking for a replacement. They should try looking within. Yvette Blyman has been doing an admirable job filling in. In fact, the entire staff of the Office of the Registrar did an excellent job during fall registration.

**Future D.A.** Congratulations to Charles Joe Hynes, Professor of Trial Advocacy, on his primary victory for the position of Kings County District Attorney. Good luck in the coming election.

**Job Interview.** Speaking of the office of the Kings County District Attorney, word has it that during their on campus interview, they asked the following hypothetical: "As an A.D.A., what action would you take if first year evening students wanted their Torts professor, Leitner, indicted for giving a difficult final exam?" Rumor has it that some second year evening students replied that they would present this "obvious felony" to a grand jury. Others were unsure if the D.A. had jurisdiction over this federal matter.



# Modesty Prevents Us From Telling You How Good BAR/BRI Is. Therefore, We've Let BAR/BRI Students Do The Talking.

I was as prepared as I could have been. The exam itself had no surprises. It was a living nightmare, but BAR/BRI prepared me. If I have to do this again, I will take BAR/BRI again.

- Albany Law School

Your course was worth the money. I couldn't imagine being more prepared. If I didn't pass the fault in no way can be attributable to any misguidance on your part. I also was very comforted by the feeling you all conveyed that you're concerned and cared. It showed that customer satisfaction is important to you and I am a satisfied customer! Thank you!!

- Albany Law School

I am very happy with the BAR/BRI program. I feel that you provide an excellent program and I would highly recommend it to others. If I do not pass the bar, it will not be because of a lack of effort on behalf of the BAR/BRI personnel. Thank you for all your help.

- Brooklyn Law School

All in all, I was very satisfied with BAR/BRI...After hearing what Pieper does to his students' poor hands, I'm truly glad I chose BAR/BRI. Variety is very good in the course of a summer.

- Brooklyn Law School

I was generally satisfied with the lectures and very glad for all the written materials you gave us (the outlines and practice questions). In addition, I appreciated your obvious support and encouragement for us during this very stressful period.

- Brooklyn Law School

Thank you for Essay #6 on the Bar. I was tired but when I saw the question, what an adrenal surge. I did well in the bar but having done Essay #6 already and knowing the model answer was a gift. Thank you.

- Brooklyn Law School

BAR/BRI was excellent. It prepared me for the bar. Hopefully, I no longer need your services, but I would do BAR/BRI again. I learned the law, not just memorized mnemonics and for that I am grateful.

- Brooklyn Law School

The most effective thing about the BAR/BRI course was the frame work. It's pretty rigid. You know what you should be doing at all time...I seem more happy with BAR/BRI than other people seem in other courses.

- Brooklyn Law School

I was very impressed with BAR/BRI. The methods, techniques and materials were all very helpful. Most of all, I appreciated the way BAR/BRI made itself available to each member individually; to give your personal home phone numbers to thousands of people was both "daring" and commendable. No matter what the results of my exam will be, I know I will recommend BAR/BRI to others. God Bless!

- Buffalo Law School

I would recommend the course to others and don't regret my choice.

- Buffalo Law School

BAR/BRI was great as far as giving me emotional support and confidence in what I did know; (not shaking my confidence because of what I didn't know, like other bar candidates)...In addition, the good luck letter made me feel good. Thanks.

- Cardozo Law School

I didn't find out what I liked about the course until last night when I was talking to one of my friends who was taking Pieper and even though he had all mnemonics down...I just found that he didn't have the grip on the substantive law that I thought I did...I think the lectures really lay everything out for you. They give you enough of an overview that is required to really be able to handle the essays. I would definitely recommend the BAR/BRI course to a friend.

- Cardozo Law School

BAR/BRI gave me structure that I needed for the bar. Looking back, I think I would be in a tough situation if I had to approach this on my own. I had a lot of friends who have been taking other courses and I've sort of compared what they're learning and what I'm learning and I think that BAR/BRI is doing a really good job...The BAR/BRI personnel is very helpful. I've called Steve Rubin several times on the phone. He has always been available to answer questions. He literally called me at 12 o'clock at night...Also, the office people have been really helpful too...I would definitely recommend BAR/BRI to anyone.

- Columbia Law School

The lecturers were really terrific. I expected that sitting in front of a TV 3 hours a day would be unbearable, but for the most part they made it almost an enjoyable experience.

- Cornell Law School

I am completing this evaluation after the bar exam. I feel that BAR/BRI prepared me extremely well for the exam, and I would certainly recommend your course.

- Cornell Law School

I am very impressed with the whole operation - since you really have a captive audience, I expected a lesser level of professionalism and caring. I have friends in other courses, some of whom are subjected to scare tactics and panic lectures. I appreciate the lack of the same at BAR/BRI.

- Fordham Law School

I was very pleased with what I was taught. The way it was presented and the respect BAR/BRI shows its students. A professional, warm and top notch job! Thank you!

- Fordham Law School

The materials are very good. The most important thing about the course is that they give you what's important and what isn't. So you can know what is likely to be on the test...The BAR/BRI people were very helpful. They are very, very nice and very cooperative. I'm very pleased.

- Fordham Law School

This is written 7/31. I felt well prepared for the questions on the exam. Where I was unsure I had no problem making something up...No doubt you heard the last essay was almost identical to a practice question. Good show!

- Georgetown Law School

It's a joy to finally learn all the law I only heard about in law school.

- Harvard Law School

I like the fact that they have been very realistic about what they are trying to accomplish - to get us to pass. I like the fact that they really try. Despite the fact that there is really a large number of people in the course, I have actually gotten a lot of feedback on the essays...I think that my chances on passing are a lot better with this course...I took BAR/BRI under recommendation and I would certainly recommend it to others.

- Harvard Law School

I am writing this evaluation after sitting for the New York State and Multistate exams (and before NJ). I would sincerely like to tell you that you all did a terrific job and deserve much praise. Thank you!

- Hofstra Law School

I thought BAR/BRI was outstanding in every way and I will recommend it to all who ask. Thanks to Stan, Steve, Erica and the BAR/BRI staff. You can be proud of your organization.

- New York Law School

Overall the course was very good. BAR/BRI helped make a miserable experience a lot more bearable. I'm glad I took the course.

- NYU Law School

What I like about the course is that it is really straight forward...In addition to learning the law, you learn how to answer the questions on the exam and how to write a good essay and that's what really counts...I found the BAR/BRI personnel very helpful. I call the office all the time with questions and they have always gotten back to me or answered the question immediately...I would highly recommend BAR/BRI for anyone studying for the New York Bar.

- NYU Law School

I thought the lectures were the best. They're very thorough. They give you all the information you need to know. That's what I like best about BAR/BRI.

- NYU Law School

I would definitely recommend the course to friends. I think it's a good way to prepare for the bar. It does not put that much pressure on you. I followed the schedule. I found that during the course the schedule was not that difficult to keep up with. It still gave me a lot of free time up until the last day of class. Preparation has not been that painful at all.

- NYU Law School

The program is well-organized and set-up to 'spoon-feed' the material to the audience. After 3 years of law school, we're all tired and this is just what is needed. I also appreciated all the 'pop talks' and encouragement given throughout the lectures. I would highly recommend your course.

- Pace Law School

Overall - very satisfied with BAR/BRI - would recommend it to students in the future. Great job! Thanks!

- Pace Law School

For the most part I liked how they broke everything down into easy to remember bits and pieces. It's not really as confusing as it was in law school...I would highly recommend the course to my friends and I have friends taking the other courses and from what I see them doing, I think this is much better.

- Pace Law School

BAR/BRI was the best preparation for the bar exam. The staff cared about the students. BAR/BRI eased the anxiety of the bar exam.

- St. John's Law School

BAR/BRI is to be praised. No gimmicks - they were not gurus. Merely stress hard work without falling off the deep end. I would, and will give my stamp of approval to friends, law students and anyone else who will listen. Thank you for running a first class operation.

- St. John's Law School

I was very satisfied with the BAR/BRI course. The lecturers were all good and interesting. I took no additional courses and I feel confident that the main course gave me adequate preparation.

- St. John's Law School

I think BAR/BRI is a good course. It gives students everything they have to know...I found BAR/BRI people to be very responsive. I found that whenever I needed help, they were there to help me out...If I missed the course, I could always go to the tape lecture. I could go to the office and just listen to the tapes. I found that to be very good...I would definitely recommend BAR/BRI because it covers everything you have to know.

- St. John's Law School

**BAR/BRI**  
BAR REVIEW