

# The Justinian

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December, 1989 Vol. LIX, No. 3

# *THE JUSTINIAN*

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

## Women's Rights Into The 90's



### Also in this issue:

Cheap Date With A  
Loser

BLS Student Runs For  
Congress

Shakespeare And The  
Law

Geraldo!  
Next In  
*The Justinian!*

*Good  
Luck on  
Finals!*

# Gals List Grievances

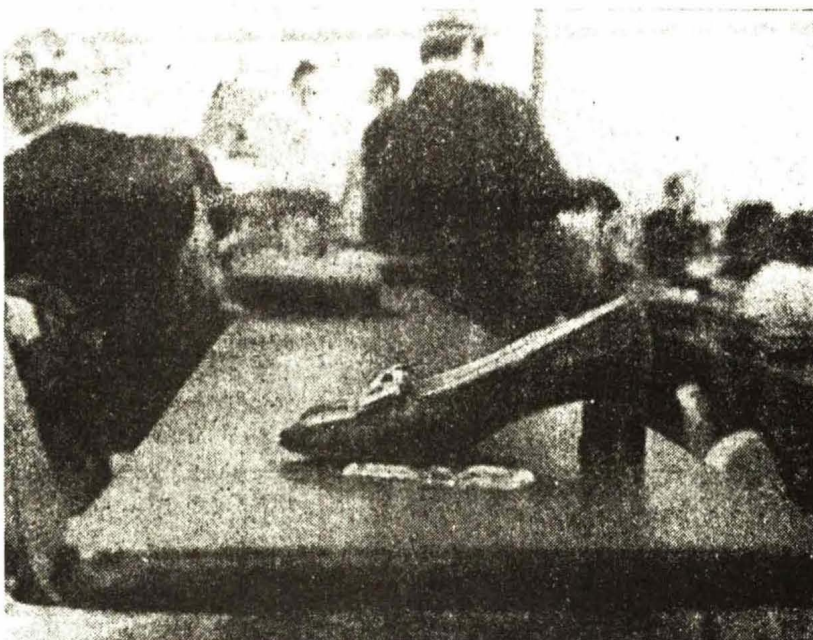
By Francene Perlman

Having escaped barefooted perpetual pregnancy, and even finding themselves more or less firmly seated among men in common pursuit of a law career, why do the women seem dubious? How more equal can you get?

Evident from the unrestrained comments of more than thirty women students who met on Oct. 20 in the third floor lounge, and who gathered confidence from the support of "fellow" women law students, the list of legitimate grievances is endless. The pervading concern of these women was the sometimes subtle, often blatant discrimination that is met precisely by succeeding, by gaining entry into the privileged sanctuary.

The women who came to the meeting did so for various reasons and from varying positions of commitment, but the need for a permanent women's organization here was well appreciated. Though the meeting began with undisciplined earnest bantering, thoughts eventually solidified into several major problem areas: Women as law students, women lawyers in practice, responsibility of women lawyers toward fighting discrimination against all women, and the need for discussion among women to promote their own personal strength in facing the daily resistance to their goals.

In the first and most immediate area, the problems of women as law students, many gave testimony as to difficulty in obtaining financial assistance, lack of women professors, professors



First step toward a greater role for women in B.L.S.

who don't recognize women in class (out of fear? out of paternal protection?), others who, when they do, use demeaning language. In short, the general overbearing attitude toward women here which, though ingrained and in the instance of classroom participation, often unintentional, nevertheless, it was agreed, was not to be tolerated.

The women did not intend a vindictive reaction, nor did they issue general blame. The main direction of the meeting was what to do to combat the discrimination where it exists. To this end, several teams were assigned the tasks of gathering statistics concerning admissions, scholarships, and em-

ployment of women professors. They will report their findings (if they can take out the information) at next Tuesday's meeting, where definite action will be proposed.

More important, however, was the formation of small groups which will meet in private homes to discuss the roots of the very problem that nurtures the painful statistics. Many women, feeling they should unite with other women but as yet hazy about their own convictions, eagerly sought the intimacy of small groups as a chance to hash out the personal conflicts created by their shock entry into "privileged status" and

(Continued on Page 4)

# The Justinian

A Forum for the Brooklyn Law School Community

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## December 1989

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## Editor's Corner

### Blight At BLS

Upon entering the law school building one may notice that the date on the cornerstone is 1968. Upon surveying the state of the physical plant here at BLS one begins to get the impression that the BLS physical plant, with the exception of the ninth floor, got caught in a twilight zone where time stood still. The Henry Ughetta Library, the laboratory of our learning, looks like a 1968 high school library. The "student lounge," otherwise known as the school's one general purpose room, has dilapidated furniture. These are two of the more visible examples of the lack of investment in student facilities.

Now it might appear that this argument is one for form. The opposite, function, is in fact the point. The Library is the single most important facility of this, or any, school. It should be equipped in such a fashion as is conducive to work. This means, among other things, new lighting, especially lighting that does not "hum." This also means new carpeting and wallpaper to relieve the depressingly drab current look. As well, some new chairs, comfortable ones, might ease some of the pain of hours of studying. These minor improvements stand to increase the probability that students will utilize the library more and work better rather than continue the general romper room appearance it has now.

Two Sundays ago, the BLS alumni association gathered at the Plaza hotel for an annual function. Dean Trager remarked how his vision of a "national" law school was materializing and that the school has signed a contract with HRH Construction Corp. to be the general contractor for the construction of the annex. The Dean said he hoped to break ground a year or so from now. That's all well and good, but completion of the annex is still years away and there are some things that can be done now for current and incoming students. The most immediate improvements are the ones for the library discussed above. Although they are superficial improvements in appearance, they translate into a better state of mind, and hopefully heightened efficiency for those working in the library. The studies documenting the salutary effect of a good working environment on one's productivity are legion. The students of this school can only be thankful that the administration saw fit to upgrade the computer room just this year.

If one has the pretense of being a "national" law school, one had better start acting like a national law school. That means the combination of top-flight faculty, which we believe BLS already has, with top-flight facilities which BLS clearly does not have. Without having to make spot inspections of other "national" law school libraries, one can believe it's an even money bet that their libraries are not finished in a 1968 motif. As well, what would any prospective law student considering a choice between coming to BLS or going to another "national" law school think upon walking in the front door? The measure of our school's desire to attract national faculty and top students is in the resources the school is willing to commit to achieve this goal. Let's start by upgrading the library and student lounge.

# CORRESPONDENCE

## The Taint of Library Noise Continues

To the Editor:

And so I sit here in the New York Public Library, working on my CPLR outline. Every now and again, as I break from my studying, I wonder why I am compelled to travel over an hour to reap the benefits of blessed silence at a major public library when, the private institution I pay good money for is a mere twenty minutes from my home. The reason, which is disconcertingly obvious for anyone who ventures to spend any time in the BLS library, is that our library is a veritable panoply of unrestrained, student orchestrated noise.

Mind you, I'm not referring to a level and character of noise one would ordinarily expect in a law school library;

the normal low level chatter of students trying to decipher *res ipsa* or locate a Federal reporter. I'm speaking of noise levels and illicit conversations better suited to the smokey environ of a local bar. I'm talking about unbridled laughter and the occasional tomfoolery, albeit rare, of a spontaneously erupted paper fight. Something needs to be done about this.

Last year, I wrote an article for *The Justinian* detailing what could be done about this persistent problem. Without reiterating my solutions, it is sufficient to say that I received no feedback from the administration. I am perplexed that those entrusted to oversee the proper administration and enforcement of student rules would disregard, without comment or discussion, viable solutions to a persistent, annoying, and yes, a growing problem.

BLS will not achieve the national reputation it so desires without first addressing certain internal problems, including library noise. For if its image

among its own student body is somewhat tarnished, it follows that it is less likely the school will attain a heightened local image - a necessary precursor to a regional and national reputation. The ancient Greeks wrote that an individual must harness internal conflict before greater and wider successes could be attained. In the same light, BLS must look within itself and alleviate certain problems before it can attain a better and more widely recognized - reputation.

As a first step in addressing the problem of library noise, a joint faculty-student committee should be set up without delay. This group will be charged with making policy recommendations concerning this problem, and presenting such to Dean Trager and Dean Wexler, for final approval. I know I share the sentiments of many students when I say that this problem must be addressed and can be alleviated. I am willing to participate in any capacity to help formulate a solution.

Joseph Cardieri

## Increase Minorities

To the Editor:

Race relations are in a period of crisis in New York. The tragic incidents in Bensonhurst, Central Park, and Howard Beach are signs that the frustrations of a new generation are being expressed through violence. The trend is disturbing. These events may seem distant to us in Law School—but is it our problem?

A moment during Constitutional Law brought this issue into our classroom and made it real. During a discussion about affirmative action, a classmate raised her hand and asked us to look around the room. How many Blacks or Hispanics were present in a class of one hundred or more students? In this class there were three. The tension in the air lingered for a brief moment. Perhaps we should have

held that moment longer.

We at Brooklyn Law School should realize that we can play a significant role in race relations. We can admit and graduate more Black and Hispanic students who, along with their fellow classmates, can assume positions of prestige and power and can help to run our city. Minorities in the legal profession send a positive message to others struggling to get ahead. These attorneys will be in a position to help other minorities enter the profession. Yet, I cannot help but feel that these groups are gravely under-represented. This is particularly true with respect to minority men.

Obviously, finding appropriate solutions isn't easy. While Brooklyn Law School has an excellent record in recruiting highly qualified Asian students, a minority group that is underrepresented in the bar, it has been less successful in recruiting Black and Hispanic students. Barriers such as lack of financing,

academic preparation, and insufficiently high LSAT scores, need to be overcome.

Other professional schools are taking positive steps. For example, Albert Einstein Medical School recently began the "Einstein Enrichment Program," a funded program which is designed to encourage increased participation in the medical profession among minorities. Minority applicants are reached at the high school level and brought into medical school for preliminary exposure to the profession. Through this experience they learn how to prepare for the admission process. Still other schools are experimenting with mentoring programs which target minority students and encourage participation in the field of science.

The question now is, are we doing everything we can and should at Brooklyn Law School?

Respectfully submitted,  
Daniel B. Shapiro

# SBA UPDATE

by Lawrence Schuckman, SBAPresident

## PERSONAL COMPUTERS AT A DISCOUNT

Brooklyn Law School students who are interested in acquiring personal computers should consider the following:

The Student Bar Association, in conjunction with Fran Thompson of the school's administration, is in the process of creating an educational discount policy for IBM and Hewlett Packard computers. These companies will offer students substantial discounts of up to 44% off the price, if the SBA transacts sale and collects the sales tax from students. The discounted price will not be appreciably more than the price of a clone. For example, an IBM Model 25 (512K RAM, 8086 processor, 8 MHz, on 720KB drive) would go for \$810.00.

A faster machine is recommended if you can afford it, (Fran Thompson strongly recommends faster machines), since WordPerfect runs slowly on the Model 25. A Model 30 machine (512K RAM, 80286 processor, 10 MHz) will run WordPerfect efficiently and quickly.

Additionally, it is important to note that 5 1/2 inch drives are moving towards obsolescence. The 3 1/4 inch, especially the high density ones, are taking over quickly. In some instances, software companies now charge more for software on the 5 1/2 disks. Although only one of the machines in the student computer center in the library has 3 1/4 inch drives, Sara Robbins advises that this situation will improve shortly.

The SBA and Fran Thompson also strongly recommend Hewlett Packard printers. They are very reliable and are the industry standard. The HP Vectra (the HP PC) is also very reliable hardware.

Hopefully, we will have the policy in place soon. We will make a complete list of available hardware with prices available to the entire student body. With the aid of Gregg Waxman, we will be making an effort to demonstrate computer systems here at the law school. In the meantime, we encourage students wishing to take advantage of this policy to stop by the SBA office.

## SKI TRIP

In February, we will be hosting the Second Annual BLS Ski Weekend in Vermont. The February 2-4 trip features two full days of skiing, two nights lodging, round-trip transportation, and a Friday night arrival party. Skiing will be at Bromley and Magic Mountain, with snowboarders welcome at both ski areas. For details, stop by the SBA office for a sign-up sheet. Space is limited to the first fifty skiers. If you want to go, you should get your \$50 deposit in by December 15. (The balance is due the first week of January.)

## LOCKERS

The SBA is working with the administration in an effort to get lockers for the large number of first year evening students who do not have them. If you are an evening student who needs a locker immediately, please see Helene Werger, Merilee Coen, or Lawrence Schuckman for assistance.

## FACULTY EVALUATIONS

Both the 1988 and 1989 SBA Faculty Evaluation Books are now available at the first floor Library Reference Desk.

SBA delegates will be passing out this semester's SBA Course Evaluation Forms in the first week of December. We encourage anyone interested in joining the committee to let us know or leave a note in Irene Chang's box in the SBA office.

## CONGRATULATIONS!

Congratulations to Dave Scharf (our treasurer), Jim Haggerty, Brian Ross, Rich Doren, Sweet Pea and the rest of "A.W.O.L." for winning the fall intramural basketball championship!

## BLOOD DRIVE

Thanks to all those who gave blood and helped out during our blood drive on December 7th!

*The Justinian  
and  
The SBA  
Wish You a  
Happy  
Holiday  
and  
Good Luck on  
Finals*

# WOMEN'S RIGHTS AND THE LAW IN 1989: OLD AND NEW ISSUES REACH THE COURTS

by Inge Hanson

This month *The Justinian* addresses several issues affecting women's rights. These issues have gained recent attention, due in part to the Supreme Court's decision to limit abortion rights in *Webster v. Reproductive Health Services*. A forum sponsored by the Legal Association of Women on the implications of this decision is the subject of Amy Rhodes' article. The panelists at the forum stressed that limiting the right to choose an abortion curbs other freedoms by censoring a woman's right to make life decisions. In response to *Webster*, women have spoken loudly through their voices and their votes.

The pro-choice vote has had a major impact on this year's elections and on legislative decisions. The Florida legislature refused to consider bills restricting abortion rights which Governor Bob Martinez and abortion opponents had proposed. Moreover, the Florida Supreme Court voted to extend the privacy rights guaranteed in the state constitution to abortions for adults and to apply those rights to girls under eighteen. Pro-choice voters also had an impact upon the gubernatorial races in New Jersey and Virginia where democratic candidates supporting abortion rights won both elections. Indeed, prominent Republicans have criticized their party for taking a strong anti-abortion stand which could prove harmful in upcoming elections.

Despite these gains, the pro-choice movement suffered defeats in Pennsylvania, Michigan, and in the White House. The Pennsylvania house of representatives voted to enact the nation's toughest abortion law which bans most abortions in public hospitals and prohibits them after twentyfour weeks. Michigan's senate approved a bill requiring parental consent to abortions for girls seventeen years or younger. President Bush vetoed a bill providing Medicaid payments for abortions to victims of rape or incest which the House of Representatives failed to overturn.

On November 12, NOW and NARAL sponsored a rally for reproductive rights in Washington, D.C. Thousands of women and men gathered at the Lincoln Memorial to celebrate their victories and to warn legislators of the impact that the pro-choice vote will have in future elections. Ursula Hanson, a senior at Colgate University who attended the rally, said "It was comforting to go to a rally where everyone was there for the same purpose. For me, seeing the monuments, the American flag and the signs 'My life, my choice' was really potent. I thought, how can they inflict a law that prohibits abortion on us?."

The movement to limit abortion rights has fostered more attempts to place restraints on women's control over their bodies. Groups of prosecutors, physicians, and some prospective fathers have attempted to intervene in pregnancies to guard fetuses against dangerous behavior or abortions by pregnant mothers. In Florida, a woman was arraigned on charges of

providing drugs to a minor when her baby was born with cocaine in its system. Men have argued that they have a legal stake in fetuses and have sought to block their wives or girlfriends from obtaining abortions. A Florida judge recently refused to grant a ten day delay to a woman sentenced to sixty days in jail who wanted an abortion. The judge asked the woman, who was three months pregnant, if she wanted a continuance so she could murder her baby. These legal assaults on behalf of fetuses have furthered the debate over where to

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Although public attention is focused on the right to abortion, discrimination and sexual harassment continue to be of major concern to women.

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draw the line between mothers' control over their bodies and the rights, if any, of the unborn.

Although public attention has recently focused on the right to abortion, other issues, such as discrimination and sexual harassment continue to be subjects of major concern to women. Irene Chang's article addresses gender discrimination at law schools within New York state and asks students to provide descriptions of any such incidents at BLS.

Discrimination against women in education and employment still exists although it is more subtle, and harder to prove. In a split decision last term, the Supreme Court ruled that when a plaintiff in a Title VII case demonstrates that her gender played a role in an employment decision, the employer may avoid liability by proving by a preponderance of the evidence that it would have reached the identical decision, without taking the employee's gender into account. The plaintiff, Ann Hopkins, sued Price Waterhouse when she was denied partnership despite an excellent track record that surpassed her male colleagues who were promoted to partner. Price Waterhouse partners had described her as "macho" and suggested that Hopkins "walk more femininely, talk more femininely, dress more femininely, wear make-up, have her hair styled, and wear jewelry." By placing the burden on the defendant of proving that its employment decision would have been reached despite gender considerations, the plurality opinion appears to make it more difficult for employers to win lawsuits accusing them of sexual stereotyping. The case raises the troubling proposition, however, that a prominent company still expects women to be "lady-like" in order to be promoted.

Women not only confront employment barriers owing to such stereotypes but continue to face sexual harassment in the workplace. Catherine Broderick's case provides a striking example of such treatment. Broderick sued the SEC in federal district court claiming sexual harassment and discrimination. She continued working at the SEC while the suit was pending although she was denied promotions and was threatened with termination. Finally, the district judge concluded that Broderick was the victim of sexual harassment by at least three supervisors and that the workplace itself violated federal discrimination laws. The judge further found that "Broderick couldn't get ahead because her bosses were so busy conferring job benefits on the women they were socializing or sleeping with."

Although Ann Hopkins and Catherine Broderick have won their suits, the Supreme Court has seriously undermined employees' ability to prove discrimination under Title VII. The court's decision in *Wards Cove Packing Co. v. Atonio* held that the overall race or sex based effect of a challenged practice could be ignored unless the employee met the burden of proving the impact of the employment practice and showing how it caused discrimination. In addition, the Court limited the use of statistical data in proving bias. This major shift in employment bias law will clearly make it more difficult for women to prove discrimination in the workplace.

Furthermore, the Supreme Court's decision has already been relied upon in a Third Circuit opinion upholding a company's fetal protection policy which barred pregnant women and women capable of bearing children from factory positions

that involved excessive exposure to lead. The court deemed the issue of fetal protection so important that the Third Circuit ruled *en banc*. The 7-4 vote, cast by the eleven male judges, outraged women's rights advocates who criticized the opinion as "exclud[ing] whole categories of higher-paying union jobs from [gender] integration". A dissenting opinion cautioned that if the majority was right, "20 million industrial jobs could be closed to women, for many substances, in addition to lead, pose fetal risks".

The Third Circuit's bias in favor of the unborn and even the unconceived was stark, especially since the defendants admitted discriminating against fertile women. Discrimination against women in the legal system can, however, take subtler forms as Hayley Greenberg's article on Elizabeth Morgan reveals. A Virginia judge sent Elizabeth Morgan went to jail for two years for contempt of court when she refused to allow her daughter to visit her ex-husband for fear he would sexually abuse the child. Despite what appeared to be substantial evidence pointing to abuse, Dr. Morgan was forced to choose jail rather than than permit her daughter to visit her ex-husband.

As the following articles indicate, women's rights to fair treatment in the workplace and at schools, to have control over their bodies and their lives, have been jeopardized. Legal protection of these rights has been diminished, leaving women open to discrimination that until recently seemed part of the past. However, as the panelists at the forum on reproductive rights indicated, women can and will fight back. We can no longer take these rights for granted.



# L.A.W.: This Year's Women's Rights Forums

by Amy Rhodes

The Legal Association for Women is bigger and busier than ever. As one of the most active student groups at Brooklyn Law School, LAW's goal is to provide a mechanism to address women's issues in law school, in the profession, and in the world generally. With a strong core of veteran second and third year students, and the welcome addition of a large number of first year students this year, LAW is working to fulfill this goal in a variety of ways.

The first major event sponsored by LAW this year was a forum on the implications of the recent U.S. Supreme Court decision of *Webster v. Reproductive Health Services*. That decision essentially limited the rights of women recognized in *Roe v. Wade*, to choose abortion, by giving states the power to legislate those rights away. The forum was chaired by Professor Elizabeth Schneider and included four prominent speakers in the national and state pro-choice movements.

Louise Melling of the ACLU Reproductive Rights Project spoke first, discussing three cases currently pending before the U.S. Supreme Court which "start where *Webster* left off." The three cases challenge the constitutionality of statutes in Illinois, Ohio, and Minnesota and present yet another opportunity for anti-choice activists to appeal to the mostly conservative Supreme Court to overturn *Roe*. Barbara Schact, current Chair of the New York State Coalition for Choice, which is connected with the New York Civil Liberties Union, spoke about the history of the Reproductive Rights movement. Schact reminisced that in the beginning of the movement, the fighters were mostly men because women were still generally considered second-class citizens.

NOW Legal Defense Fund's Alison Weatherfield presented a call-to-arms to stop taking legalized abortion for granted. She noted that before abortion was legalized in the early 1970's, the subject was shrouded in silence. "Legalizing

abortion empowered us to talk about things essential to our lives," she told the group. "The movement to take that right is censorship of our life decisions and censorship of our speech." Weatherfield was followed with a caveat from Vernice Miller of the Center for Constitutional Rights who explained that the fight for reproductive rights is often divided on

Enforcement Clinic, and Judith Reichler, director of the New York State Commission on Child Support. The forum was a lively discussion with an overflowing room of students and others interested in the implications of the Act. The Alternative Careers forum included speakers Joan Levenson, Jane Ezersky, and Jane Laver-Baker, who each shared

## Legalizing abortion empowered us to talk about things essential to our lives

race and class lines. Miller emphasized that the ability to obtain a legal abortion is essential to women of color, culturally and economically.

As Professor Schneider noted at the beginning of the forum, women are facing a turning point in the future of their right to choose. All of the speakers emphasized this and encouraged the audience to continue the fight. To support the movement, LAW sponsored a bus which carried a contingent of Brooklyn Law School students to Washington D.C. for the November 12 NOW/NARAL Rally for Reproductive Rights.

Two other successful events sponsored by LAW this semester were a forum on alternatives to traditional legal employment, cosponsored by the Placement Office, and a forum on the recently enacted child support guidelines. The Child Support Guidelines forum featured Professor Caroline Kearney, who heads the BLS Child Support

their experiences in non-traditional legal employment.

LAW's upcoming events include a forum co-sponsored with the Gay and Lesbian Students Association and the National Lawyers Guild concerning Domestic Partnership Legislation, a forum on women judges, a discussion of feminist jurisprudence and LAW's continuing series of "rap groups" where advice is offered to first year students on dealing with the pressures of law school. Finally, LAW plans to fill March, which is Women's History Month, with a variety of informative activities relating to women in the law. Notices publicizing LAW activities are always posted on bulletin boards throughout the school. Anyone requesting further information should leave a note in the LAW box in the SBA office.

# GENDER BIAS AT LAW SCHOOLS?

by Irene Chang

On November 4, 1989 attended a day-long forum at Fordham University entitled "Women in Legal Education," sponsored by the New York State Bar Association's Committee on Women in the Law. The forum covered various topics of special concern to women with particular emphasis on gender discrimination occurring at a number of law schools in this state. Among the many speakers, Brooklyn Law School Professor Elizabeth Schneider spoke on the need for courses on women such as her course "Women and the Law." Professor Lucinda Finley of SUNY Buffalo Law School urged incorporating topics and caselaw of concern to women such as DES, loss of consortium for wives, and informed use of birth control pills into a course like Torts. Professor Gail Wright of Pace Law School lectured about the history and status of minority female law professors. Lastly, Dean Abbie Thorne of Georgetown Law Center talked about new and old hiring practices and career choices for women law students.

I was appalled by much of what I heard during the lectures and discussions because I truly believed that I was not experiencing such discrimination. I

believed that Brooklyn Law School, which Professor Mark Barenburg of Columbia Law School cited as having the state's second highest percentage of female faculty overall and the third highest percentage of female tenured and tenured track faculty, was different. However, at the end of the day it was apparent to me that a great deal of bias is very subtle and I became very unsure of my earlier sense of safety from gender bias. I began to wonder whether I was experiencing the common problem of perceiving that discrimination affected other women but that it did not affect me.

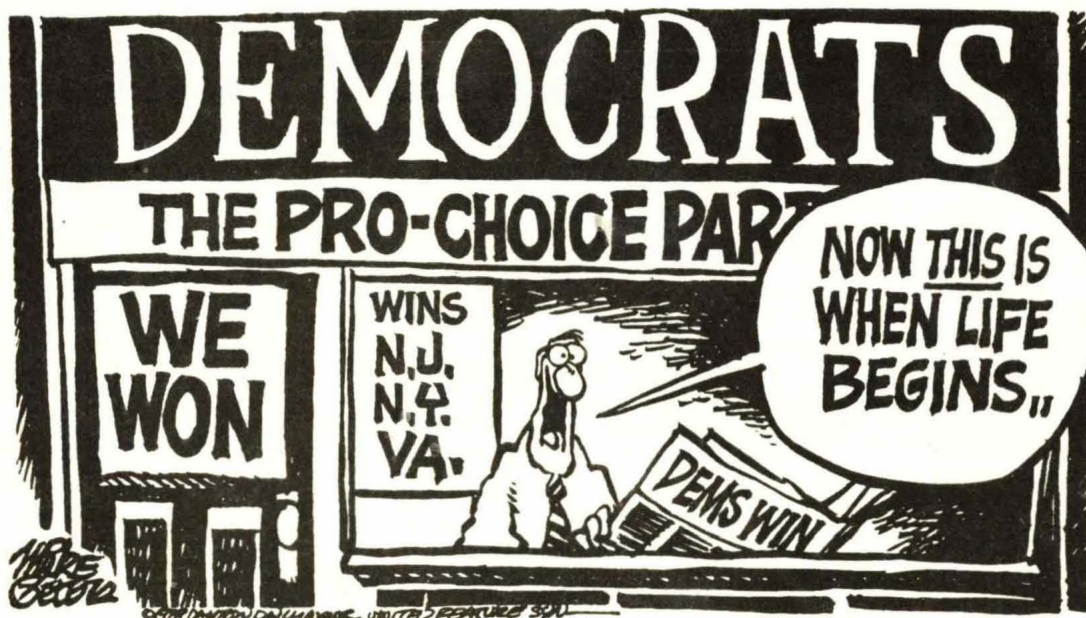
I pondered these thoughts as I rode the train downtown and I came to the conclusion that I may feel insulated from sex and race discrimination at Brooklyn Law School because of the relatively diverse and representative student body. I feel fortunate to have both the opportunity to take courses given by and approach prominent and sympathetic faculty, particularly Professors Margaret Berger, Maryellen Fullerton, Marsha Garrison, Beryl Jones, and Elizabeth Schneider.

I continue to wonder whether I was wrong in believing that gender bias is not occurring at Brooklyn Law School with

the same frequency as at other law schools in the city, since I must rely on the impressions of my peers at the other law schools. I would like to hear from my Brooklyn Law School classmates. I would like to follow the example set by the Gender Bias Task Force at Columbia Law School which compiled over seventy anecdotes of student encounters with gender bias. If anyone has experienced gender bias at Brooklyn Law School, please submit a brief description of the "incident" to my box or to the Legal Association of Women (L.A.W.) box in the Student Bar Association Office (Room 302). We plan to assemble a list similar to Columbia's in order to inform the students, as well as the professors, about the status of gender bias at Brooklyn Law School.

In addition to this effort, the S.B.A. has added a question about gender bias to their Course Evaluation Forms. The forms are being distributed to all courses which were not evaluated in the last round of faculty evaluations.

I hope these efforts will work to inform the Brooklyn Law School community and to help us preserve the image I hold of Brooklyn Law School as a more sensitive and comfortable environment for women and minorities.



## A WOMAN'S PERSPECTIVE:

# THE ELIZABETH MORGAN CASE

by Hayley Greenberg

In September 1981 Dr. Elizabeth Morgan met Dr. Eric Foretich, a Fairfax County, Virginia, oral surgeon. They were married in January 1982. This was Eric's third marriage. According to Morgan, after news of their marriage appeared in a local gossip column, "he knocked me down and kicked me because he didn't want Susan to know about it-he was sure she would want more alimony then." Susan was his second wife.

Morgan left him in August 1982, one week before the birth of their daughter, Hillary. After nine months of custody battles it was decided that Hillary would get alternate weekends unsupervised with her father. According to Morgan, when she began to notice strange symptoms in Hillary, she brought Hillary to various doctors. By the time she was 2 1/2 years old they still could not determine what was wrong with her.

In January 1985, Hillary allegedly described sexually explicit acts to her mother. Additionally, Hillary supposedly performed or simulated sexual acts. Morgan reported it to the psychiatrist Hillary was seeing, and he in turn notified the Department of Social Services. A social worker was sent to see Hillary and her older half-sister whom I will call Jill. Jill's father was Eric, but her mother was Susan. The social worker supposedly concluded that Jill had been abused, and that Hillary probably had, but she could not be sure because Hillary was so young. In the ensuing court proceedings, the Fairfax County Court left visitation rights of Jill up to her psychiatrist. However, the D.C. Superior Court which controlled Hillary sent her to visit with her father for unsupervised weekends. She screamed that she did not want to see him, and on one occasion she yelled for twelve hours.

Morgan decided to take pictures of Hillary reenacting the abuse in order to help show that Hillary was being abused. She gave one picture to the court for an exhibit, the other was given to the social worker. Someone unfamiliar with the case

received the picture and sent it to the D.C. Police Department. They attempted to prosecute Morgan for child pornography. The case was sent to the U.S. Justice Department who decided not to take any action. While this was going on Morgan began to defy visitation orders, and spent several days in jail. She also initiated a federal case against Foretich. Her lawyers told her that in order to stay out of jail she would have to let Hillary visit Foretich alone. She agreed.

By the summer of 1987, twelve experts had examined Hillary, ten concluding she had been, or had possibly been, molested. Among them were veteran clinical psychologist Mary Froning, who said the abuse was "some of the worst I have ever encountered." Detective Sam Williams of the D.C. Sex Squad, who interviewed Hillary after an alleged episode of rape, called Morgan's jailing "a travesty." Pediatrician Charles Shubin of Baltimore's Mercy Hospital, an authority on the physical signs of molestation, found identical scars on Hillary's half-sister.

The abuse apparently continued. Two pediatricians at Georgetown Hospital confirmed that her vagina was inflamed and called the police. Hillary cried that she did not want to see her father, and her therapists also objected to the visits. Detective Wilson, who interviewed her, was not allowed to testify. Judge Dixon, who had been handling the case with Hillary, possibly felt there might be a conflict as the pornography investigation was still going on.

Morgan said Hillary became preoccupied with suicidal thoughts. She allegedly asked how to open a bottle of pills, wanting to know if she would die if she took them and would then not have to see her father.

A turning point came for Hillary in August 1987 when she was put in hiding by Morgan who surrendered to the court. Morgan was jailed in an allegedly secret contempt hearing which neither her lawyer nor witnesses on her behalf were allowed. While this was going on Judge

Dixon still had a standing court order to turn Hillary over to her father when found.

Morgan remained in jail for about two years without having been convicted of a crime. She lost her practice, and was in debt for nearly two million dollars. But she also announced repeatedly that she would stay in jail until the year 2000, which is when Hillary would turn 18.

Foretich maintained his innocence and had specialists who backed him up. Catherine DeAngelis, M.D., deputy chairman of the Department of Pediatrics at The Johns Hopkins University, found nothing to indicate vaginal penetration in Jill and felt that Hillary's injuries could have been self-inflicted. Foretich maintained that there was a conspiracy against him by his second and third wives. He also passed a lie detector test on his innocence.

In December 1988, there was another hearing before Judge Dixon to try and free Morgan. He decided to sustain the contempt order. It was a three day open habeas corpus hearing and there were many witnesses and experts testifying. Morgan's lawyer observed that almost sixteen months of imprisonment had failed to coerce her into divulging the whereabouts of her daughter. He asked for her to be released, or to be charged with a crime, and tried before a jury of her peers. He said he would keep her in jail for as long as necessary. In a related federal court trial in Virginia, a U.S. Court of Appeals ruled that Hillary's and Jill's statements were "trustworthy" and should have been admitted into evidence. The court also ruled that the "testimony of the doctors and other witnesses were sufficient to justify a finding that the child had been sexually abused" and that "had the jury been allowed to hear of the other sister's very similar injuries, the doctor's explanations would no longer have been so plausible."

In May 1989 the D.C. Court of Appeals ordered another hearing to determine whether Morgan's jail sentence had been punitive, as opposed to coercive. Her brother was subpoenaed and asked

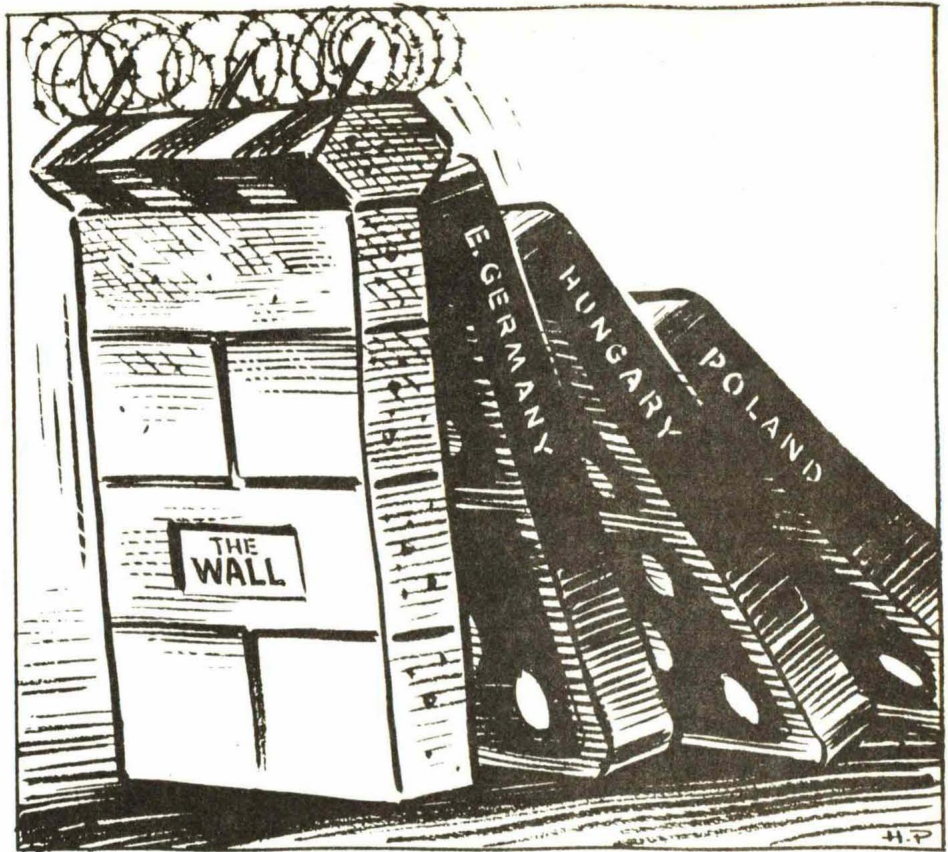
questions about Hillary's whereabouts. He would not answer. Judge Dixon made it clear that a contempt citation and jail were possible.

In June, Judge Dixon said he would not release Morgan. The case then went to the Court of Appeals, which would rule on the constitutionality of her jail sentence. While this was going on there were related bills in the House and Senate limiting the jail term for civil contempt. On September 23, a bill was signed by President Bush, and on the 25th Elizabeth was freed.

Hillary has been a fugitive now for two years, and Morgan has not yet seen her. Although Morgan is out of jail, Hillary is no better off.

Put yourself in Morgan's shoes, if you can. What would you have done?

A support group that has helped from the beginning is "Friends of Elizabeth Morgan". They are located at P.O. Box 2724 Merrifield, VA 22116. Their # is (800) 888-MRGN. Recently a legal defense fund has been set up, which can also be reached at the above location.



# POINT/COUNTERPOINT

## Right On!

by David Markhem

It isn't often that one gets to see women's issues bandied about in the pages of an illustrious publication as *The Justinian*. Actually, what one doesn't get to see is a balanced portrayal of the issues involved. Regardless of the particular matter at hand, one will always hear of the trials and tribulations of molested, battered, discriminated women. One doesn't hear the moral or ethical considerations of the particular issue. Instead, we are subjected to a barrage of guilt and ideological pummeling, designed to cower us into silent assent. Unfortunately, that is as close to an argument as one can expect from those with an agenda to fill and political axe to grind. The articles in this *Justinian* are an example of this trend.

In this *Justinian*, tragic characters are trotted out will nauseating predictability, calling forth the most unsubtle sympathies and destroying any chance at a rational discourse aimed at solving the real problem at hand. No one denies that there are still people who stupidly discriminate against women. But does it help solve a particular problem to endlessly portray the society as an immense conspiracy? Does it help to appeal to paranoia?

This tendency to go for the emotion is one that is well entrenched in journalism. In fact, journalists have fine-tuned the tactic (or have been fine-tuned by others) for the thirty-second soundbite just through that method. Issues are no longer discussed and problems are no longer solved. Instead, we resort to name-calling and finger-pointing. It is no longer the goal to find a solution to the problem. Just grabbing attention to the problem, regardless of how biased the attention, is sufficient.

In addition, it can no longer even be "politically correct" even to suggest opinions to the opposite. Say that you are for parents taking care of their own children and you have daggers aimed at all of your vulnerable parts. Say that you are pro-life in the abortion debate and you are called an oppressor of women. Under such conditions, problems will fester and spread, not from lack of attention, but rather from a malaise of reason.

## Not Left Behind!

by Marella Tem

Perhaps it is not too unexpected in this post-Reagan era of Bushdom to find that Neantherdal instincts are still alive and well in those who wish to set women back into caveMAN days. We are called upon to discuss issues of dignity and privacy, self-worth and equality in a calm, detached manner. Such tactics are designed to lead us to the desired goal of servitude and discrimination. It is impossible to consider human values in an inhuman light. Draining the life blood of humanity from definitions of humanity can only lead to a sterile machinelike assessment of what is "right."

We are asked today to consider the moral and ethical considerations of women's issues without considering the historical oppression that women have had to suffer throughout history. We are asked to consider women's issues without considering the background of the problem, the depth of the inequalities, the societal handicap that first must be overcome before even approaching the issue with any clear eye. We are asked to believe that we are thinking when our minds will be tied and bound by years of oppressive training.

No doubt there are those of us who have been so angered by the insensitivity of the more "patient" people that we become sharper in our attacks than all together necessary. However, the fact that some arguments are stridently declared does not disavow them of validity. Calls for rational discourse often have the hidden purpose of quieting calls for change and redress. We are asked to be patient as more of us are hurt, more of us are left bleeding. Not only in body, but also in the mind. Not for women, but also for men. Not only this generation, but our children's generation. Waiting is a luxury paid at the expense of prolonged suffering.

If those who wish rational discourse are so intent on discussing views which oppose the end of inequities, let them bring out their arguments. Let their strawmen be set forth. It is not that it is no longer "politically correct" to oppress women. It is that an enlightened people can no longer see validity in the arguments that oppress.

# The BLS Senior Citizen Law Office

by Ted Deignan

"Learning law in a classroom had become boring. Where else could I test and improve my lawyering skills right now, and have somebody say 'Thank you for what you've done for me.'? It's real life!", is the way one student describes her first semester at the Elderly Clinic. Research and writing, everyday use of CPLR and evidence, oral advocacy, negotiating and preparation for a new and exciting field of legal practice are just some of the benefits mentioned by present and former students when asked what they've learned during their tenure at the clinic.

BLS Legal Services - Senior Citizen Law Office is a full-time firm of four attorneys and two office assistants with offices in lower Manhattan and at One Boerum Place. Marc Finkelstein, a Professor at Brooklyn Law School, is the Director and Managing Attorney of the office. It is also the site of the Elderly Clinic, part of the wide-ranging clinical experience available to Brooklyn Law School students. The Senior Citizen Law Office operates under a contract with the City of New York to provide free civil legal services to residents of Manhattan over the age of 60. The Senior Citizen Law Office is not required to choose only indigent clients, but it remains the law office of last resort for many of Manhattan's elderly when other hard-pressed legal services offices have reached

their client limit.

"I enjoy negotiating with other lawyers and pressing for a fair settlement for my client." Students handle their own case load, working together with each attorney in the office. Negotiating the settlement of a case requires knowledge of the substantive law, the desires of the client, what you are willing to give up and what your client must have. Students are prepared to negotiate settlement agreements over the phone or in the hallways of court. When cases cannot be settled easily, students research and write motions, participate in discovery, and prepare memoranda of law for the attorney. Many students learn the value of a persuasively written letter while at the Clinic.

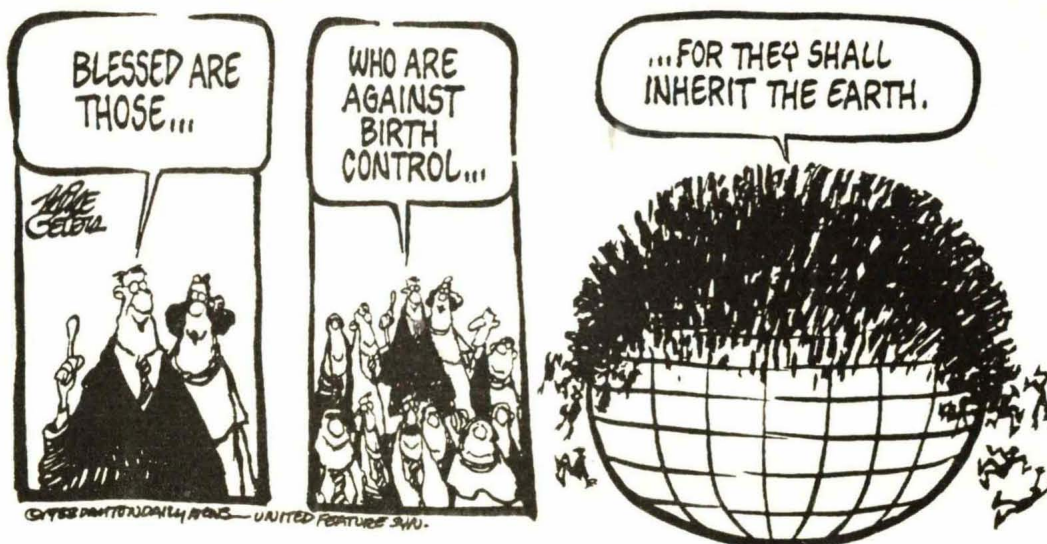
The Senior Citizen Law Office practices at all levels of the state and federal judicial system including courts of the County of New York, State of New York, U.S. District Court for the Southern District of New York and the Second Circuit Court of Appeals. A recently graduated Elderly Clinic student argued his client's joint bank account dispute with The Social Security Administration before the Second Circuit in October. Due to a split between Circuit Courts, the issue is likely to be considered soon by the United States Supreme Court.

The Frail Unit of the Elderly Clinic is run by Oscar S. Straus III, a former Elderly Clinic student who decided to

remain in the field of Elderly law. It operates out of the Clinic Offices on the third floor of One Boerum Place. The Frail Unit specializes in the legal needs of homebound elderly, including nursing home law and primary residence housing cases, and practices often in Family Court. In addition, it operates the Wills Program, which gives students the opportunity to gain practical knowledge about wills by drafting and participating in the execution of wills for clients.

"I find the legal issues facing older people, including changes in federal Medicare law, age discrimination, and job opportunities challenging. I would also like to be able to handle the legal problems of older people close to me. Now that I've learned an entire field of Elderly law exists, I'm thinking of concentrating in the area when I finish law school." Within the last decade a growing network of Elderly law attorneys has sprung up around the country in response to inflation's impact on fixed retirement income, cutbacks in federal and state spending, and the nation's increasing percentage of people of retirement age. Professional associations exist on the national level, as well as in New York City, where several private firms concentrate their practice in this burgeoning area of the law.

The Senior Citizen Law Office gives law students the opportunity to practice legal skills, establish professional connections and the opportunity to provide valuable assistance to fascinating clients who truly need and appreciate the help.



## ALUMNUS SPOTLIGHT:

# GERALDO RIVERA

by Daniel Tam

He has been noted as one of the most controversial television personalities today. His show and its topics, ranging from Neo-Nazi skinheads to marriages between older men and younger women, have been criticized as “sensationalism.” Yet, he always manages to pull in a solid audience rating. Prior to having his own show, he was a tough news reporter in New York for WABC-TV from 1970-1974, during which time he exposed the intolerable conditions at Willowbrook, a Staten Island mental hospital. He was also the host of *Good Night America*, as well as a reporter for *Good Morning America* and the news show *20/20*. To top it off, he is a 1969 graduate of Brooklyn Law School. He is **Geraldo Rivera**, and I spoke with him recently about the law, his career, and his future.

**Q:** Geraldo, please tell me how you felt about the quality of the education you received at BLS?

**Geraldo:** I felt it was excellent. The professors I had were as good as any at any institution.

**Q:** After graduation, did you go straight into journalism?

**Geraldo:** No. As soon as I left BLS, I received a fellowship in poverty law administered by the University of Pennsylvania. I spent the summer after graduation there and at Haverford College, working for the Community Action for Legal Services.

**Q:** Now is that when you began defending the Young Lords?

**Geraldo:** Yes, it was at the Legal Services office that I ran into the Young Lords for the first time.

**Q:** What were your duties at the Legal Services office?

**Geraldo:** I was very active in both the civil rights and the anti-war movements, and I perceived their (Young Lords) activities as being part of that. So, I became one of their representatives. They were doing a lot of high-profile demonstrations, including marching on the United Nations. They seized a building in East Harlem, demanding free hot breakfasts for the community kids and free lead-paint poisoning treatment, among other things.

**Q:** Was it always your intention to go into journalism when you graduated from law school?

**Geraldo:** No, not at all. It was totally by chance. I happened to be representing the Young Lords in one of their more notorious takeovers — a church complex on 11th Street and Lexington

Avenue — and the *Today* show came by several days in a row. I became a spokesman for the group, and was thrust on TV that way. Through that, the news director at WABC-TV phoned me and asked if I would consider changing my profession. I guess I was discovered, really. I had never thought about [journalism] before that.

**Q:** Did you think, when you began at WABC-TV, that you would be a journalist for so long?

**Geraldo:** No. Since I had changed my career plans three times between the ages of twentythree and twentysix, I didn't think that I had yet discovered my life's work. But by the time I did the Willowbrook story (in 1972), I was pretty convinced that I had found my niche in life.

**Q:** How do you feel about the fact that news reporters, in general, try to remain unemotional in reporting the news, considering you quoted yourself as being “passionately involved” in your stories?

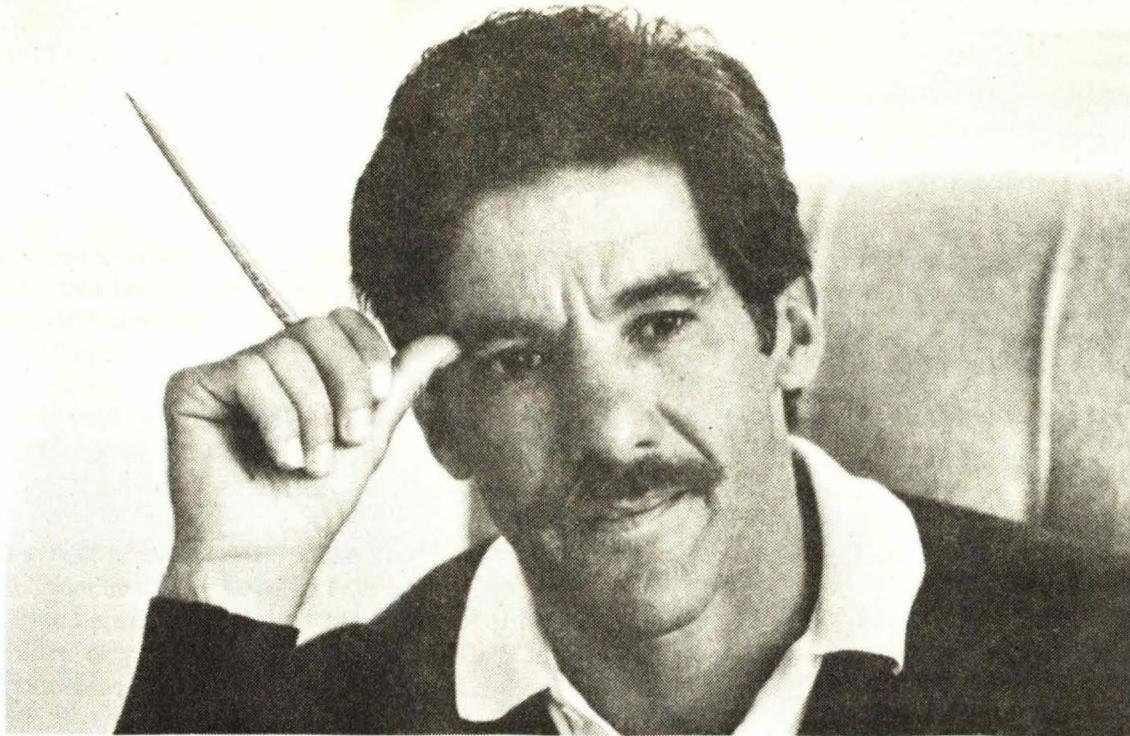
**Geraldo:** I don't think that having a false demeanor necessarily lends any truth or credibility to a story. I think it's kind of a phony pretension. Obviously, all of us have — whether you're Walter Cronkite, Edward R. Murrow, Upton Sinclair, or Geraldo Rivera — feelings about most issues. To disguise the feeling is, to me, dishonest. To pretend a neutrality we don't feel, and in some way influence the thrust of the story — I think that's much more dishonest.

**Q:** Let's talk about your show, “Geraldo.” You recently did a show about homeless children. Do you feel that there is a lot that we, in the legal profession, can do to help reduce this problem?

**Geraldo:** Well, I lament the passing of the old “pro bono days,” when Wall Street firms were very active in sending young associates to represent people who needed first-class representation, but could not afford it. As the legal profession has moved away from that, I think its perception has been tarnished. There is definitely a perception now that the legal profession is selfish, greedy, if not outright dishonest.

**Q:** Let me throw a statistic at you and get your feelings on that. According to a NALP study, of the members of the graduating class of 1987, nationally, about three percent went into public interest jobs.

**Geraldo:** It doesn't surprise me at all. I would like to see a return to the days twenty years ago when pro bono was at its peak.



**Q:** Another show dealt with a man who murdered his wife's rapist and was sentenced to life imprisonment without parole. What are some problems you feel exist within the criminal justice system?

**Geraldo:** Well, I do feel that a certain amount of punishment is necessary. For every crime there should be a punishment. But a murderer in New York City serves an average of nine and a half years in prison, and these are murderers without any good motive. The man who murdered his wife's rapist has already been in jail for seventeen years, and his wife and children are suffering on the outside. What he did is something that in days gone by, would have been regarded as a righteous act. I feel that the system is skewed against minorities, against poor people with poor representation. I also think that we should look at the way judges are being selected. Another problem is that the system is overburdened. It is breaking down by virtue of the sheer volume, and I think that the result is mediocre justice at best.

**Q:** What show stands out most in your memory, and why?

**Geraldo:** There are so many, but I would have to say the show we did on child abuse, which was around the time that Lisa Steinberg was killed. I held up a girl to the camera who weighed about forty pounds, and asked the audience to guess how old she was. Most guessed about four or five, when in fact, she was fifteen years old. She was the product of abuse. Everyone was overcome by tears. I think that we made a statement in presenting this show. Those are the programs which do some good. Of course, I do a lot of programs which are just pure fun, but I also do my fair share of programs that are necessary, relevant,

important, and are the ones which I remember the most and the ones which I care about the most.

**Q:** Do you find it hard to switch between shows with the hard-hitting issues, and those shows which you call just "pure fun?"

**Geraldo:** No, not really. When you sit down to read the Sunday paper, the first section you'll read will be about the tense international situation, in the "Metro" section you'll read about a local crime, and in the "Arts & Leisure" section you'll read something that might be comical. I like to cover these broad range of topics, and once I get into a topic, I'm into a topic with my full attention and will take it as far as it goes.

**Q:** What does the demise of the Morton Downey Jr. show have upon talk shows such as yours?

**Geraldo:** I think that it's taken the heat off of us. He was so outrageous, and so extreme that he brought down a lot of scrutiny and a lot of pressure, particularly on me. My critics finally had someone to group me with, and I was held in a very negative light. Now that his show is gone, I'm where I should be, being compared to Oprah [Winfrey] and [Phil] Donahue. While I do not lament his passing, I hope he finds a comfortable situation.

**Q:** Did you feel any racial barriers existed when you began your journalistic career?

**Geraldo:** Sure. On one hand, I applaud the fact that I was the product of an affirmative action program. I definitely would not have been hired at the time I was hired [by WABC-TV] if I was not a minority. But I feel that I would have had a much easier time within the corporation had I not been a minority. Getting

hired was easier. But advancement, rapport with my colleagues, and my position vis-a-vis the journalistic establishment were made more difficult, I suspect, by the racial component.

**Q:** What advice would you give to future BLS Alumni who are considering a career in journalism?

**Geraldo:** I think that the law is a superb background for journalism, not only because of the case method, but also because the logical progression in building a legal case parallels almost exactly the telling of a story. There have been documentaries that have been styled exactly like courtroom presentations. I think its a superb background that also gives you a lot of career options. The three years I spent at BLS were three very valuable years, and has given me a foot up on my colleagues in this business in terms of preparation, and of my knowledge of libel, slander, trespass, and privacy. The knowledge is invaluable.

**Q:** You just established a scholarship at BLS for Hispanic students. What motivated you to establish it and what do you hope is accomplished?

**Geraldo:** By the time I was in my second year in Brooklyn, my grades were in the top five percent and I received a scholarship. Although it didn't get me out of debt, I wasn't put further into debt, so I always appreciated that. Recently, I've been reading statistics showing that with the burgeoning of the Hispanic population, when compared to the number of Hispanic lawyers, there is a woeful underrepresentation of Hispanic people in the legal profession. While the Hispanic people approach fifteen percent of the population, we represent approximately one percent of the legal profession. I feel that there should be more minority lawyers generally, and more Hispanic lawyers specifically.

**Q:** Finally, how much longer do you want to continue what you're doing now, and what would be ahead for you if you decided to stop being a talk show host?

**Geraldo:** I don't really know. I'd like to have a twentyfive to thirty year career. I'm in my twentieth year right now. I've started to write again. I wrote four books in the 1970s, but none in the 1980s, and I'd like to get back to book writing, and accelerate that as I slow down my present career.

**Q** HOW MANY POLES  
DOES IT TAKE  
TO CHANGE  
THE WORLD?..

MIKE  
GELER

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# Forum on the Changing Definitions of Family

by Inge Hanson

The concept of "the family" has changed dramatically since the days Beaver Cleaver came home to find his mother standing over an immaculate stove, a strand of pearls around her neck, while Ward worked at the office with the other fathers.

A forum on Domestic Partnership Legislation and the Changing Definition of Family addressed the forces shaping these changes and the evolving notions of family within a legal and social context. The panel included William B. Rubinstein, staff counsel to the Lesbian and Gay Rights Project of the American Civil Liberties Union, Paula L. Ettelbrick, legal director of the Lambda Legal Defense and Education Fund, and Janet Erizv, assistant counsel of the Mayor's Office for the Handicapped.

The traditional family consists of a husband, a wife and minor children. While this concept remains unchanged, the reality of family life is different: only 27% of U.S. households consist of two parents with children, down from 40% in 1970. There has been a recent move among gay and lesbian couples to declare themselves "domestic partners" to enjoy the tangible benefits marriage confers upon husbands and wives. William Rubinstein traced the roots of the domestic partnership movement to three developments initiated by the gay and lesbian community. First, he stated that the effort to repeal sodomy laws spoke to a couple's right to "express themselves privately in the bedroom." Despite the Supreme Court decision in *Bowers v. Hardwick*, which permitted state legislatures to criminalize sodomy under the Constitution, 50% of the states have abolished sodomy laws.

Second, the civil rights movement led to attempts to pass statutes protecting gay men and lesbians from discrimination and to afford them benefits enjoyed by the heterosexual community. At the federal level, however, this move has proved unsuccessful; only the District of Columbia, Wisconsin and Massachusetts provide statewide protection to

homosexuals. However, a number of cities, including Ann Arbor, Michigan, Madison, Wisconsin and recently New York City, have passed local ordinances affording some protections to the gay and lesbian community.

Rubinstein stated that the third element which led to the developing concept of "domestic partnership" was public and legal recognition of non-traditional couples. Several strategies have emerged with respect to redefining the traditional couple. The move to legalize gay marriages fifteen to twenty years ago was "laughed at" and has never been resurrected. (However, this fall Denmark has become the first country to permit gays to marry, and it is predicted that other countries will soon follow.) A second approach, which has earned greater acceptance, is attacking traditional notions of the "family" by expanding the term to encompass partners involved in non-traditional relationships. For instance, in *Braschi v. Stahl Associates Co.*, 544 N.Y.S. 2d 784 (1989), the New York Court of Appeals recently held that gay—as well as unmarried heterosexual couples—are the legal equivalent of a family with respect to rent control regulations. The court reversed an appellate division ruling that upheld eviction proceedings by a Manhattan real estate firm against a gay man whose long-term partner had died of AIDS. According to Rubinstein, who argued the case, the court concluded that a gay couple who had lived together for seven years, "looked like a family, talked like a family, and acted like a family, so let's treat them like one." The decision is the first in the country to recognize the legal legitimacy of a homosexual relationship. Rubinstein stressed that *Braschi* will be an important precedent in other legal contexts beyond simply rent control legislation.

Rubinstein concluded by examining the issues that legal recognition of relationships outside marriage has for both homosexual and heterosexual couples. He asserted that marriage provides couples with certain protections

and benefits "with no questions asked"; marriage itself is proof of the couple's commitment. Domestic partnerships, Rubinstein explained, are at the other extreme since couples must prove their emotional and financial commitment to each other. Moreover, he said that it is still unclear who a domestic partner is and what benefits he or she is entitled to. The concept of a family should be a flexible one lying somewhere between marriage and domestic partnership.

Paula Ettelbrick's talk expanded upon the disparity between the rights accorded to married as opposed to non-married couples. Certain rights and benefits attach to marriage which non-traditional couples do not enjoy. According to Ettelbrick, the reason why San Francisco voters failed to endorse an ordinance entitling gay couples to register their relationships was because the proposal was largely symbolic: registration conferred no rights or benefits. "San Francisco teaches that there must be benefits and privileges attached [to domestic partnership legislation] for the concept to succeed," she stated.

Ettelbrick illustrated her point with vignettes depicting the discrimination that non-traditional couples face in their daily lives. A gay man whose long-term, live-in lover had been brutally murdered was unable to take advantage of the New York Crime Victims Compensation rule which provides free counseling to spouses and dependents of victims. The man was denied counseling since he was neither a spouse nor a dependant. Since the purpose of the law was to compensate persons close to the victim, Ettelbrick stated that this application discriminated against non-traditional couples.

Couples involved in non-traditional relationships are also at an economic disadvantage in relation to persons considered to be part of a family unit. According to Ettelbrick, 30-40% of a worker's compensation comes in the form of fringe benefits such as health insurance.

(Continued on Page 38)

# There Ought To Be A Law...

By Joe Accetta

"The Subways: We're Coming Back, So You Come Back." This is the Metropolitan Transit Authority's catchy new slogan, designed to lure commuters back into the subway. The MTA proudly promotes its fleet of new and rebuilt cars, its spanking new state-of-the-art stations, and its track replacement program in a spirited effort to increase ridership. How else can the MTA justify the fare increase, effective January 1, 1990. Is this fare increase fair?

Undoubtedly, subway travel is an integral part of New York City life that so many people take for granted. I have been riding the subway regularly since I began high school ten years ago. Throughout high school, college, and law school this semester, I tackled many homework assignments along various Queens, Brooklyn and Manhattan subway line. Sometimes, I use the 40-minute ride to collect my thoughts, to rest, or just to observe the different stations and surroundings as I ponder: what do I get in return for the hard-earned money that goes toward this subway fare?

"Step back, let 'em out first. Step lively, watch the doors," shouts a man, wearing a fluorescent orange vest, into his bullhorn. I'm perched on the extremely busy Grand Central/42nd Street platform. I skipped this train, but I planted myself for a door position, along the platform's edge, for the next one.

Look around. The missing tiles on the grimy walls remind me of a half-completed jigsaw puzzle. Overhead drainpipes drip rusty water, and after a heavy rainfall, a fast-rushing rivulet usually forms in the track bed. Rats often line up along the silver rails and watch crumpled potato chip bags and cigarette packages float by and jam the drains. Here, rats scurry across the garbage made of wrapper, junk, etc., scamper under the third-rail, and make their way to their subway home.

The express, (screeeeching around the bend,) grinds to a halt. Ornery mobs huddle around the doors, whilst exiting

passengers force their way through this human wall amidst grumblings and glares. "Enough already!" shouts an elderly woman, as the masses squeeze onto the train. I wonder how those doors every close, but there always seems to be room for one more person.

Whew! Made it. Let's see, what can I do. Read something. Yeah, that's a good pastime. No, I can't take out my newspaper. The other day a well-dressed man, with elbows extended, opened *The*

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## Maybe I'd be better off driving.

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*Wall Street Journal* as if he were sitting at his breakfast table. His newspaper lay right against a brawny construction worker's face. The burly worker gently tapped our reader on the shoulder and said, "Excuse me, pal, but would you mind getting your paper out of my face?" Barely raising an eyebrow, the reader calmly replied, "I'm trying to read, do you mind?" I thought, "This is a brave man. Not very bright, but brave nonetheless."

The construction worker grinned, cleared his throat, and announced, "Excuse me, everybody, but this guy needs more room to read his paper. Could everybody take a deep breath and hold it so that he has enough room to read?" Suddenly, countless pairs of eyes descended upon the reader, who quickly folded up his paper and stashed it into his briefcase. He soaked up the wrath of the crowd by standing silently and motionless until the train arrived at 14th Street, where he slunk away. Score one for the blue collar boys!

Wait, what's that garbled message?

"We have a red signal due to congestion ahead. We hope to be moving shortly." Sure, you've heard that before. Get comfortable. After I became bored with reading the ads, I spotted those little red circles with the red slash across the item within the circles - the Ghostbusters insignia - warning riders, "Do Not Lean Against the Doors." Heeding to this warning is physically impossible at or near rush hour.

How about "Do Not Ride Between Cars." I remembered when a rider was trying to get off the train by leaping through the gates in between cars. Suddenly, a hand appeared, fully extended to help our man escape via this illegal short-cut. He seized the offered hand, leaped - a perfect touchdown! He looked up to thank the man extending the arm. He paled. It was a Transit police officer with his summons binder ready. Score one for the guys in blue!

"Move along man, let's go, move along," shouted another officer, as peddlers, packing up and clutching their assorted wares, grudgingly leave the platform. It must be crackdown day - no sales allowed today. The peddlers retreat into the dark, dingy halls, where vagrant's cardboard beds are strewn across a pedestrian passageway. These persistent peddlers - unconcerned with the Uniform Commercial Code set up shop amidst filthy rags and soiled newspapers. They prepare to battle the subway's legion of homeless persons for this valuable real property.

As police officers follow the peddlers down the hall, they roust the homeless along the way. It seems to be another "harass the homeless" campaign, the police carry out periodically. It's strange to see a defenseless person at the mercy of a smug policeman. I see how these people live, yet, I still become annoyed when they bother me for some spare change. In fact, I often wonder if some of these characters work with walkie-talkies, because every time I part with some loose change, I'm greeted by three or four others by the time I reach the next block.

Anyway, it's a strange feeling to both pity and resent someone simultaneously. These people don't belong here, but where else can they go?

(Continued on page 25)

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## Shakespeare and the Law

# The First Thing We (won't) do, is Kill All The Lawyers.

By P.J. Brackley

*(This column will regularly explore a different issue pertinent to the law found in William Shakespeare's plays.)*

Wherever there are law students, there are always one or two wearing a T-Shirt proudly displaying the quote, "The first thing we do, let's kill all the lawyers." Directly beneath the quote resides perhaps the name of the world's most misquoted author- William Shakespeare. Although Shakespeare's plays are replete with legal references, courtroom trials, contracts, and other law related topics, attempting to use the above quote to malign lawyers and the legal profession is, as Mark Antony says of the misued and bloody body of Caesar, "The most unkindest cut of all". The fact is, although Shakespeare may have written the words, he did not say them. Whenever one interprets Shakespeare's plays, one must always look to the character who speaks the line and the particular circumstances under which the line was said to gather the precise meaning.

This process is similar to the ever raging debate about "original intent" in interpretation of the United States Constitution. Do the words themselves spring to life to aid us in times of trouble or is the language only a vehicle for other forces, such as the intention of the "Framing Fathers"? These are, of course, extremely difficult questions to answer and one optimistically retreats from them at best by offering, "A little of both!". This satisfies our important link with past traditions.

When interpreting Shakespeare, this two-pronged test for meaning is crucial. The quote as it was spoken by the particular character, when considered in historical context is the exact opposite of an insult to lawyers. The line implies that

"killing all the lawyers" would be a service to society and that the extermination of the profession is an end worthy of pursuit. The correct interpretation of the line proves that this is far from the truth.

The line appears in **King Henry VI, Second Part**, (Act IV, Scene ii). This play is one of three of Shakespeare's chronicles of the War of the Roses (1455-1487). This period of English history

and does not belong in truncated form on anybody's T-Shirt or spoken at any conference relating to lawyers' perceived lack of ethics.

The rebellion has taken some shape amongst the commoners and Jack Cade assumes de-facto command of the "poor and ragged troops". It must be noted that this rebellion should not be considered worthy of praise. The terms, "poor and

## Shakespeare's use of legal terminology and imagery sets forth a positive illustration of law.

was noted for its political instability as a result of rebellion and internal strife. The divided Houses of Lancaster and York were vying for the toppling crown. As is often the case in wars of nobility, the "common" person was often caught in the middle of a power struggle which would not change much of the world of the poor and propertyless. In Shakespeare's play, the Duke of York attempts to incite the common folk to rebel and manipulates Jack Cade, a surly and uneducated fellow to lead the rebellion. Cade of course is a classic example of Shakespeare's characterization of the "natural rogue" with a sour disposition and an evil intent. The precise dramatic context in which this line was said by Dick the Butcher in response to Cade's tauntings, emerges as the strongest piece of evidence refuting that claim that lawyers are a social menace. The dramatic context actually illustrates that Cade's line is in fact most complimentary to our chosen profession

ragged" do not refer to a force of egalitarian hopefuls attempting to reach the ears of the cruel king. These "poor and ragged" troops are no less than drunken miscreants attempting to break the sacred and solemn bond between a divine King and his people. Those who gunned down Martin Luther were insurgents and had some cause, but were clearly most foul and reprehensible; such is the dramatic intent of Jack Cade and his fellow rebels. Cade enters Scene ii full of revolutionary fervor and speaks to his "good people" about his vision of a "reformed" England. Of course, his vision makes room for disorder, social chaos, and leaves out any stabilizing force or code. Cade promises the throng, "There will be no money; all shall eat and drink on my score; and I will apparel them all in one livery, that they may agree like brothers, and worship me their lord." To this claim, Dick the Butcher replies, "The first thing we'll do, let's kill all the lawyers!". As soon as this line is said a

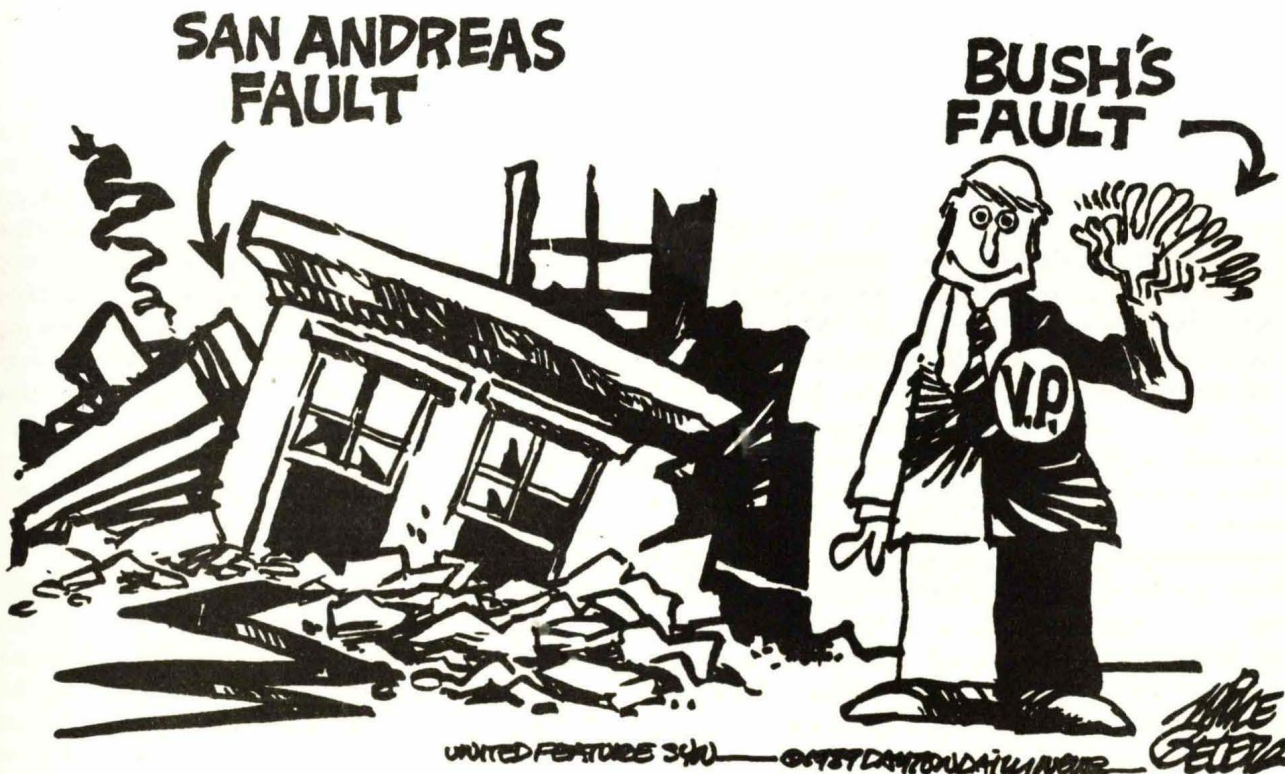
group of the rabble drag forward one known as the Clerk of Chatham. He is brought forth by one of the revolutionaries for sentence because, "he can write and read, and cast account", "and make obligations and write courthand". At this admission, Cade incites the crowd to a virtual riot and says of the educated man, "Away with him, I say! Hang him with his pen and inkhorn about his neck."

Clearly, Cade's irrational fear of those who can read and write and interpret laws indicate that lawyers were perceived as stabilizing forces in society who aided the dispensation of justice and social cohesiveness. Cade's killing of this law clerk is a dramatic symbol of all those things he fears most in an organized and stable society. His indictment of lawyers serves also as a compliment to lawyers because of the lack of credibility and total irrationality of the man speaking the words. Shakespeare never said "Let's kill all the lawyers", it was Dick the Butcher, the same man capable of aiding in the killing of a totally innocent person-just for being able to read and write. The greatest irony of all is that Cade, Dick the Butcher, and their misbegotten rebellion

ended at the London Bridge where all of them were hanged and "left for crows to feed on". So much for wanting to kill all the lawyers.

It could be argued that the line certainly must have some negative connotation, or else it wouldn't be there in the first place. This argument should fall frighteningly short of any success, because as all lawyers and law students should know, it is only the circumstances around which an event occurs which yield the complete truth. Words alone cannot be bent and shaped beyond their dramatic context to suit the needs of the interpreter. If Shakespeare is still the target of the interpretation, it is quite significant that he allowed this line to spring from the mouth of one whose cause was hopeless and irrelevant. The line really speaks to lawyers as those who bind the society and check and balance the rights of everybody. Those who would seek to trample the rights of others, kill innocent people, and lead lives of self interest don't want lawyers around anyway. The next time you see one of those T-Shirts, laugh to yourself and listen for the squawking of the hungry crow.

Generally, Shakespeare's constant use of legal terminology and imagery sets forth a positive illustration of law in society. In fact, Shakespeare's characters often gape in wonder at the linguistic cleverness and agility of lawyers. The power and control of language is in fact a lawyer's creative genius, as it was Shakespeare's. As we will see in the coming articles, Shakespeare's creative exposition of the law significantly informs the workings of modern legal machinery. A look down Court Street in Brooklyn yields the image of a busy and flourishing society with hordes of lawyers flowing through its veins. The Supreme Court, the Criminal Court, and the Family Court, play out daily, the drama of man in conflict with man, seeking redress through law. Like Shakespeare's plays, the law is sterile and inactive unless driven from the textual page and placed in the capable hands of lawyers. Shakespeare's plays may be read with interest and pleasure, but their purpose lies on the stage through actual and physical representation. The workings of the law, Shakespeare informs us through his plays, is substantially similar.



# Cheap Date with a Loser

by Nancy Silverman

What kind of guy would take a nice Democrat from New Jersey on a date to the Rudy Giuliani election night party at the Roosevelt Hotel? Just so the loser won't be too embarrassed at his Republican proclivities, I won't reveal his identity. But since election night this year was a first in New York City history, I thought I would share with you my impressions of an evening at the loser's party (meaning Giuliani, not my date).

We geared up for the party at my anonymous date's house with a couple of beers. While we wiled away the time until we could make a fashionable entrance at the losing camp, we tuned into election night coverage on one of the major networks. At approximately 9:05 p.m., five minutes after coverage began and the polls had closed, the networks had predicted Dinkins as the new mayor of our fair city. "Really," I said to my date, "Must we go to a party with a bunch of crying Republicans to see a man who is incapable of exhibiting any emotion other than nervousness?" Well, as the remainder of this article will attest, my cruel and unusual date made me go anyway.

We arrived at the hotel at about 10:00. We fought our way into the party, desperately searching for the nearest bar. We located one but since there was no such thing as a free drink and the line was as long as the lines at the polls at 8:00 a.m. on an election day morning, we decided to head back down to the lobby. We figured we could get a drink there in peace, not be shoved around by Republicans and watch the goings on on TV until it seemed like Rudy would make his concession speech.

Of course, no one at the party was smart enough to realize that Rudy would be making a concession speech. As we made our way back downstairs we overheard numerous people confiding in their friends that they just knew Rudy was going to win. They didn't care that the numbers flashing on all of those big screens were just the raw numbers and

they obviously couldn't remember the night when raw numbers also initially showed Koch as the big winner of the Democratic primary. Well, we couldn't be concerned with these misguided souls because we were still in search of a drink.

We settled ourselves comfortably into the love/hate seat near the bar and watched the hordes of other people who were also obviously fed up with the party upstairs. The bar was populated by young

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Probably one of  
Rudy's  
more charismatic  
moments.

---

investment bankers who didn't want to mix with the riff-raff Republicans upstairs. A number of people wandered over to our table to chat. One man, who we believed ardently wanted to talk politics really just wanted to eat our basket of pretzels. Between mouthfuls, he explained that Rudy was a sure bet. We didn't try to dissuade him. At that point, we just hoped he'd leave us a few pretzels. A middle-aged woman wandered over and we attempted to make conversation with her. We tried to discuss with her the fact that the candidate she'd come to support was going to lose. She seemed unimpressed and kept saying, "It doesn't matter. It doesn't matter." What didn't matter we never learned.

To tell you the truth, the service at the bar was no better than at the party, so we figured we better get up there and start checking out the scene so I'd be able to write this fascinating story for *The Justinian*. If possible it was even hotter upstairs than it was before. Over and over "When the Saints Go Marching In" was being blared at top volume over the PA system. Half of the room was occupied

by news people and their equipment. The other half was filled with people of all variety — there were the Hasidic Jews, sure that Rudy would never let Jesse Jackson come to town again; the proud Italians anxious to have an Italian New Yorker, other than a member of La Cosa Nostra, in the limelight; elderly people sure Rudy would help stop all of those mean people from robbing them for drug money; and the Republicans who no one usually sees since they're so outnumbered in the big apple. One man held a sign that said "RUDY IS GREAT" on one side and "RUDY ES GRANDE" on the other. "WE LOVE YOU RUDY" was another big sign slogan.

By 11:00 the crowd was still pretty confident. And by then they had more reason to be. Rudy was not taking the beating everyone had been predicting for so long. Though polls had shown Dinkins would win by at least a ten point margin, if not as much as eighteen points, Rudy really seemed to be closing ranks.

As I walked out of the main party room to get away from "When the Saints Go Marching In," a middle-aged man rushed up to me. Before I knew what was happening, he threw his arms around me, shouted, "It's after 11:00 and we're still going strong baby!" and kissed me wetly on the cheek. Obviously, I was disgusted and spent the next few moments vigorously rubbing the spit off my cheek. Nevertheless, I was amazed. These people were real Rudy-believers. I don't know what I expected from an election night party. I suppose I thought there would be a lot of fellow Democrats there, wondering what happens at a Republican election party. But no, this was the real thing; this was a huge room full of New Yorkers getting excited about a Republican.

Finally, a little after 11:30, Rudy gave in. The crowd didn't want to hear it. Rudy kept telling them to quiet down so he could get on with a speech that he'd probably known he was going to be giving for quite some time. I must say it was probably one of Rudy's more charismatic moments. He actually seemed to be

excited. But why was he acted excited now, I wondered, after he'd already lost. Why didn't he muster up some of this excitement and positive feeling during the campaign instead of being Mr. Dour/Negative the whole time. Maybe, I thought, Rudy is coming into his own. Admittedly he still used enough cliches to fill the offices of White & Case, but maybe by the time his next election rolls around, and he made it clear that there will be one, he'll be a more effective candidate. Although when you get right down to it, he obviously did a pretty good job this time around; 47% of such a Democratic city is not too shabby. P.S. Don't forget to tune in to future columns of "Cheap Date with a Loser". We do it all the time.

*(Continued from page 20)*

I feel the knot in my stomach tighten as I grapple with these mixed emotions. I seethe at the sight of these vagrants when they're sprawled across subway benches, but my anger subsides when I realize that the only alternative is a park bench on a cold night.

Maybe it's a good sign that after ten years, I haven't become immune to these all-too-common sights. Being exposed to this isn't pleasant, but it certainly puts things in a proper perspective. After all, subway travel is a constant reminder that this city has a serious quality of life problem.

Finally, as I push the turnstile with my hip, I sigh with relief - another trip has ended. Tired, aggravated, distressed and somewhat confused by it all, I've arrived here, ready to tackle another day of briefs, outlining, and other tasks that have become as much a part of my life as my daily subway ride.

I guess, all things considered, a buck and a quarter isn't so bad. After all, the subway gets you there - eventually. Yet, if all the improvements amount to are merely cleaner and brighter places for rats to scurry, vagrants to sleep, peddlers to peddle and angry throngs to gather, then I'm not entirely certain that these improvements are worthwhile.

Maybe I'd be better off driving.....No, I'll save that issue for another day.

# 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

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

# The ImageIndex<sup>®</sup> For Men

## Test Your Potential for Getting Ahead.

The following test is based on the probability of making the best first impression on the greatest number of people in business and professional situations. To take the test, simply circle the number opposite the entry that best describes you. Then, total up your score according to the directions below, and gauge your Image Index.

### SHIRTS

1. Long-sleeved, all-cotton, white, striped or pastel.
2. Button-down oxford, any color.
3. Short-sleeved, or anything that is wash and wear.

### TIES

1. All silk with a subtle pattern or stripe.
2. Knit ties.
3. Clip-ons.

### SUITS

1. Traditional single-breasted, navy or grey pinstriped, expertly tailored and well-pressed.
2. Designer double-breasted, with bold patterns or weave, molded to body.
3. Prefer sports jacket and slacks.

### SHOES

1. Classic dress shoes that tie, always freshly shined.
2. Usually casual, rarely shined.
3. Don't think about shining shoes.

### SOCKS

1. Mid or over-the-calf, brown, navy or black.
2. Mid or over-the-calf, textured or patterned.
3. Ankle length, dress or casual.

### FACE

1. Always clean-shaven.
2. Have a well-groomed mustache or beard.
3. Not always clean-shaven.

### HAIR

1. Regularly cut in a conservative style.
2. Sometimes need a haircut.
3. Always worn in the latest avant-garde style.

### NAILS

1. Groom at least once a week.
2. Clip and clean nails occasionally.
3. Bite regularly.

### JEWELRY

1. Classic style watch, leather or metal band.
2. Wear a sporty watch.
3. Don't usually wear a watch.

### HANDSHAKE

1. Firm with both men and women.
2. Firm with men and limp with women.
3. Squeeze hard to show superiority.

### EYE CONTACT

1. Make frequent eye contact.
2. Not comfortable looking at someone often.
3. Normally look around the room or at feet.

### POSTURE

1. Usually stand and sit erectly.
2. Don't pay much attention.
3. Tend to slouch.

**How to Score Your Image Index:** Give yourself 6 points for every #1 answer, 3 points for every #2 answer and 0 points for every #3 answer. If your total score is:

54-72	Congratulations, you're on your way.
36-53	You're on the right track, but have some work to do.
18-35	Careful, you may be sabotaging your chances of getting ahead. There's still hope, though.
0-17	You've got a real problem. Without immediate action, your chances of making a good first impression are virtually nil.

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# The ImageIndex<sup>®</sup> For Women

## Test Your Potential for Getting Ahead.

The following test is based on the probability of making the best first impression on the greatest number of people in business and professional situations. To take the test, simply circle the number opposite the entry that *best* describes you. Then, total up your score according to the directions below, and gauge your Image Index.

### BLOUSES

1. Long-sleeved, silk or cotton, solid or small print, with conservative necklines.
2. Oxford cloth shirts with bows.
3. Lace and ruffles, sheer fabrics or plunging necklines.

### SUITS

1. Classic cut, navy, grey or black, made of quality fabric and well-fitted.
2. Coordinating jacket and skirt in complimentary colors.
3. Never wear suits.

### DRESSES

1. One or two-piece, natural fabric, classic styling, long sleeves, in navy, grey or black with a jacket.
2. Same as above, without a jacket.
3. Ruffled, sheer or mini-dresses.

### SHOES

1. Dress shoes, always freshly shined.
2. Casual or dress shoes, rarely shined.
3. Don't think about shining shoes.

### MAKE-UP

1. Lightly applied to enhance features and coloring.
2. Don't always wear make up.
3. Applied heavier so that everybody notices it.

### HAIR

1. Classic style, well-groomed, shoulder length or shorter.
2. Generally groomed, no particular style.
3. Wear latest style to stand out.

### NAILS

1. Manicure at least weekly.
2. Occasionally file and groom.
3. Wait until nails are chipped before polishing.

### JEWELRY

1. Regularly wear one or two important pieces.
2. Wear small, barely noticeable jewelry.
3. Wear as much as possible.

### PURSES/BRIEFCASES

1. Carry one well-shined classic leather bag for everything.
2. Carry a well-organized briefcase and a purse.
3. Briefcase and/or purse is always overstuffed.

### HANDSHAKE

1. Firm with men and women.
2. Only shake when a hand is offered.
3. Don't shake hands.

### EYE CONTACT

1. Make frequent eye contact.
2. Not comfortable looking at someone often.
3. Normally look around the room or at feet.

### POSTURE

1. Usually stand and sit erectly.
2. Don't pay attention.
3. Tend to slouch.

**How to Score Your Image Index:** Give yourself 6 points for every #1 answer, 3 points for every #2 answer and 0 points for every #3 answer. If your total score is:

- |              |  |
|--------------|--|
| <b>54-72</b> | Congratulations, you're on your way.   |
| <b>36-53</b> | You're on the right track, but have some work to do.   |
| <b>18-35</b> | Careful, you may be sabotaging your chances of getting ahead. There's still hope, though.                              |
| <b>0-17</b>  | You've got a real problem. Without immediate action, your chances of making a good first impression are virtually nil. |

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# HEARD ON JORALEMON STREET

By James Sherman

Entente...Munich..."Peace in our time..."...September 1, 1939, Danzig and the Polish corridor....revisionist history or history revisited? Try to picture the events of 1938-39, just prior to the outbreak of World War II (WWII), arguably the most significant event in world history. Unable to preserve the status quo "imposed" upon Europe by the Treaty of Versailles in the face of a resurgent and militaristic German National Socialist Party, or Nazi, seeking lebensraum, England and France committed a series of strategic political blunders which plunged the world into war.

The Anschluss of Austria was no real shock; the Austrians were more fervent Nazis than the Germans themselves. This fact was recently reconfirmed by the election of that good old Nazi Kurt Waldheim as Austrian president. For their part, the French recognized the accelerating dissolution of the Versailles plan and attempted to contain the "German problem" through a series of alliances with any country that would sign up. The problem with the French was their perennial inherent weakness which left them powerless to conduct an independent foreign policy. Facing continental pressures, especially after the remilitarization of the Rhineland, France needed England's guaranty for any meaningful alliance system.

England, partly out of reluctance to enter a war over an eastern European country, partly out of a vague affinity or admiration for Nazi Germany, and partly because of the sheer idiocy of

Prime Minister Neville Chamberlain's foreign policy of "appeasement," engaged in a series of political deals with Hitler which ultimately shaped the timing and relative strength of the two sides on the eve of war.

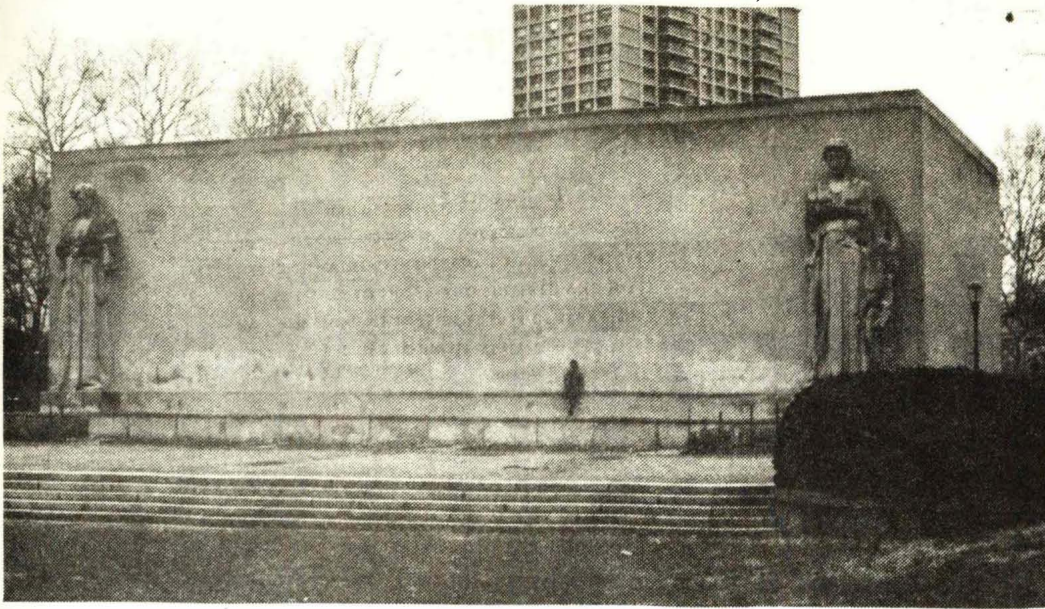
In 1938-39, somewhat behind and against French promises to the contrary, England forced Czechoslovakia to lie down to Hitler and deal away their homeland. This event, the "rape" of Czechoslovakia at Munich, represented the point of no return. History reveals that Chamberlain's belief that Hitler was rational and that by handing over Czechoslovakia to him his land appetite would be appeased with a concomitant end to his military threats was clearly wrong. Without a shot fired, Germany took over the only army in Europe capable of standing up to it in 1938 as well as what was considered to be the most productive and coordinated military-industrial complex in Europe. This strategic triumph allowed Hitler, completely unready for war in 1938 to start WWII a year later. Hindsight, the looking glass of history, reveals that war over Czechoslovakia would have been a better bet for the allies than war a year later over Danzig.

Next on the list of events in 1938-39 came Danzig, a city of ethnic Germans separated from Germany by the Polish corridor. Danzig was next on Hitler's acquisitions list. Again, the French tried to draw the line but were helpless without the British. At this juncture in the events leading to WWII, Chamberlain attempted

his own misguided shuttle diplomacy. At the time, both England and Germany were trying to cut a deal with Stalin: Germany to avoid a two front war, England to create the spectre of one for the German generals. The Poles, having witnessed the rape of Czechoslovakia, were determined not to suffer the same fate. In the end, after Germany and Russia signed the Russo-German non-aggression pact, Chamberlain made a vain attempt to salvage any kind of peace in Europe he could in the same way he had at Munich: he called in Mussolini to broker another rape. Mussolini refused.

World War II began on September 1, 1939, when the German army rolled into Poland. For the entire century prior to the outbreak of general war, German ascendancy had been a constant destabilizing force on the historical power and geographic arrangements that were Europe. English and French foreign policy, singularly reactive to Hitler's series of threats and land-grabs, accelerated a crumbling political system into war over Danzig.

Look again. The post WW II allied division of Europe is crumbling. As of this writing, the communist party in Czechoslovakia has agreed to write out of their constitution that clause which requires the communist party to lead the country. The Berlin Wall has fallen with East Germans making weekend pilgrimages to West Berlin for food and electronic products. Chancellor Kohl of West Germany has called for reunification as Bush



The author stands  
by the Cadman  
Plaza Monument

and Gorbachev meet in Malta. Only Bulgaria clings to the past. The Russo-American imprimatur on Europe is being erased by the daily demonstrations of hundreds of thousands of rank and file eastern Europeans. Communism as a political economic system is terminally hemorrhaging. The cold war is having heat flashes. United States Senators are talking of not when but where the money from defense cuts will be reallocated. One of my generation wonders if the unraveling of the post WWII European security arrangements is as fast and significant for future world events as the events that led to WWII.

Well, it all looks harmless enough at the present time. Germany, Japan, and Italy, the axis powers of WWII, are all experiencing unprecedented economic growth. Unlike the worldwide depression in the early 1930s that pounded the rest of the world even more than the American depression did America, our enemies in WWII are prosperous to say the least. In fact, it is not all together inconceivable to label the Japanese as the victors of the third world war. Under these circumstances, it is hard to believe any

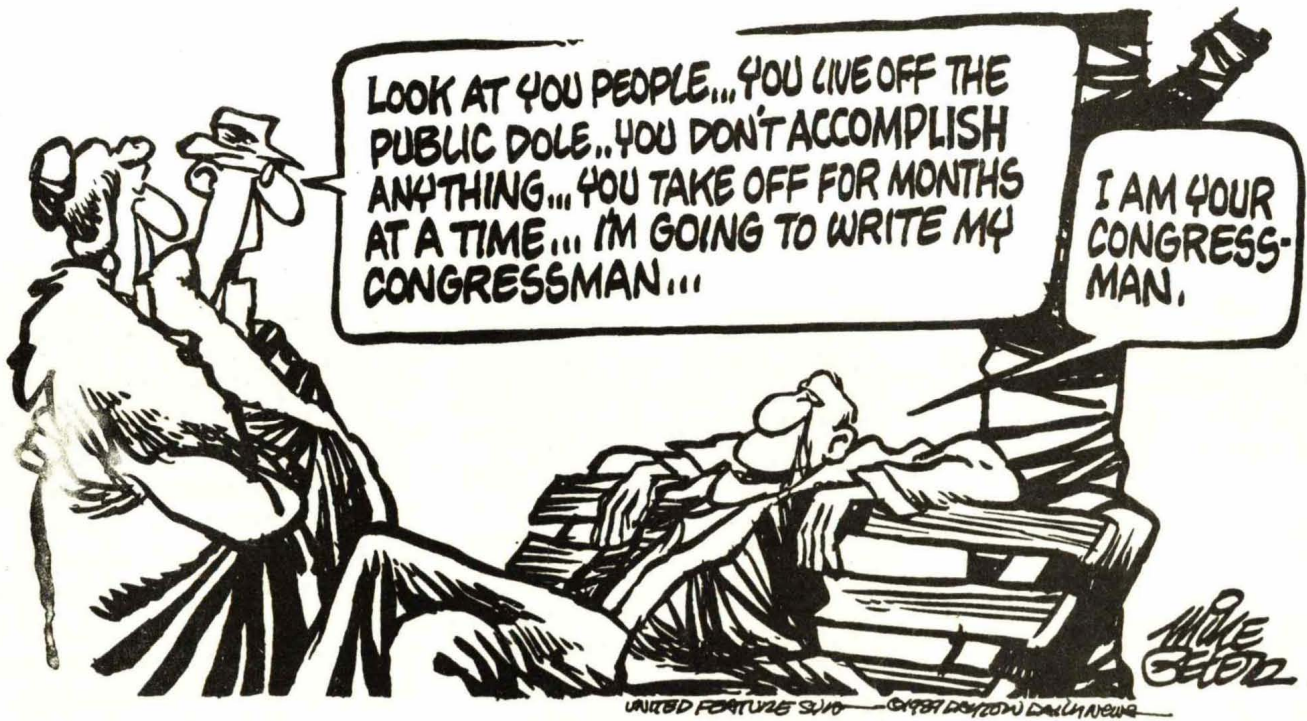
right-minded German, Italian, or Japanese capitalist would ruin the party by letting a nationalistic nut onto the political stage. As well, given the ever-expanding United States budget deficit and the cry from the cities for increased federal funding for social programs, many Americans as well as their elected representatives are eager to stop underwriting European and Japanese defense. Senators spend Sunday mornings telling the press where they think the money should be refunneled.

Not one to throw cold water on a party, I should only like to point out that in 1918 the victors of World War I did not think they would be fighting another world war twenty-one years later. Will the world economy be bouncing along at six percent G.W.P. (gross world product) twenty-one years from now? Probably not. So am I saying we should deny a unified Germany? No. But what I am saying is that the inescapable lesson of history, twice repeated in the last seventy-nine years should not be cast aside with such alacrity. This is especially so when, whether you like it or not, the present superpower division of Europe has gotten us

to the point where local nationalistic groups are reasserting their identities, a direct refutation of the system that has kept Europe at peace for forty-four years. A political system analysis would conclude that with the dissolution of the superpower-enforced peace in Europe, there will be a corresponding increase in the number of variables in the power calculus. This can only increase the chances of division and confrontation. Hence, before we allow the pent-up dissatisfaction of millions of communist workers to undo what has at the least preserved the peace in Europe for forty-four years, we should re-read the writings on the Berlin Wall and proceed prudently.

Which brings me to another point. While what's going on in eastern Europe, the situs of two world wars in this century, is all well and good, the press as usual has neglected to provide on-going coverage of some of the true political horrors of our time. In the rush to sell newspapers featuring East Berliners standing on top of the Berlin Wall and Gorbachev getting religion at the

(Continued on page 33)



# The Life of a Sports Agent

by Inge Hanson

What is a sports agent and how can one get into the business? Steve Kauffman, of the Philadelphia law firm, Kauffman, Heck & Berenbaum, addressed these questions at a talk sponsored by the Sports & Entertainment Law Society. Kauffman has the credentials to speak about sports agents: He recently negotiated a six-year contract worth \$16 million for John Koncak of the Atlanta Hawks. The contract startled the sports world due to the disparity between the multi-million dollar salary and Koncak's career average of 6.2 points and 6.1 rebounds. Commenting on the Koncak negotiation, Kauffman said he's "between a rock and a hard place. I could say Koncak's a great player or that I did a great job." Kauffman's client list includes Ron Darling of the New York Mets, Eddie Lee Wilkins, Pete Myers, and Brian Quinnett of the New York Knicks, and Tree Rollins of the Atlanta Hawks.

Kauffman explained that he became a sports agent because he was "in the right place at the right time." His first job after

graduating from the University of Pennsylvania Law School was in the tax department of a "Big Eight" accounting firm where an agent asked him to prepare the tax returns for ten players. His experience with the agent left him with the strong impression that many sports agents lack both integrity and ability. "There are some good agents but many are not very good."

Kauffman got a couple of breaks, one of which was meeting Marty Blackman, one of the first player agents. Blackman told him three things about being an agent: First, if you work hard and have integrity you can become an agent; second, you will never enjoy sports as an agent in the same way you do as a fan; and third, athletes don't understand time zones -- you have to be there for these guys all the time. Kauffman said Blackman was right on each count. For instance, watching basketball is different now that he is no longer just a fan. "I don't want Patrick Ewing to get hurt, but I know that if Ewing can't play my client

Eddie Lee Wilkins will get a chance on the court." Kauffman added that he purposely stayed out of pro football since he enjoys watching the game as a fan.

Kauffman's second break was serving as Commissioner of the Eastern League which later became the Continental Basketball Association. He met Charlie Criss, one of the "first little guys", and convinced Ted Turner to give him a chance with the Hawks. Through his relationship with Criss, Kauffman got several referrals. "The hardest thing is to get new clients; people don't come beating down your door." Although Kauffman has acquired most of his clients through referrals, he has recently started to recruit players.

Kauffman provides a broad range of services to his clients beyond simply negotiating player contracts. He says that many players prefer to funnel all their affairs, whether business or personal, through one person. Therefore his is involved in practically every aspect of the player's life which includes contract negotiations, endorsements, tax returns, travel arrangements, financial and estate planning in addition to any sort of legal issue that comes up, such as domestic relations. In short, Kauffman does "just about anything" for his clients.

According to Kauffman, a law degree is one of the qualifications necessary to perform these services effectively. He stated that the language in the collective bargaining agreement regarding the basketball salary cap is extremely complex and reads like the IRS code. He added that although the media has said sports agents don't need anything, not even a college degree, he believes that without legal training an agent could do "great harm" to his client. Kauffman also stressed that negotiating skills are essential to being a good agent. Apart from experience, he recommends books such as *Getting to Yes* and also seminars on negotiation. He believes plotting a negotiating strategy is essential to the job.

Kauffman stated he might not have pursued his career if he had known how difficult it would be to become a sports agent. He said, however, that people will remind him he has a great job that many wish they could do. "I'm glad I persevered," he added, "It's a fun job."



# Brooklyn Law Student Runs For Congress

Commentary by Howard Graubard

City Councilmember Sal Albanese (D-Bay Ridge), an Evening student at BLS who will be graduating in February, has declared his intention to run for the Congressional seat which will be vacated in January by Staten Island Borough President-Elect Guy Molinari.

Albanese, a City Councilmember since his election in 1982 currently represents the Brooklyn neighborhoods of Bay Ridge and Dyker Heights as well as portions of Bensonhurst, Sunset Park, and Borough Park. His district Substantially overlaps with the Brooklyn portion of the Molinari district, which also includes the entire Borough of Staten Island.

Whether Albanese can win is somewhat problematic. It is undeniable that he is held in high regard. A poll of City Hall insiders by the Daily News chose Albanese as the City's 4th best Council Member (out of 35). In his own District Albanese made New York Election history this year by managing to poll over 9,000 write in votes during his primary for renomination after his petitions had been found invalid by the Board of Elections for technical reasons. Albanese has a history of winning by large margins in what is regarded as the City's most conservative Council District despite a record that is considered relatively liberal (at least for Bay Ridge). His support for antidiscrimination legislation in the area of sexual orientation makes him a true profile in political courage.

However, being the best candidate will not be enough, and

this district is not necessarily the ideal terrain for Albanese. 70% of its population resides in Staten Island. While Albanese's Brooklyn base is probably as close a match as any area could be to Staten Island ethnically, ideologically, economically, culturally, and politically, this may not be enough. Staten Island has always been thought of as one of the City's most parochial areas, and recent events have served to enunciate this. The recent charter changes have taken away the Borough's leverage on the City's Board of Estimate. This has caused a political upheaval that has given rise to a movement for succession from the City that probably has overwhelming support among the Borough's population. Such an atmosphere has amplified the Borough's already strong suspicion towards outsiders (an antipathy best symbolized by the inane one way toll Molinari forced onto the Verrazano, thus screwing up traffic for miles through lower Manhattan and West Brooklyn).

It is almost certain that Albanese will not be chosen to be the candidate of his own party in the upcoming special election. State law and party rules combine to leave this choice in the hands of Staten Island's Democratic Party leadership. They will almost certainly chose a candidate from Staten Island, as will the Republicans. Albanese would have two choices; to bypass the special election and wait until the September Democratic Primary for the full term, or to run as an independent in the special election.

An independent candidacy would be based upon the hope that in a low turnout race, with strong Brooklyn support he would slip through with a minority of the votes against divided Staten Island opposition. His chances in such a race would be improved if additional candidates from Staten Island also run. Given the Staten political wars in both of Staten Island's parties, as well as the unpredictable dynamics of special elections, and the egos of politicians eager for a chance to run for an office without having to give up their current job, this is not an implausible scenario. Albanese may be able to win such a race.

Holding the seat after such a victory would be a bigger problem. Having won Albanese would face a September primary, and if he survives it, a November general election. In the primary divided Staten Island opposition is highly probable, but in the general Albanese would likely have to run head to head against a Staten Island based Republican. This would be a difficult fight even as an incumbent. While immediately moving to Staten Island would help, the odds would strongly favor the Republican. Since if Albanese wins the special election he would give up his four year term on the City Council, this strategy would entail a major risk. But Albanese is nothing if not gutsy, and if he loses, I suppose he could always practice law with his new degree.

Bypassing the special election and hoping instead for a victory

in a divided primary would not entail this risk, but unlike running in the special, it would entail facing an incumbent in either the primary or the general election. If the winner of the special election is a Democrat, there would be great pressure from Washington not to challenge an incumbent in a politically marginal seat; pressure that would likely be backed up with financial support to the new incumbent, which at the very least might result in a difficult head to head race against only one Staten Island candidate who also has the advantage of incumbency. Even in the event of a primary victory, November would likely bring a head to head confrontation with a Staten Island based Republican, that would be extremely difficult, especially if she (my guess) were the incumbent.

None of this analysis deals with the most relevant issue; which is that Sal Albanese would make a helluva great Congressman. Unfortunately though, such analysis must be undertaken before any serious campaign, and I'm sure I haven't said anything that Albanese hasn't ruminated over in his own mind. Here's hoping that he proves me wrong and wins election to Congress.

(Continued from page 31)

Vatican, similarly worthy struggles all over the world get no attention. For instance, Burma, a true dictatorship, violently killed thousands of students in Rangoon last year when they cried for democracy. What's become of that story? El Salvador, a true oligarchy, has been at civil war for ten years. Right-wing death squads associated with the Christiani government and its chief supporter, Roberto D'Aubisson, kill thousands of agrarian villagers every year for allegedly harboring rebel soldiers. The press gears up its coverage only when the capital city gets overrun and some Green Berets are barricaded in the downtown Sheraton Hotel. Is that the newsworthy part of ten years of national suicide? The Afghan government killed thousands of political prisoners prior to and during their seven year civil war. But hey, who cares about a bunch of Afghans; they're not even white. What makes these groups, perhaps even more tyrannically oppressed than eastern Europeans, any less news worthy? While the eyes of the press, and hence the world, are trained on eastern Europe, let's not forget about the

rest of the world which is struggling under what are probably even more inhumane and ignoble conditions. Europe, for the moment, seems to be on the course of enlightened change; that's good. Let's now see the focus of the eyes of the press, and hence our own conscience, refocused on those groups in the world fighting the same noble struggle for dignity and a life in peace which never get the attention they deserve.

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## PROFESSOR LEITNER GIVES NEW MEANING TO THE TERM *PRO BONO*

by Laraine Pacheco and Irene Chang

Laraine Pacheco, a second year evening student and Principal of William Cullen Bryant High School in Queens, was a student in Professor Jerome Leitner's Torts class last fall. Impressed by his teaching style and his extensive background as a trial lawyer, she asked Professor Leitner to speak at Bryant High School's annual "Law Day." Professor Leitner agreed to speak and this past May, Professor Leitner made his promised visit to Bryant as one of several Law Day speakers. Drawing from his skills as a trial attorney, he spoke on the techniques of effective cross examination to a group of 25 Bryant students who were to compete in the New York State Mock Trial Competition for High Schools. He also spoke to a larger group of juniors and seniors about how law as portrayed on television doesn't always represent what law is all about, drawing from his experiences as an advisor to many TV shows and

films. His visit earned rave reviews from Bryant students and faculty.

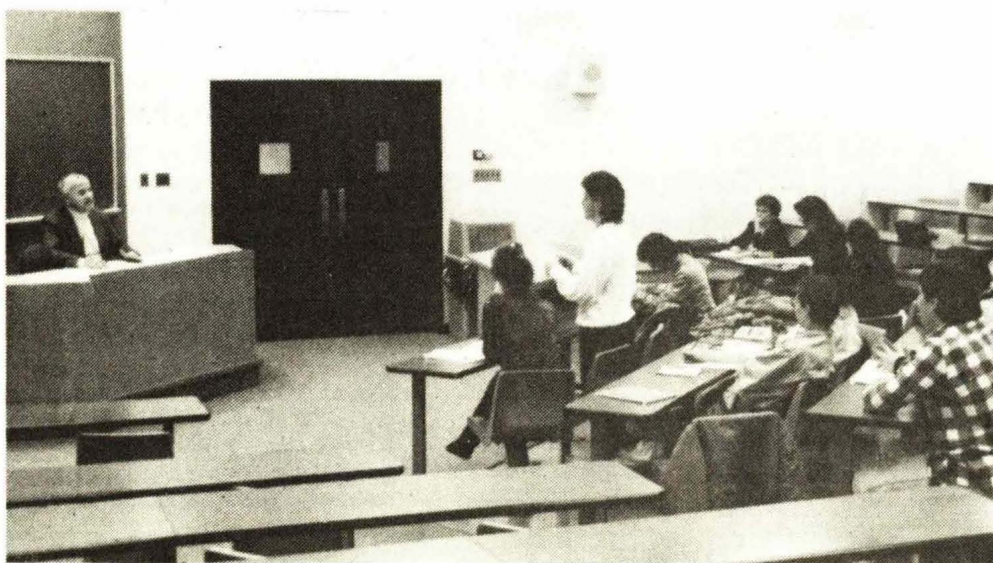
Carol Gomez, a Bryant faculty member who teaches law, welcomes help from members of the legal profession to prepare her students for the two major legal interscholastic competitions held each year, Moot Court and Mock Trial. Some of this help has been provided by associates at Chadbourne & Parke who make visits to the school and who invite students to visit the firm. Help also came from Professor Leitner when he gave Ms. Gomez a book on trial advocacy techniques and invited her to attend one of his Trial Advocacy classes (which she did).

This academic year, Pacheco has convinced Professor Leitner to take a more active role in helping to prepare Gomez' students for the two competitions. On November 9th, Ms. Gomez and sixteen members of Bryant's

Moot Court team attended a two and one-half hour session in the Prince Moot Court Room given by Professor Leitner. The lecture covered the topic of their Moot Court Competition this year, a case involving whether a school's failure to report a case of child abuse violated a reporting statute and/or the child's due process rights. Professor Leitner covered the framing of the argument and advised students to use facts advantageous to their position. Professor Leitner alerted the students to the common abuses of the English language such as the frequent use of "you know" and "like".

On November 28th, eight students returned to Brooklyn Law School for more coaching. During this session the four students scheduled to argue in the Competition went through practice oral arguments. After each argument Professor Leitner gave

(Continued on page 38)



Prof. Leitner judges oral arguments with high school students

# ARTS AND ENTERTAINMENT

## THE LAND OF DREAMS

Now playing at the FOLKBIENE PLAYHOUSE

Reviewed by Samuel Abrahams - Class of 1956

The 74th season of the Folksbiene Playhouse is marked by a splendid offering, *The Land Of Dreams*, for the edification of audiences yearning for studies in ethnicity, immigration, adaptations and sociological drama associated with the Depression of the 1930's. The theatre is located at 123 East 55th Street in Manhattan and is equipped for simultaneous translation for those patrons who are not proficient in the Yiddish language. The musical comedy is performed on Saturday evening and Sundays during its long run until the end of winter, 1990.

This production will hold special appeal for law students and members of the Bar because it interweaves the niche of law in the yearnings and aspiration of immigrants who attempt to force their offspring into such a learned profession as lawyering. In this romantic and erotic plot, the parents make superhuman efforts to induce their handsome son, who is mechanically inclined, to go to law school and, eventually, ascend to the lofty ranks of the judiciary. The son is given one hundred dollars to register at a law school but he diverts these funds to a school for automobile trades and mechanical skills to the utter dismay of his father, his mother is passive, who finally drives him out of the family household. In the philosophy of the illiterate and struggling immigrant of an earlier generation, their children who

might have felt otherwise were induced by all kinds of pressures and values to join the fraternity of such callings as law, medicine, and pedagogy; other fields of labor were frowned upon as inferior, degrading, and intellectually regressive.

The story of *The Land Of Dreams* revolves around the relationship between a machismo and domineering father, a comical but assertive mother, their two sons, and daughter in the environment of the poverty of the Depression.

The comely daughter of this immigrant garage operator is madly in love with a greenhorn who is employed in a lowly post in her father's garage. But her parents make every effort to constrain her to marry a lawyer who is reputedly affluent and worldly. The immigrant suitor is handicapped by language barriers and economic hardship. But the young lady repudiates the barrister and eventually enters into holy matrimony with the man of her dreams who emerges from the depths of penury to the heights of entrepreneurial success.

Another child who has become a member of the medical elite is struggling to find patients in those dreary days of economic recession; his first patient is dragged into his office located in his parent's abode and is a cantor of limited achievement who has succumbed to the deadly impact of an overdose of hard liquor. The doctor falls in love with a

registered nurse he had befriended ten years ago at his high school reunion. The nurse who earns the munificent sum of seventy dollars per month is the daughter of a fallen and extremely wealthy princess who had a career of operatic singing. The dominant father is insisting upon the amount of twenty-five thousand dollars as a dowry for his son whom he supported through medical school. The mother of the nurse declaims that the father is violating the fundamental principles of religious faith and ethics by making these exorbitant demands upon her and her gifted child. In the end true love prevails and the doctor enters into marriage with his school sweetheart.

The old grandfather in the household is obsessed with repairing old wall clocks. He is hilarious in his modes of operation such as placing his head against the body of the princess to listen to her pendant watch.

The performers are just outstanding. Special praise must be meted out to Zypora Spaisman, the spouse of the harsh taskmaster, whom this reviewer had the supreme delight of meeting on a plane to Israel recently. The father, Mark Ethan Toporek, is a natural actor with heavy overtones of humor, emotionality, and authority. It is a recommended evening for those who admire style, authenticity, and history on the stage.

# POET "LAWREATES"

## LEX GLADIUS IURIS EST

*So Dinkins is mayor  
Good fight Rudolph,  
but reindeer from NYU Law  
can't pull the sleigh in New York*

*SBA  
gave Republicans \$300;  
Democrats \$390  
Democracy's become costly!*

*Dean Wexler  
B.S., Cornell  
M.A.T., Harvard  
J.D., Yale  
(Maybe Brooklyn Law does grow ivy)*

*Contracts: 5 credits.  
Legal Writing: 2.  
It's larceny (petit)  
that we spend more on LW (it's true).*

*"All Students Must Show I.D."  
But you, sir, with the gun.  
You're obviously not a student.  
Go right on through.  
(Strict constructionism; look what it didn't do for Bork.)*

*Elevator #2, from the left.  
Inspected once in '88 by The Amazing Skylark (no joke).  
If he were so amazing,  
I wouldn't be late to class so often.*

*We know who dropped out of law school.  
Or who think they're beautiful.  
They still have their picture I.D.'s  
hung up in the lobby bulletin.*

*Exams.  
Shouldn't be so close to New Year's partying.  
It's not just a good idea.  
It's the law (of college).  
Welcome to law school.*

-Marcus Alan Spevak

## "Had I Your Tongues and Eyes. . ."

*The English major  
Was running too late to walk,  
So she put on brightly colored clothing,  
She had to be seen,  
When all the cars drove by. She was discouraged,  
Until an eighteen-wheeler Mack pulled over,  
So closely that the fender nearly sliced her thumb.*

*She had a hell of a time climbing into the cab.  
So the truck-driver took her books.  
'Ya just hold onto that big white handle right there,  
And hoist yerself in,' he coached.  
'here's yer books, honey. I see yer reading King Lear.  
Shakesperian tragedy really doesn't get much better,  
For my money. The paradox inherent in Lear involves  
The king's loss of the love which he, so desperately,  
Sought to gain through his posturin' . . .'  
Thanking him for the ride, she got out  
At her stop.*

*'Since you've decided to walk in late,  
Perhaps you can enlighten us,' the professor said,  
'as to what character flaw eventually destroyed King Lear.'  
'I haven't any idea,' she said,  
'but the truck-driver said it was pride.'*

-Geanine Towers-Dioso

2ND ANNUAL -- BROOKLYN LAW SCHOOL -- S.B.A.

# SKI WEEKEND IN VERMONT

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(Continued from page 34)

each of them a general critique. The students reported feeling very nervous before and during the argument, but that practicing has helped them feel more prepared. (Sound familiar?) The students appeared eager for feedback and very receptive to criticism, perhaps because several of the students are planning to go onto law school after college. The students were very enthusiastic about the entire process and felt that Professor Leitner's sessions were extremely interesting and helpful. It may have been effective as well since Stanley Lee, (our editor-in-chief), observed that a few of the students were comparable to some first year law students. (Is this encouraging or scary?)

Looking back to our pre-law school days, it's clear that these high school students are way ahead of the game. The public speaking aspect of these programs is likely to benefit these students regardless of what they choose to study. Professor Leitner deserves high praise for the time and consideration he has put into the tutorials. These students are getting access to something that money cannot buy — his expertise and experience. As Laraine says - "It's something for New York City kids and the best kind of *pro bono* work he can do."

**Look For  
Second Circus  
Meetings  
Next Semester!**

(Continued from page 19)

Since group health plans are unavailable to persons outside the traditional family, homosexual couples earn less because a gay or lesbian partner does not qualify for insurance benefits based on marital status. This type of discrimination is being challenged by three gay teachers who are suing the New York City Board of Education for the right to include their companions as beneficiaries of their group health plans. Ettelbrick, who is representing the teachers, believes that challenges to the existing health care plans will eventually lead to a national health insurance plan. She believes that insurance companies which are currently besieged by these types of challenges will lobby the government and will be heard because of their clout.

Ettelbrick said that in the next decade there will be substantial changes in the rights of lesbian and gay couples which will equalize benefits the law currently provides only to members of a traditional family. She personally does not believe fitting gay and lesbian couples into the traditional heterosexual marital institution will balance the inequities, but articulated

the need to liberally apply the term family to all types of non-traditional relationships that deserve the same rights and benefits attached to marriage.

Janet Erizv provided several examples of situations where people are involved in relationships that deserve recognition as families. She acknowledged that the traditional notion of the family has changed especially for persons with disabilities. The Mayor, she said, was very concerned about this issue and was attempting to counteract a bias against people who don't marry. She cited Koch's recent bereavement policy for municipal employees giving gay couples the same rights as married heterosexual couples when a partner dies.

She described a range of different living situations where domestic partnerships can have an impact on disabled couples. For instance, persons with disabilities who live together can share the costs of health and medical care. A group home provides an example of a more formal arrangement which has been recognized as a "family" for zoning purposes. "We must realize there are different types of family units."

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# INTER ALIA

by Michael Harding

## Election Results.

Congratulations to Charles (Joe) Hynes and Sal Albanese on their election day victories.

Professor Hynes, who teaches Trial Advocacy, was elected District Attorney of Kings County. Hynes is best known for his role as Special Prosecutor in the Howard Beach case, but he is also a former New York City Fire Commissioner. He will bring a wide range of legal and administrative experience into the District Attorney's office and we can expect some positive changes. Best wishes!

City Councilman Sal Albanese who easily won re-election to office is an evening student. Sal graduates this semester and we wish him the best. Who says you can't make any political connections at BLS?

**Financial Aid.** In the last Justinian (October 1989), "frustrated" and "confused" Ron Rukenstein submitted a letter to the editor in which he berates the "incompetent" Financial Aid Office (FAO). Well Ron, I must agree, you are confused. Why would you submit a letter to the Justinian "to find out what's going on with the Financial

Aid Office?" Wouldn't it have been more prudent to ask Mr. Curtin, the Financial Aid Director, for assistance? Mr. Curtin's door is always open to students and he's a very easy person to talk to. Anyway... what happened here?

You claim you submitted the required financial aid forms. After your friends advised you that some financial aid awards were in, you inquire about your application. Subsequently, you learn that the FAO had no application from you on file. So you have to refile and to do so you have to write your employer in Arizona to get another copy of your W-2. Where's the damage? You expect a higher degree of professionalism from this school. Is that to mean misplaced papers reflect a lack of professionalism? Have you ever lost or misplaced anything? Your keys? An assignment? Money? I have.

If you haven't, then it's easy to see why no one can live up to your standard of professionalism. One day you'll come to realize that in an office handling a tremendous amount of paper work, papers do get lost. Did you ever wonder about that letter you never got? It must be those unprofessional letter carriers.

If you had inquired, you would have found that the Bursar's deadline is not an absolute. If in December you find yourself "shaking an empty cup on Joraleiimon Street", it won't be the FAO's fault. Maybe they could use some additional hands, but the people in FAO work hard for all of us. If you ever go to court and find that the court has lost or misplaced documents, don't call the judge or clerk incompetent unprofessionals. And above all, don't write the editor of the Village Voice to find out what's going on with the court clerk's office. After all, maybe those documents are in Arizona with your W-2's. Hey, where's your copy of your W-2? Didn't lose it, did you

**Congratulations.** There is a good reason for that glow in her face. Diane Meyers, "90" has announced her engagement to David Jacobson. The happy couple are planning that special day after Diane's date with the New York State Bar Examiners.

**Bar Review.** In an earlier issue of the Justinian, we announced that Maggie Dolin and yours truly, Michael Harding, were organizing a new bar review course, "The Harding Method." Details will be announced later this school year. In the meantime, we are pleased to announce the addition of two new staff members. Eli and Otis of the BLS Security Department will serve as lecturers for the summer 1990 course.

Eli will share his well known and respected work "Eli on Torts." Otis, already known for his course outline "Federal Income Taxation by Otis", will lecture on "Corporations: The Real Deal On Insider Trading" (with excerpts from his book "Ivan Boesky, My Main Man, and Me") and "Why I Smoke Those Darn Cigars." We will keep you advised.

**First Year Students.** You only have until January to claim equality with your classmates, so use this time to tell everyone you're in the top of your class; it may be your last chance. After finals, some of

you will never be the same again. Did you ever wonder why the school compiles a Photo Profiles book of the first year class? That's so you can go through it in February and recall those faces you won't be seeing in the halls or classrooms anymore.

**Awards Ceremony.** On November 15, BLS had its Ninth Annual Fall Awards Ceremony. Scholarship awards were presented to students by Dean Trager, Associate Dean Wexler, and by donors and/or their family members. Matthew Byrne, 69 was there to present the "Edward Byrne Memorial Scholarship" honoring his son.

This award honors the memory of Police Officer Edward Byrne, a New York City Police Officer who gave his life in the line of duty. After the presentation, Mr. Byrne delivered a brief but emotionally charged and touching speech. It was of significance to me, as I was the recipient of that award. I never met Edward Byrne, but as a former police officer I feel there is a little bit of him inside of me. I was very proud to accept this award in his memory.

Following the ceremony there was a cocktail reception in the student lounge. The caterers did an excellent job and June Seddo was behind the scenes making sure things went well.

Congratulations to all of the award recipients. Thank you to all of the donors, their families, and their friends, for making awards in memory of their loved ones available.

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