

The Justinian

Volume 1990
Issue 1 *February*

Article 1

1990

The Justinian

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

Recommended Citation

(1990) "The Justinian," *The Justinian*: Vol. 1990 : Iss. 1 , Article 1.
Available at: <https://brooklynworks.brooklaw.edu/justinian/vol1990/iss1/1>

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

THE JUSTINIAN

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

Feb. 1990

FETAL RIGHTS

HIGHLIGHT ON PLACEMENT & CLERKSHIPS

Also in this issue:

Appealing Grades

Asbestos Update

Gender Bias Letters

Review: Second Circus 1989



© CREATIVE MEDIA SERVICES Box 5955 Berkeley, Ca. 94705

Years Ago

Justinian

MONDAY, MARCH 15, 1971

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

Mr. Justice Douglas

ONE 'F' CAN CAUSE EXPULSION

Gilbride Reveals Grade Standards

By Rosina Abramson

One failure in any course at any time can cause a student to be dropped from Brooklyn Law School despite his cumulative average.

According to Assistant Dean Gerard Gilbride, the Committee On Scholastic Standing has the authority to expel any student who receives failing grade in any course or allows his cumulative average to drop below "C."

Dean Gilbride said the committee has the discretion to drop any student who falls into either of the above categories.

Fifty-three students were reported to have been dismissed a high percentage of failures will be reputed to be a hard grader where actually the grade is a reflection of the amount of work a student has done for the course. Dean Gilbride feels that grades are generally objective with no "down-grading" due to over-cutting or lack of class participation. for academic reasons this semester. According to Dean Gilbride the failure rate was broken down among the classes as follows: First year day—2; evening—2; Second year day—18, evening—19; Third year day—1, evening—3; Fourth year evening—0. In addition, three students of irregular status were dismissed. The Dean feels that

the number of dismissals for this semester is a bit higher than usual as a result of the pass-fail system employed in the Spring of 1970. Some students who would have been dropped then were carried on to the present.

The grading system at the school was discussed with the Dean in an attempt to determine what system existed for the grading of students both in their individual courses and in the evaluation of whether they were to continue at the law school.

The Dean was asked for a study comparing the percentages of passes and failures for each teacher and class. He responded that such a study was not yet done as grades were still being entered for the past semester, but foresaw the possibility of doing one this semester. He does not think it will be for publication when completed, as he fears that a teacher reporting although he does believe that a teacher may upgrade if a student displays good class participation. He is unaware of any system of "cutting" on any exam.

The Dean reported the standard at BLS for dismissal for academic failure not to be a strictly numerical one. Though a strict cut off system is used in many other schools, he feels the system employed here to be more equitable.

If a student retains a 3.0 average and no failures, he can not be dismissed for academic reasons. If he falls below this standard, it is within the discretion of a committee of faculty and administration to decide whether to retain the student based on the student's entire record. The Dean does not wish to reveal the names of the members of this committee as they may be exposed to various outside pressures as a result.

Dean Gilbride contends that no student is dismissed without a probationary period, unless his situation is hopeless. As an example of this condition, the Dean explained that a freshman with two "Fs" on his record after his first semester is regarded as hopeless in that it would be virtually impossible to pull his average up to a "C." These freshman grades are based on both midterms and final examinations which are designed to ascertain whether the student is law school material.

The only discontent over grades that has been brought to the Dean's attention is that experienced by the Fourth year night class. They are dissatisfied with the pattern of grades given to the class as a whole in their six credit evidence course. This situation is now being studied by the administration.

The Justinian

A Forum for the Brooklyn Law School Community

Editor-in-Chief

Stanley Lee

Managing Editor

James Sherman

Articles Editors

Chun Wai Wong, Irene Chang

Business Manager

Daniel Tam, Marcus A. Spevak

Executive Consultant

Ching Wah Chin

Associate Editors

Ruth Bernstein, Helen Lee, Nancy London, Clare Wee, Karen Wong

Arts & Entertainment Editor

Barry Stelbourn

Senior Writers

Inge Hanson, Michael Harding, Mary Schwartz, Colleen Piccone

Staff

Joe Accetta, David De Gregorio, Chin Wei Fong, Mark Gaw, Hayley Greenberg, Nancy Silverman, Geanine Towers-Dioso

Cub Reporter

Lawrence Schuckman

Font Lady

Fran Thompson

February 1990

FEATURES

The Placement Office	9
The Clerkship Alternative	10
Gender Bias Revisited	16
Appealing Grades	17
Prof. Schneider on Battered Women	22
Asbestos Update	32
Best Brief Prize	32

COVER STORY

Fetal Rights	12
Planned Parenthood on Abortion	14
Pro-Life Feminist	18

DEPARTMENTS

Years Ago	2
Editor's Corner	4
Correspondence	5
SBA Update	7
Placement News	7
News at BLS	8
Shakespeare and the Law	24
The Club Scene	26
Heard On Joralemon Street	28
There Ought To Be A Law	30
Arts and Entertainment	33
Poets Lawreates	36
Inter Alia	39

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

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

Editor's Corner

We appreciate the efforts of the administration in addressing several areas of concern that have been mentioned in *The Justinian*. A year ago we wrote about racist and sexist graffiti that was scrawled on bathroom surfaces and on library desks. The Admissions office immediately called us, asking us to point out this graffiti so that it could be removed. Complaints about finals conflicting with bar review courses inspired an early review course sponsored by the school this year. Just last semester, study carrels were relocated on the first floor of the library only a day after we published a letter to the editor from Joe Cardieri. It may have been a coincidence, but we'd like to think it more likely a sign that someone in the administration actually reads *The Justinian*, and is keenly responsive to the needs of the BLS community. If so, here's a wish list that students would very much want to be filled.

Calendar Change. We're not asking for another month to be added to the Gregorian calendar; we're asking for the month back that we think we deserve between semesters. The professors are holding this up because it would mean that their summer vacations would be ended sooner.

The Reading Period Before Finals. During the reading period last semester, the library was closed on Christmas and New Year's Day. This is probably unwise when exams start on January 2. The number of classrooms available for students to use as study halls was also very limited. If we're going to be required to study during the holidays, at least provide us with a place.

Library Noise. Much of the noise on the first floor has been squelched, thanks to the relocated study carrels. Unfortunately, the noise remains unabated on the second floor.

Computers. The student body only has access to two computers in the library. This is more than a minor inconvenience, as everyone seems to need a computer at the same time.

First-Year Evening Lockers. The first-year evening class has not had any lockers since the school year began. What's taking so long for the administration to provide something that most of us take for granted? As of now, there's no provision for next year's evening students.

Security at One Boerum Place. Or rather, the lack of it, after midnight. Last summer, the two journals and Moot Court were moved to Boerum Place to make way for professor's offices. The catch is that students in these organization frequently work throughout the night, while we don't know of too many professors who use their offices after midnight. Last weekend, a student was locked in, and was unable to reach the guard. He only escaped by calling someone to knock on the doors of 250 Joralemon. If those organizations were required to move, then they should be given adequately security.

Now that you've seen our wish list, we'll keep our fingers crossed.

Quote of the Month: "I didn't know that Jacks or better meant a pair of Jacks; I thought it meant any cards that were better than Jacks!" -SBA President
Lawrence Schuckman at a *Justinian* staff meeting

CORRESPONDENCE

An Equal and Opposite Reaction

To the editor:

We write in reaction to Daniel Shapiro's letter in the December issue of *The Justinian*. We agree with Mr. Shapiro that race relations in New York are terrible and getting worse. We disagree, however, with one of the two solutions he suggests Brooklyn Law School enact to help solve this problem.

The first solution Mr. Shapiro proposes is for BLS to "admit and graduate more black and Hispanic students who, along with their [classmates], can assume positions of prestige and power and can help to run our city." If in saying this he intends that an applicant's race or national origin should be considered a relevant factor for admission, we believe he is mistaken. The school should not accept any student because of his or her race, gender, national origin or other extraneous criteria. The easiest way to ensure non-discrimination in admissions would be to assign each applicant a number and provide the admissions office with the applicant's

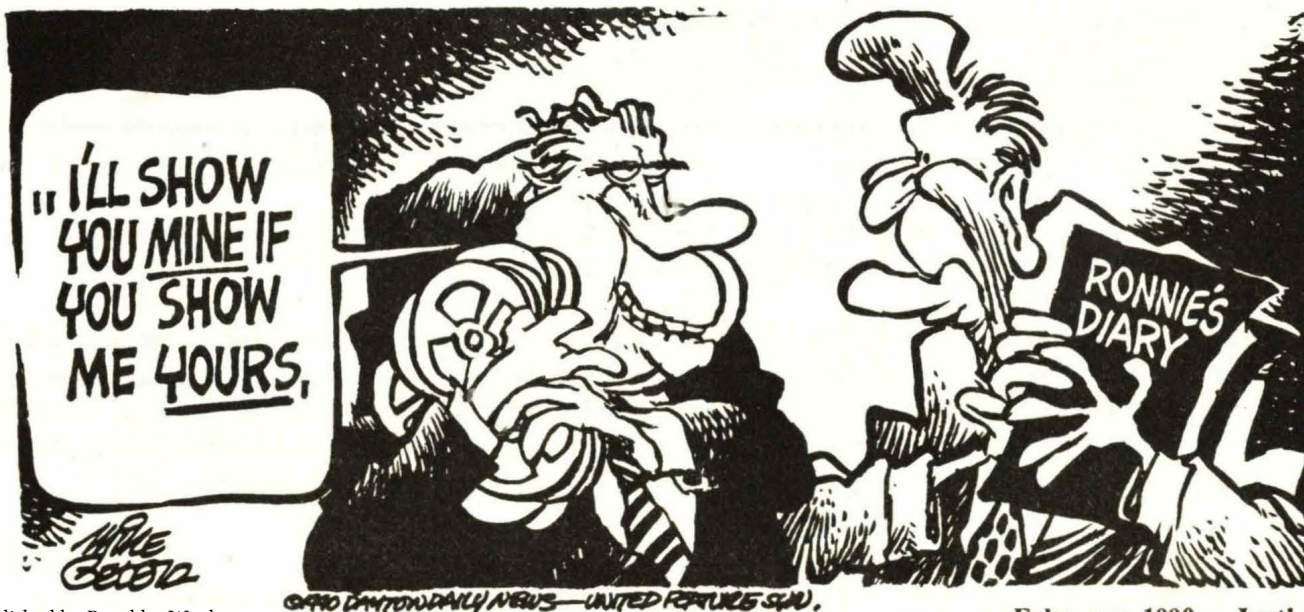
LSAT score, college transcript, essay, and recommendations without any identification. Using race as a factor would harm both BLS, and society as a whole, by perpetuating the idea that society is a collection of individuals. For centuries, blacks suffered discrimination because of this very idea. Thinking by race should be stamped out, not perpetuated; the response to a history of race-consciousness should be a new policy of race-neutrality, not more race-consciousness.

By giving preference to a black or Hispanic applicant over a white applicant with a stronger academic record or work experience, BLS would be trying to compensate for past societal discrimination by embarking on a round of discrimination, except in this case different racial groups will be singled out. A more qualified applicant will be penalized to make up for a history in which he did not participate and from which he did not benefit. For example, a first generation American should not lose his or her place in a class when he in no way benefitted from the past discrimination. Moreover, this policy of accepting applicants with lower academic criteria would, by defini-

tion, have the effect of reducing the quality of the student body at a time when BLS is trying to improve its reputation.

Mr. Shapiro's second proposed solution is for BLS to take steps similar to those that the Albert Einstein Medical School has taken. He specifically mentioned programs that reach minority children when they are in high school and give them exposure to the medical profession. We think programs like these are an excellent idea. For example, a program establishing a link between BLS and an elementary or secondary school would be a constructive way of reaching those who might otherwise not have a chance to get to law school, and would also provide them with positive role models. Such a program would also benefit BLS students by making them more aware of, and more sensitive to, the problems troubled communities face. These types of programs, combined with less tolerance of racial discrimination by individuals, provide the best hope of reaching racial equality, and thus a color-blind society.

Respectfully submitted,
Charles Day and Jonathan Kaiden



Still Noisy After All These Years

To the Editor:

The library noise problem remains at present substantially unaddressed. Considerate students thus remain saddled with the frustration of having their intellectual flow incessantly interrupted by those few students who remain inconsiderate.

About a month ago, the administration decided to replace the rectangular tables on the first floor of the library with cubicle booths. This modification of interior design should have silenced those students who prefer to speak while huddled closely with others similarly inclined. Yet BLS students, we find, are not so easily gagged. Nope...now students simply stand around the cubicles and speak to one another. A bit less comfortable they are, no doubt; but unbridled they remain.

The administration has by their action taken an important step in dealing with the library noise problem. That the effect of such action has yielded no fruit is of no consequence here. I applaud the administration's response and reiterate the reasons why the administration ought to become far more interested and involved in this problem.

First, to highlight the obvious,

conscientious students preferring silent edification are precluded from studying in the library. By implicitly



allowing a few dozen unruly students to dominate the library, we are allowing a form of anarchy to dominate the many students who prudently abide

the rules of solicitude. In short, the unruly dominate the library; the good students study elsewhere.

Second, beyond the particularized experiences of the individual student, the BLS community suffers as a whole by excessive library noise.

It could hardly be denied that the hub of activity in any school - especially a law school - is the library. It is the "laboratory of the lawyer". When that meaningful arena is degenerated by a plethora of loud and meaningless conversations, dissatisfaction results. And when good students are dissatisfied, one may safely infer, the reputation of the institution, (and post-graduation contributions to the alumni fund), will likely suffer. These results can be avoided, but action must be undertaken promptly.

I hereby call again for the creation of a joint faculty/student committee to address the problem of library noise and offer solutions to Dean Trager and Dean Wexler.

Sincerely,
Joe Cardieri

FED UP FIRST-YEARS

To the Editor:

How were your holidays? I cannot believe how miserable mine were! I find it hard to believe that an institution such as Brooklyn Law School, with its reputation for being responsive to students' needs, could adhere to such an archaic and insensitive exam schedule. It is inconceivable that Brooklyn Law School still retains such a schedule when most other schools have a more rational schedule that accommodates the needs of both faculty and students. The list of complaints goes on and on. You know them. You've lived them. It's time for a change!

Sean Ryan & Co.

SBA Update

by Irene Chang, SBA Vice-President

Welcome back! SBA has been very busy planning the spring semester agenda.

Most importantly there has been a big push to schedule final examinations earlier. This effort is being led by the Calendar Scheduling Committee which is drafting a position paper to be discussed by the SBA delegation at the March 5 Delegate Meeting. If you are interested in working on this project look for the next Calendar Scheduling Committee meeting.

SBA has been monitoring student organization spending and the Budget Committee will soon consider adjustments in budget allocations for the spring semester. All organizations should check their boxes regularly for related notices.

Class of 1990 - in case you were wondering, the Yearbook Committee along with the Office of Student Services has completed your yearbook. Proofs have started coming back and the yearbook looks great.

The basketball intramural league will be starting soon, there was a bit of a delay in getting the gym this semester. All teams should check the board in the basement for the status of the league.

Spring semester student health insurance forms are available in the SBA office (Room 302). Premiums are much lower than non-student plans, either \$96 per quarter or \$125 per quarter for HIP, both of which partially cover dental work. Sign up before March 31 for coverage that begins on March 1.

Second year delegate John Ambrosio is still recovering and has been moved to John F. Kennedy Hospital in Edison, New Jersey. We encourage everyone to show support by way of cards or visiting. If you are interested in visiting him, please leave a note for Lawrence Schuckman in his box in the SBA Office.

Good luck to all the first-year students who have just completed their briefs. The worst is over!

Placement Announcements

NYU offers a summer public interest fellowship program, designed to give grants to law students who have secured non-paying public interest summer employment. This year, 50 grants will be given out. The deadline to apply is March 15; applications are available in the Placement Office.

Specialty Series On Public Interest Law: March 27th, Tuesday, 6-8 p.m.

Speakers: Helen Neuborne, Executive Director
N.O.W. Legal Defense and Education Fund
Chris Meyer, Staff Attorney
N.Y. Public Interest Research Group
Deana Autin, Managing Attorney
Advocates for Children
Patrick Horvath, Attorney
Legal Action Center for the Homeless

SIGN UP IN PLACEMENT OFFICE by Friday, March 23rd deadline.
DINNER SERVED FOLLOWING SERIES

NEWS AT BLS by Helen J. Lee

Professor Farrell, who teaches CPLR and Evidence, will be arguing *Grady v. Corbin* before the United States Supreme Court on March 21. Corbin, the defendant, plead guilty to a charge of DWI in a fatal auto accident. Prosecutors later attempted to charge Corbin with manslaughter, but Corbin claimed that since he had plead to the earlier charge, new charges from the same incident would amount to double jeopardy.

Professor Pitler who teaches Evidence, Criminal Procedure and Criminal Procedure Seminar will be arguing *People v. Luis Medina* before the New York Court of Appeals, also on March 21. The question presented is whether the decision holding that the constitutional right to counsel is violated by the custodial questioning of a suspect arrested on a new case when the police know, or should know, that the suspect is represented by counsel on a pending case that is completely unrelated to the crime under investigation.

Don't be alarmed if the guard asks for your I.D. and requires you to sign in at One Boerum Place. The new policy requires everyone entering after 5 p.m. on weekdays to sign in. After several incidents of lost video cameras, Dean Trager has instituted this safeguard. Previously showing I.D.'s and signing in was only required during the weekends. Roger Brennan, who heads Building Services said, "We're not picking on you, just need to clamp down on security." So don't feel as if you're being singled out. Everyone entering will be required to sign in. As Roger Brennan stated, "Even the Dean had to sign in."

Three new full-time faculty members will be joining BLS this fall:

Leung Yee, who currently heads the China Practice Group in Hong Kong and was a former associate with Kaye, Scholer, Fierman, Hayes & Handler, will be welcomed as a full-time professor. Mr. Yee received a J.D. from the University of California, Berkeley and also received his Ph.D in Mental Health and Public Policy from U.C. Davis.

Nan D. Hunter, director and staff counsel at the American Civil Liberties Union's AIDS and Civil Liberties Project and Lesbian and Gay Rights Project, will join BLS as an Associate Professor. Ms. Hunter received her J.D. from Georgetown University Law Center.

Spencer Weber Waller, an associate at Freeborn & Peters of Chicago, Illinois will become an assistant professor this September.

Assistant Professor Sara Robbins has been promoted to Associate Professor.

Moot Court Report by Nancy London

The Moot Court Honor Society is once again in full swing. Seven competitions have already been completed and there are still seven more to come, including Brooklyn's own Prince Evidence Competition.

Brooklyn's team advanced to the quarter finals in the regionals of the National Moot Court Competition. The Environmental Law team also advanced to the quarter-finals, and Jodi Catalano received the best oralist award for the preliminary rounds. The Jessup International Law team was awarded Honorable Mention for their Memorial and Edward Shapiro received an award for second best oralist. Two teams participated in the regionals of The Trial Advocacy Competition—one team placed fifth and the other was a semi-finalist. Additionally, Joe Macaluso received the award for best oralist. The Bioethics team were also semi-finalists and were awarded second runner-up for their Brief. We are also very proud of the teams which participated in the Benton Privacy Law Competition and The Tax Law Competition.

Still to come are The Administrative Law Competition, the Civil Rights Competition, the Products Liability Competition, the Nassau Academy of Law Trial Competition, the Entertainment Law Competition, the Client-counseling Competition, and The Prince Evidence Competition. Three of these competitions will be held in the New York area. Signs will be posted advising all of the times and locations of these competitions for those who are interested in attending. The team members appreciate your support.

The Placement Office: Call Them, They Can't Call You

by Nancy London and Ruth Bernstein

This is the time of year students begin looking for summer and career jobs. According to the Director of Placement, Jane Ezersky, the staff at the placement office is there to help. They offer an array of services that aid students in applying for jobs, and Ezersky says although their numbers have increased, relatively few students take full advantage of them.

"We have three full-time counsellors here to help students with resume and cover-letter writing, job-hunting strategy, curriculum advice, videotaped mock interviews and research," says Ezersky. "But we can't make students walk across the street to see us."

The placement office runs programs for students all year long, Ezersky says. On-campus interviewing is only one of the programs. "Only about a quarter of our students get placed through on-campus interviewing."

The staff is planning a program

soon on what students can do now that on-campus interviewing is over. The office also sponsors the "Specialty Series," a series of monthly dinners with alumni working in those areas of the law. These dinners expose students to those areas of practice, and give them the chance to possibly make connections with alumni who are already established.

Also coming up on the placement office calendar are a program on fellowships and two programs on public interest law. Ezersky pointed out that there is a full-time placement professional on the staff who specializes in public interest law. "Twenty-five percent of BLS graduates go into public interest work. Anyone who is interested in that type of work should see Karen Comstock."

Ezersky wants students who do not yet have jobs to realize that most small firms don't do their hiring until the spring, even though there is an "enormous" amount of part-time work

currently available. "A small law firm is a firm with anywhere from one to twenty or thirty attorneys," she says. "They'll be doing their summer and career hiring in March and April, so there is no need to panic. However, students do need to get started looking for jobs, now."

Each year the Placement Office offers more and better services. The office is in the process of becoming computerized now, Ezersky says, and this enables more students to utilize the facilities. More students are coming to see staff members for help, Ezersky says, but she urges everyone to take advantage of the resources available on the third floor of One Boerum Place. Insist that staff members do more than hand you a book. They are experienced professionals who are there to help students plan their careers and plot strategies for getting started. As Ezersky points out, "We're here for the students, and no one else."



The Placement Office Staff:
Front: Nancy Giddens, Public
Interest Coordinator Karen
Comstock, Director of Career
Services Jane Ezersky
Back: Director of Placement
Grace Glasser, Gina Spataro,
Mary Halawani

Here Comes the Judge: The Clerkship Alternative

by Ruth Bernstein

The opportunity to work closely with a state or federal judge can be very rewarding. Most attorneys enter a judge's chambers only as outsiders. Clerks, on the other hand, are an integral part of what goes on in a judge's chambers. For one or two years, they are part of the judge's family, an intimate relationship that often continues through the years. Clerks are privy to their judge's private views on a variety of subjects, including the cases on trial in the judge's courtroom. Clerks also have a unique opportunity to get one-on-one instruction, after law school has ended, from an experienced and accomplished legal professional and scholar.

But clerkships aren't for everyone. For example, if someone is interested in purely transactional-related areas of the law, such as real estate or corporate law, they might not want to spend one or two years doing research and drafting memos and decisions. "If you have no interest in courts and litigation, and only want to do deals and structure settlements, a clerkship is less valuable for you," says Professor William Hellerstein. "But that doesn't mean you shouldn't do it. You never know when your career is going to change, and you'll find you have an interest in what goes on in the courtroom."

A clerk's work is largely litigation-related, since it involves disputes that have found their way to court. "Clerks in the federal system do re-

search for the judge, draft orders and opinions, and edit and proofread the judge's own writings," says Professor Hellerstein. "Some attend trials, arrange schedules for pre-trial conferences, and confer with the judge about decisions. It depends on the judge. Some give their clerks a lot of responsibility."

Clerks also research and write speeches for the judge, as well as write drafts of any articles the judge publishes. They work very hard, often under great deadline pressure, and never get personal credit for the opinions, speeches and articles they write. This injustice can take some of the thrill out of the experience. "Of course it bothered me," says one former federal court clerk who asked not to be identified, "but that's the system. The biggest joke was a year or two ago, there was a big uproar when a judge was accused of having his clerks write his opinions. From time immemorial judges have had their clerks write at least the first drafts of their opinions." This former clerk said he was still happy to have clerked, but the lack of credit for one's work is something anyone considering a clerkship should think about, before going to the trouble and expense of applying.

Another problem applicants encounter is the requirements judges set for their clerks. Most judges require high class standing, and many prefer law review or journal experience. However, there are no hard and fast

rules. Merely having those qualifications does not ensure that one will be accepted for a clerkship, and not having them isn't a complete bar to acceptance.

"The faculty at Brooklyn really pressures people on law review, and at a certain grade level to apply for clerkships," says Marion Zobler, a third year student at Brooklyn who will be working in Washington next year, for the federal government. Zobler applied for clerkships last year. "They leave you with the impression that you'll definitely get one, but that's not always the case. And the application process involves spending a lot of time and money."

Kathy Daniels is a third year student in the top quarter of her class and not on a journal, yet she landed a clerkship position for next year with the Supreme Court of Maine. Daniels says, if you feel you want to clerk and are in the top quarter of the class, you have a chance and should apply. "With a little perseverance, you'll get something," she insists. "I only applied for about 65 positions, and that's not a lot. If you have work experience, that helps. Grades are important, but they're not the only thing."

One source of confusion for many students who consider applying for clerkships is the timing of the application process. Second year students who wish to clerk after graduation should have their applications in the mail by mid-February. They must

make the decision to apply after only three semesters of law school, before many of them know what direction they want to follow in the law, or what a clerkship entails and whether or not they will like the work. "You have to apply for the clerkships before you even work as a summer associate," says Zobler. "You don't have enough information to know if doing a clerkship is right for you. It's helpful to do a judicial clinic, but even that doesn't give you a real idea of what a full-time clerkship will be like."

"You should be very interested in writing," says Daniels. "The judges really read your writing sample. The judges I interviewed with asked me questions about my brief — if I had followed up on the case when it went to the Supreme Court."

Professor Hellerstein feels that almost anyone would benefit from doing a clerkship. "If you can get to be a clerk for a federal judge, or a state court of appeals judge, you should do it. It's a once-in-a-lifetime opportunity. It enhances your ability to practice law, it enhances your resume, you learn from the inside what judges expect from attorneys — there is no down side."

However, Professor Hellerstein recognizes that financial constraints can keep some people from choosing the clerkship option. "If someone has three children and \$50,000 in educational loans when they graduate, it is not an appropriate function for a faculty member to tell any student how to run their life."

The financial hardships of doing a clerkship are extreme. First, it can cost thousands of dollars to send out applications and travel out-of-state for interviews. "I only sent out about 35 applications," says Zobler, "some people send out hundreds, I'm told. I wanted to get out of New York City so I applied to four western cities, and Puerto Rico."

"It was expensive. You have to send a resume, cover letter, transcript and writing sample. It's expensive to copy the writing sample and pay for postage. But the most expensive thing was the interviewing. I interviewed with about six judges in Phoenix. Then I got a letter from another judge in Seattle and I decided to go for it, and take a trip out there. Later, I heard from a judge in Santa Fe, but by that time I was no longer interested."

"If you feel you want to clerk and are in the top quarter of the class, you have a chance and should apply."

"I sent applications out to about 60 federal and 10 state judges," says Daniels. "Printing my resumes and reproducing my writing sample cost close to \$300. I spent another \$200 in postage. Then I flew to Texas, Ohio and Kentucky — we're talking about \$1500 in airfare. I'm still getting myself out of the doghouse from that."

"It would be nice for the school to take some of the cost off the students' shoulders, if they really want to encourage people to apply for clerkships," Daniels added. "If they can't subsidize plane fare, they should at least take over some of the copying costs."

The school does provide help with typing cover letters; something that both Zobler and Daniels said they appreciated. If a student hands in their cover letter and a list of addresses by a certain date, the school will have the letters typed to all the addresses on the list, a valuable service that saves students the trouble of having to type numerous letters.

The other financial difficulty of accepting a clerkship is the very low

salary most clerks are paid, as compared with the very high salaries paid by the law firms new graduates would otherwise be working for. Daniels says she is going to be paid \$22,000 for the year she will be working in Maine. The firm she will be going to after her clerkship will pay its first-year associates more than \$82,000. Daniels says federal court clerkships pay something over \$30,000, and some states have an even higher pay scale. The New York State Court of Appeals, for example, pays clerks close to \$50,000, Daniels says. A law student applying for clerkships must take this into account, particularly if she has loans to repay. "It's a sad commentary on the legal system that only the wealthy can afford to do clerkships these days, and everyone else misses out," says the former federal court clerk.

There is no denying that if one can afford to get accepted for a clerkship position and afford to take it, clerking is a wonderful opportunity for personal and professional growth, and a unique experience that relatively few attorneys have. But, whether or not to apply for a clerkship is a decision each person must make for herself, after getting as much information as possible from as many different sources as possible. Faculty members at Brooklyn strongly encourage their students to apply, but students should get other viewpoints before committing themselves to spending the time and money on that process. As Zobler reflected, "I applied because I thought it would be a good idea in terms of other opportunities later on, like professor jobs." But she added, "I think there's too much emphasis on what it will look like on your resume. I don't know why it's not good enough just to go to Brooklyn Law, be on law review and have a certain grade point average — when is it enough? Why do you need a clerkship, too?"

FETAL RIGHTS

by Helen J. Lee

Courts have begun granting rights to fetuses which have traditionally been reserved only for "persons" as defined by the United States Constitution. This expansion of fetal rights supports the view that the fetus is an entity independent from the mother with interests that are potentially in direct conflict with the mother's privacy interests. In some states, as a result of this expansion in fetal rights, women are being prosecuted for any harm to the fetus during pregnancy that results from drug addiction or exposure to other toxic substances.

In the past, the fetus was recognized as part of the woman who bore it, and therefore had no individual rights separate from the mother. Only a few exceptions were created where necessary to protect the interests of fetuses who survived birth. Under the common law, specific areas of property, criminal and tort law carved out certain limited rights to fetuses as it related to the governing law. Inheritance and trust law, first under common law, then under statutory authority, both recognized the unborn as a person contingent upon live birth.

However, the most dramatic expansion in fetal rights in the past fifty years has been in the areas of tort and criminal law. Advances in medical technology have increased knowledge of the fetus' physical condition during the stages of pregnancy. This technological and scientific advancement fuels the argument for fetal rights and seems to provide most of its support. The growing body of medical evidence shows how fetal health is directly or indirectly affected by nutrition, by the deprivation or abundance of various external activities of the mother. The commonplace proc-

ess of amniocentesis is an example of how medical technology can map out explicitly what is happening during pregnancy.

Before the turn of the twentieth century, American courts denied recovery in tort to children who were born alive but injured by a third-

cause of action by a child against its parents. The doctrine of parental immunity precluded these suits because of major public policy considerations. Justifications for upholding parental immunity such as society's concern for the preservation of the family unit, society's concern for the preser-

A fetus has been afforded the same protection as children under criminal child abuse statutes.

person's prenatal conduct. The law has been slow to recognize the rights of an unborn child or fetus. Prior to 1946, the wrongful death act precluded recovery for the death of a fetus of 4-5 months. The court justified its holding by noting that the unborn child was a part of the mother at the time of the injury. The holding was precedent for over seventy years. Then in 1946, the tide turned when damages were awarded for injuries caused by prenatal actions prior to viability when it was reasonably foreseeable that a child might be born who might suffer from these actions. The viability test provided that when a fetus became capable of life outside the uterus, it was no longer considered to be a part of the mother. The viability test provided a litmus for courts to determine limited wrongful death actions. Currently, over half the jurisdictions allow recovery under wrongful death statutes for post-viability stillbirth.

Despite the development of fetal rights through the viability test, courts have been reluctant to recognize a

vation of parental authority and the possibility that frivolous claims may flood the courts.

Parental immunity has now eroded to the point where under criminal law, a person who performs an act before a fetus' birth that results in its death after birth commits homicide. Actions by third parties which result in invitro death are usually prosecuted for feticide in some states. In Massachusetts, recent legislation made a viable fetus a person for purposes of the state's vehicular homicide statute. As a result, in *Commonwealth v. Cass*, a pregnant woman's reckless driving which resulted in the loss of her late pregnancy, resulted in her prosecution for homicide.

The trend in criminal law in several states is the amendment of criminal child abuse statutes to include abuse of fetuses. This implies that a fetus has been afforded the same protection as children under criminal child abuse statutes. California was the first state to criminally prosecute a woman for prenatal child abuse. In *People v. Monson*, No. M-508197

(1986), Pamela Monson was charged with allegedly having contributed to the death of her child by taking drugs and not following her doctor's orders during pregnancy. And although the charges were later dismissed because the statute under which she was charged was held not to have applied, the case reflects the current opinion that the law should go to great lengths to protect the unborn child. And in May of last year, an Illinois woman was charged with involuntary manslaughter and supplying drugs to a minor. The woman, Melanie Green, gave birth to a child which died two days later. Cocaine was found in the baby's urine and the mother's bloodstream. *Crime and Pregnancy: Prosecutors, New Drug Laws, Tort Pit Mom Against Baby*, 75 ABA Journal 14 August 1989.

Due to the proliferation of illegal drugs such as cocaine, and its derivatives, criminal prosecution of pregnant women for their neglect is becoming more frequent in many states. These cases demonstrate how expansion of fetal rights pits the fetus against its mother, whose rights to liberty and privacy as well as equal protection are in jeopardy.

Advocates for fetal rights argue that a woman, "having decided to use her body to procreate, loses the bodily freedom during pregnancy to harm the child." 69 Virginia Law Review at 442. The basis of this argument is the state's interest in protecting potential life. However, by creating fetal rights, susceptible to use against pregnant women, the state compels women who desired to bear children to reorganize their lives in accordance with judicially-defined norms of behavior.

In light of the fact that the Constitution has never granted a fetus rights as a person, the mother/woman who has been granted substantial fundamental rights should have the right to exercise individual

decisions regarding her life. In *Whalen v. Roe*, 429 U.S. at 600 n.26, the court has "characterized the right to privacy as protecting autonomy in 'matters relating to marriage, procreation, conception, family relationships, and child rearing and education. In these areas, it has been held that there are limitations on the State's power to substantially regulate conduct.'"

In many states, criminal prosecution of pregnant women is becoming more frequent.

In determining how great a burden a state regulation imposes on privacy interests, courts often focus on the intrusiveness of the necessary means of enforcement. *Griswold v. Connecticut*, 381 U.S. 479. Criminal statutes on prenatal endangerment and neglect, as well as criminal prosecution for the injury to the fetus due to drug addiction would all impose heavy burdens on privacy interests, and would also be highly intrusive in the means of enforcement.

If the current trend in fetal rights continues, pregnant women would live in constant fear that an accident or "error" in judgment could be deemed unacceptable and become the basis for a criminal prosecution by the state or a civil suit by a disenchanted husband or relative. 95 Yale Law Review at 607.

The state would have to police the actions of pregnant women in furtherance of its goal to protect potential life. Rather than supporting and enforcing the rights of "persons" as

defined by the Constitution, the state would in effect be giving fetuses more protection than women.

An important policy underlying parental autonomy, especially for the pregnant woman, is concern for the emotional and psychological relationship between parent and child. Although not all children live with their parents, there is an assumption in society that such a situation would be most favorable to the children because of the natural relationship which exists between parent and offspring. Since the woman must carry the fetus for the period of gestation, it would be a dangerous proposition to force a pregnant woman to behave or refrain from certain behavior. Forcing a woman to act against her will in a particular way, might well cause the woman to no longer desire the pregnancy or the child. She might even come to resent the unborn for having to place its interest above and beyond her own. This resentment could conceivably lead the mother to abuse the child in retaliation for the power and control it had over her life during pregnancy through the state imposition of criminal or civil prenatal statutes.

Depriving a woman of her autonomy on the grounds that the fetus she is carrying has protectable rights and interests is an unacceptable infringement on her constitutional rights. Expansion of fetal rights, particularly by criminalizing and punishing the mother's behavior, would be the least effective way of protecting potential life. Civil sanctions or criminal actions against a pregnant woman would more likely cause animosity than encourage a higher standard of prenatal care. Thus, the state's interest in protecting potential life should be the rationale not for increasing fetal rights, but for maintaining limited rights for fetuses, and thereby prevent the constitutional conflicts which arise in these criminal prosecutions.

Faye Wattleton of Planned Parenthood On Abortion

by Inge Hanson

Faye Wattleton, president of Planned Parenthood, addressed the legal and political implications of the Supreme Court's decision in *Webster v. Reproductive Health Services* before an assembly at the Brearly School where her daughter is a student. Wattleton suggested that "we should be reflective on the fragility of rights we consider givens." She feels that the Supreme Court has called into question certain fundamental rights Americans have taken for granted, rights such as individual liberty and personal privacy guaranteed by the Bill of Rights. She thought it "remarkable that certain rights are shaping the national political debate with abortion at the center" and noted that "intolerance is at the center of that debate."

Wattleton stressed that she was not arguing that abortion was right or wrong. Rather, she questioned whether the government should intervene to "tell Americans what to believe and what to practice." She identified the issue as whether individual beliefs about abortion should be imposed on everyone by force of law.

Wattleton explained that in *Roe v. Wade*, the Supreme Court held that abortion was a personal right protected by the Constitution. The decision to have an abortion was to be between a woman and her physician. This right to decide came under attack with the proposition that the decision should be between a woman and the government. "This lack of tolerance is based on religious views that abortion is killing and should be stopped." Where the woman's needs

must be balanced against a fetus, Ms. Wattleton believes the woman's life and decisions are paramount.

Wattleton, who has a masters degree in nurse midwifery from Columbia University, has cared for many of the thousands of women who died as a result of illegal abortions. She recalls a 17-year-old girl who, along with her mother, had put bleach and Lysol into her uterus. The girl died after the poison entered her bloodstream. Wattleton noted that the decision in *Roe v. Wade* affected only the issue of safety since women had abortions prior to *Roe*.

plained that *Webster* has thrown abortion into the political arena through debate in the state legislatures. "In Missouri the restrictions are real and women must pass significant barriers to get an abortion," she stated, although the Missouri statute does not apply to other states.

However, Wattleton went on to describe legislative developments in states such as Pennsylvania which passed the most restrictive abortion laws in the United States. Pennsylvania has imposed criminal penalties on doctors who fail to provide women with information on fetal develop-

Webster has thrown abortion into the political arena through debate in the state legislatures.

Roe v. Wade did not settle the abortion issue as Wattleton acknowledged that campaigns organized by the churches were aimed at reversing the impact of the decision. After *Roe*, legislatures acted to limit the freedom the Supreme Court gave women to choose abortion. In addition, there was a move to change the judiciary by impanelling judges hostile to *Roe*. Wattleton said that the present Supreme Court has taken a step backward with *Webster* by affirming a Missouri law which restricts a woman's right to abortion. She ex-

ment. The Supreme Court decision gives states "the power to legislate and to regulate abortions which gets politicians off the fence - they can't hide their views on abortion any longer."

Ms. Wattleton asserted that the abortion issue will therefore control aspects of all political debates and campaigns in 1990 and 1992. "It will be a very volatile, intense debate—people will be called on to state their positions regarding legal abortion." She stated that this debate has already had an impact on recent elections.

The abortion issue played a major role in electing pro-choice candidates including Douglas Wilder, as the first black governor in the United States, and David Dinkins as mayor of New York. Jim Courter's anti-abortion views "were not helpful" to his gubernatorial campaign in New Jersey where he was defeated. Wattleton believes the abortion decision should be left to the individual. "It's strange that politicians could have any say about a woman's right to choose an abortion and could attempt to pass laws restricting that right."

Wattleton is not optimistic that the Supreme Court will sustain arguments that young women should not be susceptible to laws restricting

abortion when it considers two cases concerning how much authority minors have to choose abortions without parental consent. Planned Parenthood's position is that most young women do discuss abortion issues with their parents but other mechanisms beyond parental advice should be available. To illustrate her point, she spoke of an Idaho case where the father of a 13-year-old incest victim shot and killed his daughter upon learning that she was pregnant and wanted an abortion.

Wattleton concluded by addressing what she considers the root causes of the abortion issue. She stated that "the United States has the highest rate of unintended pregnancies of any

other developed country." Furthermore, she noted that there is very little comprehensive sex education through the twelfth grade nor are contraceptives or family planning services widely available. In fact, these services have been cut back. She asserted that if people were better educated about sex and contraception, there would be fewer unintended pregnancies and fewer abortions.

"Abortion is an intensely personal matter," she stated. The Supreme Court's decision to restrict the right to abortion should make us aware that none of our rights can be taken for granted. "We must be vigilant and fight for these rights all the time."

Announcements

Congratulations to Font Lady Fran Thompson, who is marrying Bill Koerber on March 10, 1990. All are invited! (Just Kidding, Fran).

Congratulations are also in order for Colleen Piccone and Bill Purdy, who placed second in the National Negotiations Competition.

A Get Well Soon to John Ambrosio! We miss you at our Thursday night staff meetings, and so does Jumbo Jin Lee!



The Washington College of Law
announces

THE SIXTH ANNUAL SUMMER LAW PROGRAM

in the
PEOPLE'S REPUBLIC OF CHINA
at Beijing University and
Hong Kong University,
with a study tour of Shanghai

June 8—July 20, 1990

This ABA-approved program offers two
3-credit courses:

Survey of Chinese Law
and

Introduction to Chinese International Trade Law

The program fee is \$2,990

For further information, please call
or write for a brochure:

Professor Peter Jaszi
Washington College of Law
The American University
4400 Massachusetts Ave., N.W.
Washington, D.C. 20016
(202) 885-2638 Fax: (202) 885-3601

Gender Bias Revisited

by Irene Chang

In the last issue of *The Justinian* there was a short piece regarding the topic of gender bias at Brooklyn Law School. As a result, this writer had several very interesting and provocative conversations with fellow law students. Students' comments ran the gamut from overwhelming support to hostile criticism for bringing up the topic. Still others believe I was too tentative in my position, they feel there is a great deal of unrecognized gender bias at Brooklyn Law School. Unfortunately, "the true situation" remains elusive since it appears to be a very sensitive and controversial topic. All of us at BLS should consider the dangers of both sexually and racially offensive statements, as the general impression expressed by students was that more sexism exists outside the classroom than within.

Two students submitted written accounts of gender bias. The first was presented by a female student, the other by a male student.

Letter 1: *Last year (fall of 1988), in Professor Allan's Family Law class, during a discussion of cruel and inhuman treatment, Professor Allan mentioned a woman whose husband subjected her to "prolonged intercourse" while a strobe light was flashing. The court held that this was not cruel and inhuman treatment. I was very disturbed by the case because I felt that the woman had (justifiably) turned to the law for help, and the law had failed her. During the break I went up to Professor Allan and told him that I was disturbed by the story and asked, "Did she have any other options? Could she have alleged marital rape?" He looked at me, and it was clear that I'd asked the wrong question. He replied, "she could have said 'no'." Having been raped, I may have been unduly sensitive to the implications of this remark; nevertheless, I felt that it was not a satisfactory answer. Professor Allan went on to tell me (he had represented the husband) that the man was a complete "Milquetoast" - a characterization I found impossible to accept.*

Later on in the semester, Professor Allan was describing a woman (I believe it was the second wife of one of his clients or friends) and he referred to the length of her skirts ("so short I was embarrassed"), her high heels, her long nails, etc. How did the class respond? Male student #1: "Can she cook?" Male student #2: "Who cares?"

Name Withheld by Request

Letter 2: *An incident occurred in my first year Civil Procedure Class with Professor Schneider.*

I enjoyed the course very much and participated in every class discussion. I studied very hard for exams and did quite well. As a matter of fact, after an "addition" mistake regarding my final score on the test was corrected, I had the highest exam score in the class.

I approached Professor Schneider after the addition mistake was corrected, knowing from a review of the test in class that I had the highest grade on the exam. Despite the fact that I participated as much as any one in class, if not more, I was told that I was only tied for the highest grade in the course. When I asked her how this could be, she took offense to my asking and screamed, "How dare you question my internal grading processes?" I calmly informed her that I felt I had the right to know since I had the highest exam score. She told me there were "other factors" that she took into consideration which resulted in a tie for the highest grade. I asked what method she would use to award the "AmJur" award, and was told it was totally in her discretion.

I take nothing away from the female student to whom Professor Schneider awarded the AmJur. She did very well on the exam, but her excellent performance was only second best. Despite the fact that she was always prepared for class, she participated sparingly that semester.

In truth, I believe that Professor Schneider's decision to award the AmJur award to a female student was not based on the merits, but was a result of gender bias. I never believed that this could happen in law school and I was shocked that it did.

John Bonina

These submissions represent what two students perceive as gender bias at Brooklyn Law School. While *The Justinian* did not verify these accounts, making it difficult to accurately appraise them, we did attempt to get the other side's version. Professor Allan is on sabbatical and was unavailable for comment. Professor Schneider's response follows on the next page.

(Continued on Next Page)

Response From A Professor

I am concerned by the allegation of gender bias in this incident and since I take grading very seriously, I am disturbed by the allegation in this particular context. However, there are critical facts in this student's description of this incident which have been omitted. This class was a "seminar section" in Civil Procedure, where the final exam only counted for 60% of the final grade, and a considerable amount of written class work, including a draft memorandum, complaint, and discovery exercises, full-scale oral argument (like Moot Court) as well as as class participation, counted for the other 40% of the final grade. Therefore, the highest grade on the exam was not dispositive of the final grade.

Since I remember this precise incident well, I have reviewed my notes for grading this semester. Obviously, a student's experience of their own "preparedness" or "participation" in a class is highly subjective, and a professor's may be different. In assessing class participation, I evaluate quality, not just simply quantity. There is no question that, based on my notes, the academic performance of the student who received the Am Jur award was superior.

Professor Schneider

CHALLENGE TO STUDENT'S RIGHT TO CONTEST GRADES

by Lawrence Schuckman

Dean Trager, along with the deans of seven other law schools in New York State, recently filed an amici curiae brief in support of New York Law School in the appeal of *Susan M. v. New York Law School*. In this case, the Appellate Division, First Department, ruled in favor of the plaintiff, a student dismissed for failure to maintain the school's minimum grade point average.

Susan M. is the first case in which a school's dismissal on academic grounds has been reversed. New York Law School argued that its decisions were above judicial scrutiny, and that it had "the right to be wrong" in deciding a student's fate. The Appellate Division disagreed, holding:

At least when the student's very right to remain in school depends on it, we think the school owes the student some manner of safeguard against the possibility of arbitrary or capricious error in grading, and that, in the absence of any such safeguards, concrete allegations of flagrant misapprehension on the part of the grader entitle the student to a measure of relief.

The Court went on to hold that the school owed Susan reasonable assurances that the grade she received was a rational exercise of discretion by the grader.

It is not known how this decision will be interpreted by the courts in the future. However, if the decision is affirmed, it will stand for the proposition that a school's dismissal of a student, if illogical, will no longer go unchallenged.

Until this case, law schools and professors who grade exams essentially held unbridled power over a student's future. Additional evidence of abuse of this power is contained in several earlier decisions, including *People ex rel. Goldenkoff v. Albany Law School*, 198 App. Div. 460 (3rd Dep't 1921); where dismissal was upheld on the basis of a student's association with the Socialist Party, and in *Carr v. St. John's University*, 17 A.D.2d 632 (2nd Dep't 1962), where a school was allowed to dismiss students because they were not married in the Catholic Church. The decision in *Susan M.* now gives law school students the procedural safeguards which were previously unavailable.

In their brief the law school deans argued three points. They argued for the reversal of the Appellate Division decision based on the potential for creating an adversarial atmosphere within the law schools, judicial review as discouraging "educational experimentation," and the "waste of valuable educational resources on grading disputes."

The deans are spending a good deal of their school's resources to hire an attorney to make their views on this subject known to the Court of Appeals. The respondent's brief is due on March 30, 1990. The oral argument has been scheduled for April 26, 1990. It is imperative that the student body of Brooklyn Law School, along with our fellow law students at other New York schools, make our voices heard on this critical issue to the Court of Appeals. All students who want to learn more should stop by the Student Bar Association, Room 302, for more details.

Sidney Callahan: A Feminist in the Pro-Life Movement

by Inge Hanson

Sidney Callahan, professor of psychology at Mercy College, discussed the pro-life perspective on abortion in her talk entitled "Moral Decision Making and Abortion from a Catholic Feminist Viewpoint" before an assembly at the Brearley School. She placed the "surging pro-life Movement" within the context of a developing "moral consciousness and conscience" that questions conventional truths.

Professor Callahan believes that the civil rights, peace, women's and pro-life movement are all rooted in this development which challenges the status quo. According to Callahan, "the pro-life movement challenges what feminists have called the Western Patriarchal tradition, which is a logic of domination, on which those that have power dominate over those with less power for their own interests". The pro-life movement therefore argues "that women should not exercise their power for domination and for violent, expedient solutions which kill their human offspring, but instead should choose an ethic of nurturing, care, responsibility, and protection of the pre-born and non-violent solutions to reproductive dilemmas."

Callahan represents what she calls a very liberal feminist branch of the pro-life movement which argues for a "consistent ethic of life" encompassing the fight against nuclear arms and the death penalty, the furtherance of women's rights and the attempt to formulate non-violent solutions for our society. Included within that movement is protection of the pre-born.

Callahan firmly believes in moral

reasoning and persuasion as a means of changing people's minds. Persuasion requires granting a moral belief that provides a "better sense of jus-

"One's own body does not exist as a single unit during pregnancy but is engendering another organism into life."

tice" and a "higher good" which is more inclusive than the opposing position. She characterized the pro-choice position as resting on several moral claims she argues are less persuasive than the beliefs held by the pro-life contingent.

The first such claim she addressed is the moral right to control one's body. Although Callahan "grants that right" with respect to organ transplants, refusal of treatment, sterilization and contraception, she does not consider it adequate to justify abortion. "Abortion and contraception are not the same," she asserted despite pro-choice proponents' attempts to "collapse" these separate categories into one. "One's own body does not exist as a single unit during pregnancy but is engendering another organism into life."

Professor Callahan sees life as a continuum which begins at conception, a view that she asserts is supported by advances in embryology and technology as "the definition of viability has gone further and further back." There is a growing sense that microscopic events such as conception are important. She says that

"people who apply selective criteria in determining when human life occurs are very hard pressed because there is no reason why one day an embryo is that much more developed than the day before. Since our society says that we cannot harm other bodies, no matter how different or underdeveloped, she does not think there is justification concluding that society guarantees a right to control our own bodies in the form of abortion.

Callahan analogizes the debates about the fetus versus the woman to debates about women versus men. She points out that women, once considered part of their husbands, were thought to be too different and too underdeveloped to have rights. She considers it paradoxical that while women have won their rights against the men who were above them, they cannot see the needs of the fetus who is below them.

Callahan discussed the problem of who may decide to have an abortion as raising interesting questions of justice. She considers it a travesty of justice that a woman "has power" to decide to have an abortion when the embryo is powerless because the decision is not an equal one. She found irony in the fact that the right to experiment on a fetus requires permission by an ethical committee while one person could kill a life at will by having an abortion. "This is a contradiction and an inconsistency that disturbs us."

Callahan asserted that the second moral claim propounded by the pro-choice movement in support of abortion is the woman's moral necessity

for autonomy, choice and personal responsibility with respect to pregnancy. Callahan argues that the idea that there is no responsibility for a pregnancy is dangerous to moral life. She pointed out that we are involved in several involuntary relationships, such as our family and our social system, which create obligations that were not contracted for. "Pregnancy, where one can produce and nurture life is a demand and an obligation," she said.

Callahan considers the moral claim that the value of fetal life is contingent is the most dangerous. This proposition that permits humans to decide the fate of the fetus is wrong because it assumes values can be granted by individual will. "If that were the case," she stated, "then none of us, at least none of us women would have individual rights." Callahan declared that permitting people to apply selective criteria in determining whether a fetus is a person denies the dignity of human life which does not have to be earned. She believes that "the basic moral plea that life is a good thing" places the burden of proof on those who say "why continue a pregnancy" rather than on those who say "why not".

Callahan concluded by addressing the pro-choice movement's assertion that abortion is a prerequisite to women's moral right to choose social equality. Callahan feels feminists should not be "pro-choice" because abortion is "damaging to a woman's self-image." She views the idea that women can be equal to men by killing inconvenient life as diminishing the importance of pregnancy and female sexuality. "Pro-choice speaks of pregnancy as a defense," she claimed, "which undervalues women's maternal and reproductive power." "Women must be equal, but they don't need to take a violent way out...killing does not make you stronger."



THREE REASONS

WHY MORE STUDENTS ARE CHOOSING KAPLAN-SMH BAR REVIEW COURSE

- 1 INTENSIVE QUESTION REVIEW:** Over eighteen hours of in-class question analysis by experienced law school professors is an integral part of every SMH and Kaplan-SMH Bar Review course at no extra cost.
- 2 NARRATIVE TEXTS:** The law you need to know for your bar exam is explained for you—not outlined—in our comprehensive texts.
- 3 UNPARALLELED CONVENIENCE:** Preparation for the bar exams of nineteen jurisdictions is available at over 100 Stanley H. Kaplan Educational Centers nationwide (except in New England, D.C., Maryland, and New Mexico where courses are administered by SMH).

PREPARATION FOR

California	Illinois	New Hampshire	Rhode Island
Colorado	Maine	New Jersey	Texas
Connecticut	Maryland	New Mexico	Vermont
Dist. of Columbia	Massachusetts	New York	Virginia
Florida	Michigan	Pennsylvania	

If you plan to practice in any of these jurisdictions, your first step should be to contact your campus rep or your local Stanley Kaplan Educational Center.



(800) 223-1782 (800) 343-9188

See your Campus Rep, or call:

(212) 977-8200

© 1987 Kaplan - SMH

IT'S NOT TOO LATE TO SWITCH TO PIEPER WITHOUT LOSS OF DEPOSIT.

So, you've made a mistake. If you were lured into another bar review course by a sales pitch in your first or second year, and now want to **SWITCH TO PIEPER**, then your deposit with that other bar review course will not be lost.

Simply register for **PIEPER** and send proof of your payment to the other bar review course (copy of your check with an affirmation that you have not and do not anticipate receiving a refund). You will receive a dollar for dollar credit for up to \$150 toward your tuition in the **PIEPER BAR REVIEW**.

For more information see your Pieper Representatives or telephone

(516) 747-4311

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

90 Willis Avenue, Mineola, New York 11501

Why Worry?

This year, another bar review course has put out a poster inducing students who have already signed up with other bar review courses to switch programs.

BAR/BRI refuses to play this game.

We believe that students are mature enough to enroll in a course. If they believe they made a mistake, they are mature enough to change courses.

If a student signs up with BAR/BRI or with any other bar review course, that student's objective is to pass the bar exam. And our obligation as attorneys is to help them with that objective, and not to destroy their confidence in themselves and in their course.

We will not undermine students' confidence in their course by playing on their insecurities.

After all, we're attorneys. And we intend to help you become attorneys, too.

barbri

(212) 594-3696

"Where professional responsibility is more than just a course."TM

© 1987 BAR/BRI

LECTURE AT THE EASTERN DISTRICT COURTHOUSE:

Professor Schneider Speaks on Battered Women

by Inge Hanson

Until twenty years ago, women who were battered by their husbands or lovers kept their beatings a secret. Although public recognition of the fact that thousands of women are battered has increased, a woman dies every twenty minutes as a result of battering, according to BLS Professor Elizabeth Schneider. Professor Schneider addressed the issue of battered women before a group of judicial clerks at the Eastern District courthouse. "The issue cuts across race, ethnicity, wealth and every other line," she said. "The common stereotype that battered women are minorities and poor is a myth." Battering is a major cause of death for women from all social and economic backgrounds. Indeed, Professor Schneider stated that "more women are killed through battering than from any other harm that befalls women."

Professor Schneider became involved in battered women's issues at the Center for Constitutional Rights where she worked after graduating from New York University Law School in 1973. Her work on these issues evolved from a case in which a Native American woman, Yvonne Wanrow had been convicted of murder for shooting William Wesler, a white man who had attempted to break into her house. *State v. Wanrow*. Although Wanrow claimed that she had acted out of self-defense, her conviction was affirmed by the Washington State Court of Appeals. The Center for Constitutional Rights represented Wanrow on appeal to the Supreme Court of Washington.

"When we looked at the transcript and jury instructions, we realized there were lots of issues of gender bias in the law of self-defense," Professor Schneider stated. Traditional images of self-defense, she said, involved men assaulting other men. The law of self-defense was shaped by male experience. A jury could not begin to consider the issue of self-defense in a situation concerning a woman without explanation of the circumstances.

For instance, Professor Schneider said the trial transcripts showed that Wanrow, a relatively small woman, had learned a few hours before that Wesler had been identified as the person who had molested her son and that she believed he was likely to harm her and her children. When Wesler, a large man, appeared at their door "drunk and threatening", Wanrow, on crutches with a broken leg, shot him to defend herself and her family. Without understanding the context in which the shooting occurred, a jury would be unable to comprehend Wanrow's assertion that she acted in self-defense. The instructions precluded consideration of these factors.

The argument that jury instructions leading to Wanrow's conviction were biased convinced a plurality of the Washington Supreme Court. The court issued "the first opinion of its kind" addressing the equal protection problems inherent in jury instructions regarding self-defense. *State v. Wanrow* has led to a "cottage industry of scholarship on gender

bias" in this area. Lawyers familiar with the opinion sought advice from the Center for Constitutional Rights in representing battered women who had assaulted or killed their batterers. The arguments in Wanrow, concerning self-defense became particularly important in cases concerning battered women.

As part of her work with the Center for Constitutional Rights, Professor Schneider worked on many cases involving battered women. Her advocacy role in this area led her to develop arguments for the admissibility of expert testimony in court on battered women's syndrome. She said that this testimony is essential in explaining why women have difficulty leaving a man who beats them and for elaborating on the cultural forces that operate on a woman's need to keep her family together. In *State v. Gladys Kelly*, a case in which Schneider argued as amicus curiae, the New Jersey Supreme Court agreed with her arguments that such evidence should be admitted.

Because of Schneider's background in battered women's issues, she was asked to prepare a report on the status of legal reform efforts in this field for the Ford Foundation. Her research indicates that despite increasing attempts to legislate protections for battered women, enforcing these laws is extremely difficult. For example, Schneider pointed out that the police are frequently unresponsive to reports of battering due to perceptions that domestic violence is neither serious nor a matter warrant-

ing outside intervention. Therefore, laws requiring the mandatory arrest of men who are battering women or of those who violate protective orders may not be applied forcefully.

According to Professor Schneider, the fundamental question is why do men believe they have permission to assault women. This belief, she asserts, is rooted in deep-seated notions that women are made property in a marital relationship and in stereotypes of women's status. She said women are often held responsible for provoking and causing violence by

sum," Schneider concluded, "the social and legal remedies available to battered women are pitiful."

Within the criminal context, Professor Schneider stressed that there remains a general lack of recognition of gender bias with respect to representation of women in general and of battered women more particularly. For instance, it is difficult to explain to a jury that a woman who assaults a man who batters her is acting reasonably. "How do you explain 'reasonable' to a jury in this context? Reason is assumed to be the 'natu-

some courts have construed the woman's use of a weapon as violating the equal force rule. In this instance, applying the concept of equal force would be gender bias, she stated.

In addition, Professor Schneider stated that the principle of "imminent danger" poses a problem in cases involving battered women since there are often time lags between the man's threats and beatings and the woman's retaliation. She believes that it is not easy to answer the jury's implicit question of why a woman who has been beaten for years has chosen a particular moment to assault or kill her batterer. For example, if a man threatens to murder a woman, then goes to bed, and she kills him while he sleeps, it will be difficult for her to tell why she believed his threats since there was no "imminent danger" at the time of his death. Although battered women can explain that "this time was different", it is hard to convey the reasons why.

Professor Schneider's work on battered women is integrated into her course Women and the Law. Next year, she will be teaching a new course on Battered Women and the Law at Harvard Law School where she will be Visiting Professor of Law.

* Two books on battered women have recently been published which build on Professor Schneider's work. *Terrifying Love: Why Battered Women Kill and How Society Responds* by Lenore E. Walker (Harper & Row) examines how killing can be a "normal" response to an abnormal situation. The author, a "feminist psychotherapist", is one of the nations leading proponents of the battered woman defense. *Justifiable Homicide: Battered Women, Self-Defense, and the Law* by Cynthia K. Gillespie (Ohio State University) asserts that the traditional laws of self-defense must be reconsidered when applied to battered women.

The social and legal remedies available to battered women are pitiful

failing to conform to stereotypes of the good wife who stays at home with the kids, doing housework and putting dinner on the table. In short, the belief that women "who stay in line won't get hurt" continues to have a hold on society. "The police have been affected by these concepts, as have the prosecutors, as have the judges... our culture as a whole has an historic sense that it is not wrong for a man to batter a woman. This concept has only begun to shift in the past 20 years," Schneider said.

Professor Schneider stated that although legal reforms are on the books, little has truly changed in the lives of battered women. It is hard generally for these women to obtain either shelter or legal representation. In New York City, there are only 200 beds available to the thousands of battered women who need protection from the men who beat them. Moreover, "not a single state has provisions providing counsel to battered women on a pro bono basis." "In

ral" province of men, and emotion the natural province of women. The difficulty, Professor Schneider explained, originates in the stereotype that healthy women are passive and that women who fight back are monsters who deserve to be punished. These stereotypes are tenacious and deeply held, and pose serious problems for battered women.

Related to the issue of defining "reasonableness" in battered women's cases, are other legal principles associated with the law of self-defense. Schneider explained that criminal law does not permit a person to use disproportionate force against an attacker in self-defense. The problem of translating this notion, known as the "equal force" rule, into the context of battering arises when a woman wields a gun or a knife against a man who has used his fists or his body against her. Although Professor Schneider said "it is difficult to think of a woman fighting back with her own body to a man using a weapon,

Shakespeare and the Law

Shakespeare And The Courtroom Trial

By P.J. Brackley

Everybody loves a good courtroom drama. There is always a merciless prosecutor, the courageous defense attorney, and, of course, the innocent defendant who is inevitably found not guilty as a result of intensely dramatic courtroom gymnastics. These hackneyed portrayals of legal *dramatis personnae* manifest themselves in the legal proceeding known as the trial. Shakespeare understood the incredible dramatic potential inherent in the trial process. In *Hamlet*, the character of Hamlet devises a trial-like ordeal to ensnare the guilty Claudius. In many ways, the trial process is very much like the dramatic process. Hamlet compares the two processes in Act II, scene ii:

I have heard,
That guilty creatures sitting at a play
Have by a very cunning of the scene
Been struck so to the soul, that presently
They have proclaimed their malefactions:
For murder, though it have no tongue will speak
With most miraculous organ:

Hamlet's postulation regarding the effect of a play on the conscience of the guilty cuts to the core of trial procedure. An analogy can be drawn between the theater spectator and the trial observer. Often, trial settings help identify the proper defendant through the testimony of witnesses. The guilty observer reacts like the "guilty creatures" sitting in the theater. The intense drama produced at trial reflects dramatic moments described by Hamlet during the play. Both a trial and a drama depend upon such moments to forge the ultimate truth. Indeed, it is at these moments that crucial evidence emerges. Both the audience at a play and the parties at a trial are aware of this phenomenon. For this reason, throughout the trial scenes in *Hamlet*, the formula for determining guilt through actual and physical participation in the trial process is a key issue. In this respect, the boundaries of the trial court and the rubric of the theater are ultimately synonymous.

Shakespeare used the trial format many times to enhance the dramatic intricacies of his plots and to illustrate the often arbitrary and uncontrollable results when humans attempt to judge each other. The most notable of these scenes is the expulsion of Shylock from the Venetian Court in *The Merchant of Venice*. Although this monumental trial scene is the subject of a future article, the dramatic energy released during the court's pronouncement that Shylock may "cut his pound of flesh" is unmatched in literature.

Milner S. Ball, a Shakespearean expert, argues that trials and oral arguments are as essential to the judicial system as performance is to drama. Ball concedes that for the most part, formal legal systems have attempted to suppress this association. The theatrical nature of courtroom trials has been traditionally rejected as expendable and as an intrusive embarrassment to the scientific and business-like austerity of the court. For example, this passage appeared in the 1962 version of the *American Standards for the Legal Profession* ("Standards"): "[A] courtroom is not a stage; and witnesses and lawyers, and judges and juries, are not players. A trial is not a drama, and it is not held for public information...."

It is abundantly clear that there is much more happening in the courtroom than *Standards* contemplates. Although trials are certainly a serious business and no sound lawyer would contend they are theatrical, every trial lawyer must concede that drama helps him persuade his audience - the jury. Furthermore, *Standards* denies the

fundamental importance of the Constitutional right to confront one's accuser, for confrontation is clearly a highly dramatic exercise. Many legal standards also teem with dramatic potential which similarly denies a scientific process. The burden of proof in a criminal trial, i.e. the "beyond a reasonable doubt" standard, does not necessitate an explicit match between the evidence and the verdict. Drama, impulse and theatrical manipulation are effective means employed by every good prosecutor to surmount this formidable standard.

In conclusion, Shakespeare informs us that as mere mortals strutting and fretting our hours upon the legal stage, we are ultimately confined by our own human frailties. Thus, any attempt to consider the trial process as non-dramatic seemingly denies the very effectiveness of such a confrontational exercise. Indeed, Hamlet says of his plan, "The play's the thing, Wherein I'll catch the conscience of the king." Hamlet speaks aright, since he knows the true energy present when people attempt to use written law to trammel up physical being.

**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.



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

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

GET YOURSELF A BEAUTIFUL PAIR OF WHEELS!

**PUBLIC AUCTION OF
UNREDEEMED VEHICLES
FOR SALE
AUTOS/VANS**



**NYC Department of Transportation
Parking Violations / Enforcement Bureaus**

AUCTIONS ARE HELD ON THE FOLLOWING DAYS AND LOCATIONS

MON.

Queens Pound, 56th Road and Laurel Hill Blvd.,
Maspeth NY at 11:00 am. Bronx Pound, 745 East
141st Street, Bronx, NY at 1:00 pm.

TUES.

Pier 60, West 19th Street and 11th Avenue, NY at 11:00
am. Brooklyn Pound, Brooklyn Navy Yard, Navy and
Sand Streets, Brooklyn, NY, at 1:00 pm.

WED.

Pier 26, Beach and West Street, NY at 11:00 am. Bronx
Pound, 745 East 141st Street, Bronx, NY at 1:00 pm.

THUR.

Pier 60, West 19th Street and 11th Ave., NY at 11:00
am. Brooklyn Pound, Brooklyn Navy Yard, Navy and
Sand Streets, Brooklyn, NY at 1:00 pm.

FRI.

Pier 26, Beach and West Streets, NY at 11:00 am.
Queens Pound, 56th Road and Laurel Hill Blvd.,
Maspeth, NY at 1:00 pm.

All cars sold right, title and interest, subject to prior lien.
Inspection one half hour prior to sale. **CASH ONLY.**

FOR INFORMATION - 212-791-1450

CUT OUT - SAVE AD AS A REFERENCE

The Club Scene

THE BROOKLYN LAW SCHOOL CHAPTER OF AMNESTY INTERNATIONAL

by Marni Schlissel

A young Muscovite breakdances in the Soviet Union to the Pepsi-Cola jingle on national television. This image represent the spirit of a "new generation," where self-expression and the assertion of other basic human rights are being demanded throughout the world.

Amnesty International is a worldwide nonpartisan organization working to promote human rights. Here at Brooklyn Law School, the International Law Society is forming a chapter of Amnesty International so that we may do our part in the fight for civil liberties.

Amnesty International's efforts focus on the global observance of the United Nations Universal Declaration of Human Rights. In accordance with the Declaration, Amnesty fights for: (1) the release of prisoners of conscience (persons imprisoned for their beliefs, color, sex, ethnic origin, language, or religion) as long as they have neither used or advocated violence; (2) fair and prompt trials for all political prisoners; and, (3) an end to torture and executions in all cases. As Brooklyn law students, we can help address these issues through letter-writing campaigns and petitions to bring about necessary change.

All interested persons are welcome to join the Brooklyn Law School chapter. For further information leave a message in the International Law Society mailbox in the SBA office and we will contact you.

INDURSKY ROCKS BLS

by Howard Katz

Brooklyn Law School's Sports and Entertainment Law Society featured entertainment attorney Arthur Indursky who returned to his alma mater to address an audience of more than 40 students. Mr. Indursky ('67), a partner in the Manhattan firm of Grubman, Indursky and Schingler, commented that although 250 Joralemon Street was not what he knew as Brooklyn Law School, it felt "good to be back."

In characterizing the role of the attorney in the music industry, Indursky was quick to point out that it is not all glamour and glitz, as it is popularly perceived. "We do not spend our days hanging out in the recording studio," said Indursky. Those lawyers who do spend their time in the studio don't make any money because they have too few clients, quipped Indursky.

Music attorneys are basically transactional lawyers who negotiate business deals for their clients, Indursky told the crowd. He stressed that, whether dealing with recording contracts, merchandising agreements, or publishing agreements, the attorney's primary function is to negotiate the best deal possible for his or her client and protect the client from various competing interests.

"We manage the managers," said Indursky. In reality, the life of a music attorney is more pressure and long hours than glamour, he concluded.

In response to a question about conflicts of interest, Indursky said that conflicts are a "big, big, problem in the entertainment business." According to Indursky, it is not unusual to represent a recording artist when dealing with a record company that you represent in some other matter. It is, of course, imperative, he said, that the attorney makes certain that he or she is never in a position in which the interests of the client cannot be adequately represented.

Indursky said that sometimes the record company will even request his representation at the very same negotiations in which he is representing the artist. He stressed that in such a situation, the attorney should advise the record company against using the artist's counsel, but, if they insist, compliance with their wishes is not out of line because the record company will have their own in-house counsel available to look after their interests. It is important,

Indursky emphasized, to maintain a good working relationship with the record company so that, as your artists become increasingly successful, you are able to renegotiate their contracts to reflect their improved stature.

Indursky advised the students not to expect to practice entertainment law straight out of law school. It is highly unusual for firms to hire entertainment attorneys directly out of law school. Most firms, he continued, require at least two years of legal experience, preferably with a large firm, before even considering a candidate for an entertainment position. Indursky himself started his career as a tax attorney and did not enter the entertainment field until eight years after his graduation from Brooklyn.

In addition to discussing the facts of life as a music attorney, Indursky, whose firm represents such entertainment icons as Bruce Springsteen, Sting, and Debbie Gibson, provided the crowd with some colorful anecdotes. These stories were both interesting, educational, and helped to round out what was a very informative and successful presentation by Mr. Indursky.

Please remember that the Sports and Entertainment Law Society depends on student input and involvement. Students wishing to communicate with us may do so via our mailbox located in the SBA office. Please also note that the Society will host a party on Thursday night, March 29, and will sponsor several lectures during the semester. Announcements will be posted throughout the school when details become available.

B.L.S. ANIMAL RIGHTS GROUP

by Hayley Greenberg

Journal Entry From Heartland...

Hegins is a sleeping farming town in central Pennsylvania. A distillation of all that is good in America in one small community. Farmers, shopkeepers, clean cut kids, heavy metal T-shirts and International Harvester baseball caps. Yes, traditional values are alive here. It is to this place the animal rights movement came, five hundred strong, to protest the Hegins Labor Day live-bird shoot. The weather was perfect for a protest. Clear skies and the air full of autumn-is-coming crispness. From the parking lot, really just a field, one could hear the sound of guns. Pop. Pop. Pop. Pop, and the hum, the words indistinguishable, of animal rights activists screaming and chanting. The bird-shoot is taking place adjacent to an athletic field. The grass, all mowed, is pale green. Off in the distance are trees. The protestors march in a circle. The hunters with shot guns wait their turn to shoot. Fifty feet from the shooter, a pigeon is released from a small box via a trip wire. The bird slowly flies five or so feet into the blue sky. the hunter shoots it. The bird flutters, arcing to the ground. Periodically, kids about eight years old run over to the still-living pigeons with pliers and break the birds' necks. Sometimes a shot bird will manage to flutter away from the kids and will be chased down, sometimes not, in which case the bird is left alone to twitch and bleed to death. The Hegins live bird-shoot is not hunting, it's not target practice. It is something different. the birds are so close to the shooter and released individually; there is no marksmanship involved, no sporting chance.

The Nazis made films of themselves knocking off Jews. In one film, Jews, Slavs, and homosexuals are made to kneel in front of an open pit. From a short distance, an SS officer shoots them. That is Hegins. It is all very ordinary. The sky does not open, nature does not rebel, no dark orchestra plays, there is no commentary saying this is good, or this is bad, it just is, and continues. The dead are taken to a dump. The hunters tell us that we don't know what animals are for, that it's fun. Some kids wear "Shoot pigeons, not drugs" T-shirts.

Another day in America.

Please do not take my word that account above is an accurate description of the Hegins Labor Day live bird-shoot. Please go visit the shoot yourself. It is something to see, no matter what your feelings are regarding animal rights. Contact the B.L.S. Animal Rights Group (718) 224-2531 for free transportation (seating limited), directions or further info.

A bill introduced last year to stop the massacre was not passed. I hope I'll be seeing you all on September 3, 1990 Labor Day.

To Halt the Massacre

- 1) Join the B.L.S. Animal Rights Group (718) 224-2531.
- 2) Call the Pennsylvania Tourism Office at (800) VISIT-PA. Tell them why you are not visiting their state.
- 3) Call the Governors Hot-line at (800) 932-0784. Tell them the same thing.
- 4) Call Trans Species Unlimited, the organization who formed the protest. Get more info. (212) 966-8940.

HEARD ON JORALEMON STREET

By James Sherman

Sometime around two or three in the morning of August 27, 1776, the British army began its advance across the plain sloping up from the swamp around the Gowanus Canal to Brooklyn Heights. For General Washington and the other would-be Americans, five days of worried speculation was over; thoughts of how, when and where the British would attack were answered in Brooklyn that morning. The answer wasn't pretty. When it was over, the Battle of Brooklyn, known outside Brooklyn as the Battle of Long Island, was a complete rout that nearly annihilated the fledgling Continental army and its cause with it.

In 1776, New York's population was around 22,000, second in the colonies only to Philadelphia. And in 1776, like in 1990, New York was the most aristocratic city in the country.

In fact, the majority of New Yorkers supported the British. In early August, directly following the siege of Boston, Washington transferred the bulk of his army to New York and its environs. He had nearly 18,000 troops somewhere around Manhattan. This figure represents almost the top strength ever achieved by the Continental army at any time during the Revolutionary War.

Washington and his generals had little, if no clue, as to what the British would do. The possibilities and consequences of any deployment of troops were unfathomable. Among his dilemmas was whether the British, whose fleet sailed the harbor, East, and Hudson Rivers with impunity, would seize Long Island. Or would they seize Manhattan? Or northern Manhattan? Faced with a seemingly endless web of eventualities,

Washington deployed his army in three parts. The bulk was dispatched to Brooklyn Heights with the balance divided between lower Manhattan and northern Manhattan at what is now known, surprisingly, as Ft. Washington.

On the morning of August 27, 1776, to the sounds of cannons and musket fire, Washington knew this deployment and the defense of Long Island from the Heights in Brooklyn was doomed to miserable failure. Five days earlier the British had transported the majority of their German mercenaries, the Hessians, from Staten Island to Gravesend. Washington had hoped that by placing the bulk of his army on the Heights he could force the British to reconsider their attack plans and withdraw from Long Island. For five days the Continental army had waited to see if the

**Brooklyn Heights,
the site of the Battle
of Brooklyn.**

**If we had lost the
Revolutionary War,
we'd all be speaking
English now.**



strategy would pay off. It didn't. From his headquarters in Manhattan, Washington knew the British were now laying a noose around the bulk of his army over in Brooklyn, cutting them off on the Heights.

The 20,000 German and British soldiers who met the Continental army that morning were well-fed, well-trained, and well-supplied. They were probably the two best fighting armies in the world at the time. The 10,000 Americans defending the Heights, largely teenage Massachusetts farmers, were unfed, ill-clothed, ill-trained, and poorly supplied.

From their fortification on the Heights, where a monument on the promenade commemorates the fortification, the Continental army fanned out over the plain sloping down to the Gowanus canal swamp area. They took up positions in the rolling hills, defending two of the three passes through the Brooklyn hills. The British marched uncontested through the third. They immediately launched a small frontal attack and then proceeded to attack the Continental army's exposed flanks. The rest of the story of the Battle of Brooklyn is largely a body count.

First came the cannonading. While falling wide of the mark, it sent the teenage farmers running. They ran straight into the bayonets of the German Jagers. When they turned to run the other way, they took grape-shot from the Redcoats closing the noose from behind them. The slaughter went on for hours.

When he arrived from Manhattan, Washington went to the top of a hill at the corner of Atlantic and Court Streets to watch for himself. His worst fears were being played out for him in front of his eyes. When it was over, the Continental army had lost 1,000 men killed, wounded, or captured. He also lost two of his generals. But in a move which would typify the British army's prosecution of the rest of the war, they paused on

that plain and failed to pursue the fleeing Continentals onto the Heights. Satiated on the massacre down in the swamp, this strategic blunder allowed Washington to engineer one of the greatest strategic retreats in military history. With the help of a group of fishermen from Marblehead, he assembled every available boat on the East River. That night, he evacuated his army from Brooklyn Heights to lower Manhattan.

The remainder of the summer went about the same. The Continental

army failed to hold lower Manhattan, then northern Manhattan, then Fort Lee, New Jersey. They retreated into New Jersey and the British made winter camp in lower Manhattan. At the time, British gentlemen did not fight war in the winter.

Brooklyn was the scene of perhaps the worst defeat suffered by the Americans during the revolutionary war. The rest of the war, fortunately, wrote a different kind of history. Moral: If you can get past Brooklyn, you might stand a fighting chance.

BE A CAMPUS REP FOR KAPLAN-SMH BAR REVIEW COURSE



1. YOU get A FIRST QUALITY BAR REVIEW COURSE.
2. YOU get TUITION FREE when you enroll five friends to take it with you.
3. YOU get a GENEROUS COMMISSION for every registration you obtain.

KAPLAN-SMH IS EASY TO SELL — JUST MENTION...

- ▶ **CONVENIENT LOCATIONS**
Choose any of fourteen Kaplan Centers throughout N.Y. State, over 100 Centers Nationwide.
- ▶ **FLEXIBLE SCHEDULING AND REVIEW**
Go to your Center to view or review any section of your course. (Video and audio tapes.)
- ▶ **19 JURISDICTIONS**
Complete courses available at your Center for 19 jurisdictions — no out-of-state charge.
- ▶ **LONGEST TEACHING EXPERIENCE**
Kaplan — over 50 years the world's leading test preparation institution.
SMH — 25 years of expert bar exam preparation.
- ▶ **ON-STAFF ATTORNEYS**
Available to answer questions and guide you through!!
- ▶ **EASY-READING TEXTS — NOT MERELY OUTLINES**
Yes, you get truly great outlines and tables of contents, but the texts are written in CLEAR, COMPLETE PROSE, JUST LIKE YOU'LL HAVE TO PRODUCE ON YOUR EXAM!
- ▶ **ONE PRICE GETS YOU EVERYTHING — NO EXTRA CHARGES**
Big discounts for early registration and Kaplan LSAT alums.
- ▶ **NEWEST, MOST ADVANCED METHODS AND MATERIALS**
118 hours* of lectures and question analysis by outstanding professors and attorneys • 6 MBE Texts, MBE Question Book, MBE Diagnostic Workbook • New York Texts • New York Question Book • Over 1500 practice questions • Practice Bar Exams • Law School Course Outlines and Lecture Tapes

* NEW YORK PROGRAM (MBE and Essay)

STOP BY THE KAPLAN-SMH
REP TABLE OR CONTACT:



(212) 977-8200

OR CALL 1-800-KAP-TEST

There Ought To Be A Law...

by Joe Accetta

The sun was barely visible as it peaked out over the horizon, but the line had already begun to form. Little by little, at 6:45 a.m., cars zoomed down and around the strip that ended at the garage door in front of Bayside Dodge's service center. Oh, the gates don't open until 7:30, but it's usually a good idea to be there early to save a place in line. Otherwise, you have a long morning of waiting ahead of you.

I guess I won't have to be here all morning, since there are only five other cars in front of mine. Some are idling, as clouds of exhaust drift through the cold air on this crisp January morning. There are some really nice cars here. There's a Daytona, jet black with slick rally stripes and a sun roof. Over there is an old navy blue Omni- must be an '80 or '81 - gleaming from the street lamp reflection.

Me? Well, it's just me and my Shadow, a 1988 model. It rides nicely, and I'm taking pretty good care of it despite driving on some of the world's worst roads including the infamous Brooklyn-Queens Expressway. But, that's another story in itself.

I'm sitting here on this line because it's that time again time to get an oil change. This will be my third one since I bought my Shadow, and I'm lucky that I have the time to take care of these small matters, since studies are quite hectic these days. Only, this is the first time I've taken my car to the dealership for service. The truth is: I just don't trust these guys with my car. Now, I know that this is a terrible thing to say without ever having these people lift up the hood, especially since I've only had Dodge/Chrysler cars in my family for my entire life. But to fear a simple

oil change? Well, I have my reasons.

It must've been about three years ago. A friend of mine asked me to drop off his car at another dealership's service center for routine maintenance work: an oil change, lubrication, tire rotation, filter changes, fluid check and tune up..I remember telling my friend that I had \$30.00 that I'd lay out for him, but he just laughed at that statement. "Thirty dollars," he chuckled, "Man, it costs \$50.00 just to walk in there!" I was astounded. At that time, I could have the same work done on my father's old Dart for \$25.00 at the local Mobil station. Little did I realize that walking into the service center would cost as much as a visit to the doctor.

My friend left me with \$100.00 and told me to drop the car off at the center, explain to the mechanic what was to be done, and pick up the car later. Sounds simple enough, right?

I completed my mission at around 4:30 that afternoon, picking up the car and paying for the service. All seemed well; the car looked good and they even polished the hubcaps after rotating the tires. Now that's good service, I thought to myself. When the mechanic handed me the keys, he had a cheesy grin on his kisser. Friendly guy, I supposed. Then, I went to pay the cashier. The bill was neatly printed- must've been run through a computer. The bottom line: \$95.00! Well, it wasn't my money, so I just nodded and handed the money over to the cashier, who also doubled as the dealership's manager. Well-dressed, slightly balding and wearing a large red nameplate on his lapel that read, "Hi- I'm Kenny." He seemed quite busy, since he was on and off the intercom with the mechanics. He offered some dis-

count coupons for future service, but I politely declined, got into the car and drove away. Little did I know what I was in for.

Later that day, when my friend met me to pick up his car, the first thing he did was to open the hood. He glanced at me with an angry expression on his face. "I knew it," he exclaimed. "These guys didn't do a damn thing." I didn't quite understand what he was talking about until I looked under the hood and saw that my friend had marked specific parts before giving the car to me. The filters were the same ones as before the car went into the garage! And the fluids were at the same level they were before! And the oil dip stick showed used, black oil which was a quart short of capacity, just as my friend had left it with me. Then, he ran around the car and checked the inside rims of the tires, and he found that the tires were in the same position as before! In short, we'd been had by these guys. "Oh well," I thought. "You live and you learn." Only, I wasn't off the hook quite that easily.

"Come on," my friend raged, as he dragged me into the car. "We're gonna nail those s.o.b.'s," he shouted as we sped off toward the service center. I asked my friend why he went to this service center in the first place. "Because of this useless service warranty that I bought when I bought the car," he shot back. "Man, I never should've let that guy talk me into buying that damn warranty. What did I need it for in the first place?"

The sun was up now, at 7:15, and I could see some of the mechanics pull their cars into their private lot. What a painful memory that was. So painful, in fact, that it was a huge reason why I cancelled my service contract only a week after I bought the car. I can remember the pressure the finance manager applied when I was in her office. She presented a

bunch of statistics - mileage charts, warranty types, yearly average costs, monthly financing plans - I was simply overwhelmed at the time. But, common sense hit me a week later and I cancelled the service warranty. After all, I figured, why should I pay \$500.00 extra for things that are already covered under Chrysler's basic 7-year/ 70,000 mile warranty?

I gritted my teeth when I recalled how angry I was at being so gullible. However, I was able to escape and get a refund within the allotted 60-day period. As I thought about my narrow escape, I could almost hear the sage wisdom of Prof. Habi echoing in my mind, something to the effect of, "If you sell your horse for a promise, you deserve to walk." If only I had known then what I know now! Luckily, it didn't cost me this time.

I could feel my gut tighten as I recalled that experience on top of my friend's episode with Kenny the crook. I remember how we went back there, ready to give 'em hell. My friend charged into the office and demanded his money back. He angrily explained how he had heard that these guys were running a scam on

other people who also paid for invisible service, and how he decided to mark the parts. Kenny seemed taken aback by these accusations, but claimed ignorance. My friend took him out to the car and showed him the marked parts. Well, Kenny just snickered and said, "That doesn't prove anything. But I'll tell you what. I'll give you free coupons for your next routine maintenance work visit, o.k.? Nothing like an offer of a freebie to cover up guilt without admitting to the crime.

My friend was livid, and he rejected this offer, while promising Kenny that heads would roll over this episode. Obviously, Kenny - and I - thought that this was an idle threat, a bluff asserted in anger. Well, the post script to this story is that my friend actually wrote to Detroit about what was going on. Not only did he get a refund, but the next time he went there for service and asked for Kenny, the acting manager informed him that Kenny was fired. I guess he'd run his last scam at that service center.

Well, it's 7:30, and the garage door cranks open. I'm not looking forward to this. It's going to cost me \$70.00 for an oil, lube and filter job.

I can't believe this. What am I doing here on this line? I guess I just grew tired of Dodge's tri-annual service reminders with "low, low discounts" that I receive in the mail. Here goes, my car is next. But I could still change my mind.... The memories are coming back.... If only there was a guy with a smile like Mr. Goodwrench and not these hoodlums.... No! I can't do it! I won't be a victim! I sped away, waving "bye-bye" to the guy at the gate. He must've thought I was crazy, but I don't care.

The way I look at it, if I'm going to get stuck, I'd better be mentally prepared. Maybe someday I'll work up the nerve to go back there. But for now, all I can think of is how many other unsuspecting people go into these service centers and get taken because routine service requests are ignored by these mechanics. What about the people who don't know anything about their cars? All I know is that it's a terrible feeling inside not to trust someone to do something they are getting paid good money to do. And so, for all you people who should now think twice after having service done on your car, there ought to be a law....



DRIVING MANDELA

ASBESTOS UPDATE

by Chun Wai Wong

Last April, the Justinian reported the asbestos situation at Brooklyn Law School. For those who missed that issue, the school had asbestos installed in the ceilings of the main building when it was built in 1968. During the 1950s and '60s asbestos was a commonly used fire insulation material. The exposed structural steel of 250 Joralemon is covered with asbestos insulation. It is now known that asbestos causes various lung diseases which can be fatal.

In 1987, Brooklyn Law School filed a law suit against various companies which sold and installed the asbestos in the school. This suit, *Brooklyn Law School v. Raybon Inc.*, was instituted in Brooklyn Supreme Court but was dismissed on the ground that Brooklyn Law School had failed to state a claim. In a precedent setting case, Justice Sklar of the New York Supreme Court reversed the decision.

Judge Sklar wrote in his decision that the doctrine of "law of the case" is not absolute and that the court may in extraordinary circumstances disregard it. He accordingly moved the case to New York Supreme Court where asbestos related cases have all been placed with one Justice to ensure efficient and consistent handling. The case, however, has yet to come to trial in the New York Supreme Court.

The asbestos may, however, pose a health risk if and when it is disturbed. Dean Trager commented that Brooklyn Law School would eventually have to remove the asbestos from certain areas of the building when the annex to the school is built. Construction on the \$15 million annex is expected to commence within the next three years. Since the annex will be connected with 250 Joralemon, disturbing the asbestos would be inevitable. Dean Trager also stated that

there is no problem with the asbestos in the school at the current time.

Roger Brennan, Director of Engineering and Maintenance of Brooklyn Law School confirmed that the condition of the asbestos in the ceilings poses no serious health threats and that Brooklyn Law School is monitoring the situation very carefully. Mr. Brennan also stated that tests are conducted twice a year in random areas of the school by Asbestos Abatement Consultation and Engineering Associates of New Jersey and the results of the tests are well within the minimum safety requirements set by the law.

In the past year, several students have reported incidents where their classrooms were covered with black soot. Mr. Brennan commented that this soot is unrelated to asbestos and explained that the soot is merely dirt that sometimes backs up in the air ventilator shafts.

Best Brief Prize

Dean Trager and Professor Walter would like to congratulate the following students who, in 1988-89, were nominated by the faculty for the Joan Ofner Touval Memorial Scholarship. The scholarship is awarded annually to the student who has submitted the Best Brief in the First Year Moot Court Program. Professors Cary, Dietz, Falk, Fleisher, Teitcher and Ziegler chose the five finalists. From this group Professor Walter selected the Best Brief.

Best Brief: Elizabeth Hadad

Semi-Finalists

Michael Gerzog, Louis Haber, Nina Hutchinson-Farber, Peter Leehy, Georges Nahitchkevansky

Honorable Mention

Randy Amster, Kim Berger, Randy Branitsky, Jonathan Citrin, Jean Delbago, Ada DiDonna-Clapp, Jane Drumme, Karen Gartenberg, Sarah Hamilton, Inge Hanson, Amy Hertzberg, Lisa Johnston, Debra Klein, Peter Leehy, Mark Levine, David Miller, John Moore, Laraine Pacheco, Susan Panepento, Nina Pirrotti, Edward Ross, Susan Schwaiger, Nancy Silverman, Hannah Sprecher, Peter Urreta, Adam Zahl

ARTS AND ENTERTAINMENT

THE GREATEST SHOW ON EARTH?

Second Circus Revue 1989

by David De Gregorio

After spending three years at BLS, it's reassuring to see that at least some aspects of student life have remained the same. Makeup exams are still administered with hideous incompetence; the proctors are still the most determined bunch of non-agenarians in the world; the library copy machines are still either (1) not available, (2) not working, (3) out of paper, or (4) all of the above; and the cafeteria is still quieter than the library. And of course there is still the Second Circus Revue to make us laugh and, in many ways, to make us think. This year was no exception.

The 1989 Second Circus Revue was held in the 7th floor Moot Court room on the evening of April 13 and 14. The show was divided into two

acts lasting approximately an hour each with a fifteen-minute intermission. I attended the April 14th performance, my first Second Circus ever, and, being somewhat of a skeptic, I did not expect a great deal. Instead, I found the show animated by wit, intelligence, versatility, originality, and enthusiasm. All in all, it turned out to be among the most delightful and enjoyable two hours one could ever experience at 250 Joralemon Street.

The playbill for this year's Second Circus Revue looked like a TV guide and announced BLS's move to primetime. The show began with a rousing musical introduction entitled (what else?) "Brooklyn," sung with both feigned and real Brooklyn accents by the entire cast. The stage for the rest of the evening was set when Eli (played with a fake mustache and a pillow under his shirt by Rayf Ber- man), lazily carrying a McDonald's bag ("Mickey D's") and desperately

searching for a TV set, comes across one in Dean Trager's office. Ely sits himself down and irreverently turns the channels until he lands his favorite show, Bonanza (with the band playing the theme), which introduces the first skit, "The Good, the Bad, and Hank Holzer."

This biting satire was set in the old west, in a town reminiscent of the school which lives in hopeless fear of the "awrniest" gunslinger in the territory, Hank Holzer (Andrew Wahn.) The townsfolk desperately turn to the "law in them thar parts," Sheriff Trager (Jerry Maline) and Calamity Joan Wexler (Deborah Bryant) for protection, but are put-off by a combination of double-talk, prevarication, and plain stalling. Meanwhile, the town is almost brought to its knees but for the timely intervention of the only woman on the frontier capable of taming dastardly Hank - Liz Schneider (wonderfully played by Ruth Bernstein).





At left: Ken Misrok as Professor McLaughlin in the "Galloping Gourmet"

Preceding Page: Enitre Cast in Finale

As Eli changes channels, he comes across an assortment of programs, concerts, and commercials, which in one way or another all center on BLS (where else?). Among the most hilarious were "Joe Isuzu," the "new dean of Brooklyn Law," a short but extremely funny sketch superbly done by Jim Castro-Blanco; the "Galloping Gourmet," featuring Ken Misrok as a television chef who's method of instruction and gesticulations were all too familiar to anyone who had taken a course with Professor McLaughlin; "Meshugenah Izzy's," with Rayf Berman portraying Professor Twerski so well that I almost fell out of my seat laughing; "Mute Court," a really clever piece with Jim Castro-Blanco as the smooth and suave announcer and Stan Lee as the stupid but genuinely dishonest judge who favored every school, including Pepperdine (!), over BLS; and the "Second Circus News," with Stanley Lee and Mike Bixon, which I'll simply leave to your imagination.

By far the most satirical and controversial sketch was "One Boerum Place." Besides allowing a showcase for the remarkable voice of Irene Chang ("I'll Get a Job, Tomorrow"), One Boerum was a scathing commentary at the indifference many

students feel emanating from the Placement Office for those that are not top 10 or 15 percent and not on a journal or Moot Court. Although somewhat exaggerated (I've never seen manicures in the Placement Office) the overall point of the sketch was well-taken. Eileen Wishnia was wonderful as a thoroughly detestable Jane Ezersky, (also much exaggerated), as were Irene Chang, as the student with modest academic achievements who was systematically ignored, and David Frydman, as the class valedictorian who was feted and pampered to the point of disgust. Incisive, funny, thought-provoking. A sketch in the best tradition of Second Circus.

Musical numbers were also in evidence that evening. The couplet that impressed me the most were "Rock and Roll Law School," with Moises Penalver singing "Little Am Jur Queen" a la Prince, and "Rock and Roll Law School II," with Howard Graubard doing a convincing imitation, guitar in hand, of Bob Dylan. Not to be outdone, rap music also made an appearance in "Law Thing," with Rayf Berman, Peter Fields, and Garret Rubin doing shades and large gold necklaces. The evening ended, as it began, with the en-

tire cast singing "One Singular Sensation," providing the perfect cap to an almost perfect evening.

I use the word 'almost' because, like most human endeavors, the show had its less than funny and sometimes awful segments. Some ideas were clearly funnier in conception than in execution. The two sketches devoted to extended commentaries on old age, "Proctor General" and "Golden Boys," had some good moments, but dragged on far too long and ended up beating a dead horse, proving that poking fun at the proctors and some of the older professors had definite limits. "Morton Downey, Jr." had potential but failed to live up to expectations, and the same was true of "Crisis Center."

There were also some crude and tasteless dialogue including, but not limited to, the obligatory fat jokes concerning the Dean and a reference to bestiality in connection with Professor Holzer. All in all, however, Second Circus was great fun and I urge all students to shave off an hour and so in the course of three years and take it in. The money collected, incidentally, is used to offset production overruns, the surplus going to the SBA's general fund. Well worth the effort.

Brooklyn Law School's
Second Circus Revue 1990

PRESENTS:

The
MAGICAL MYSTERY TOUR

March 29th, Thursday
and
March 30th, Friday

8 P.M.

Tickets on Sale in the Cafeteria
starting the third week of March

POET "LAWREATES"

Inertia

*A body in motion
Flying freely upward,
Through wind and sky
Quite unaware
Of his starting
Ultimate goal*

*Ignored the entreaties of
The weathered man who
Tends to stay
Rooted
In the elm tree's shadow
Shielded from Helios' wrath.*

*The old man spoke in vain.
"All that is growing,
Is reaching for heaven,"
He said, "is always
In motion,
No matter how slowly.*

*"And each thing that lives
(except roots which grow downward)
Aspires to ascend
To the sun,
But each will become
A body at rest."*

*But the sun-singed flier,
who realized too late,
Where he was headed, now
Tends to stay
Mixed in the crumbly,
Moist black soil.*

*Burned to crumbly dry black hollow
At rest.
Fallen, but not rooted
In the elm tree's shadow.
Quite unaware
Of his startling, ultimate goal.*

Dear Emily

*O what a curse
That you were born
When poetry was starved by form.*

*And lyrics, in their chastity,
Wore corsets of verbosity.*

*Anyone who
Dared to stray
Was chastised
And then put away.*

*Yet, though you'd learned
Your boundaries well,
'Twas in your bosom to rebel.
perhaps a sticky bit of
untidy syntax,
a stark-unpretty descriptive passage.*

*And in the grand,
Ironic scheme,
Your intellect
Undid your dreams.
And throughout the bitter search,
Your aching mind knew
Your God is dead and
Your Master is you.*

Both poems by Geanine Towers-Dioso

We're Halfway Home

by Marcus Alan Spevak

*What was that anonymous nonsense on exams?
Does the good ol' objectivity standard
Go down the drain with a name?
Yes, what a shame.
(Good luck to my friends 7527, 9812, and 4036.)*

*Our flagpole reaches only to the fifth floor.
I hope our profs on eight and nine
Were still patriotic to us fellow Americans
On finals.*

*Governor Cuomo transferred from Brooklyn Law to St. John's.
About as sensible as his Catholic pro-choice stance
Or his insistence on no capital punishment in Gory Gotham.
(For the basketball, right Mario?)*

*Geraldo has taught us that BLS J.D. degrees
Are as necessary to talk-show hosts
As ministerial degrees are
To televangelists.*

*Mayor Koch will join Robinson Silverman Pearce Aronsohn & Berman
And the only surviving conservative daily in New York.
"How'm I doin'?" asks the mayor.
You're doing fine, Edward I.*

*"Practice makes perfect" does not apply to the law.
We never master the law.
That is why we shall always "practice" it,
Never perfect it.*

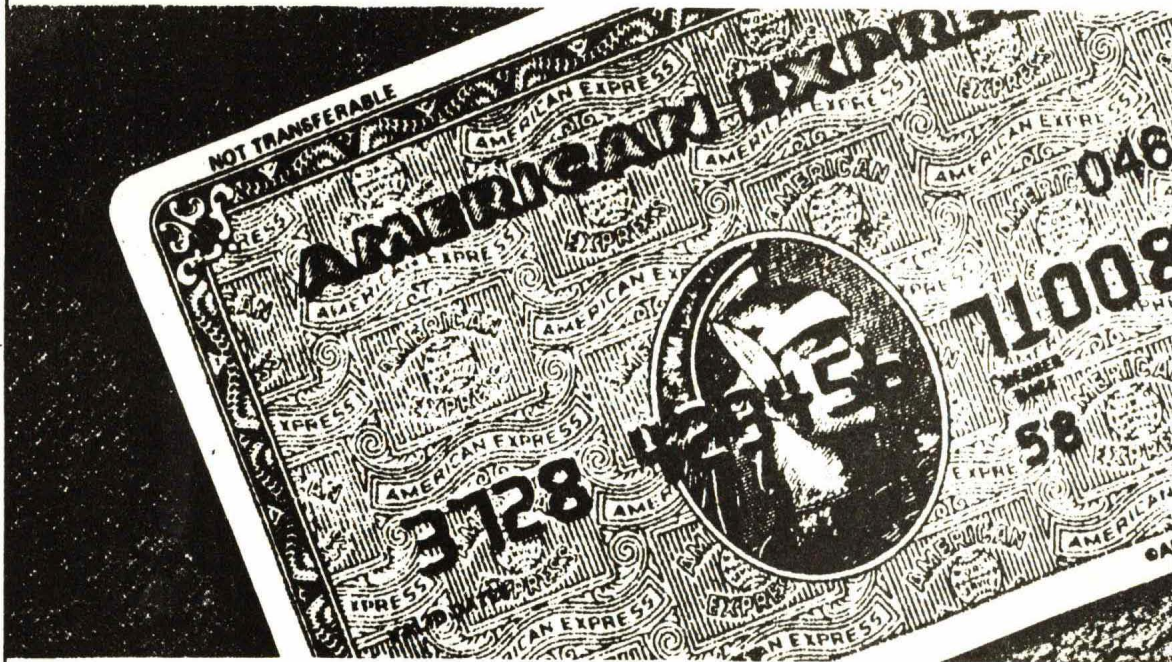
*Who ever said that relationships
Were hard to come by in law school?
Law is your wife
All else is your mistress.*

*A present from FAO
(Not Schwartz on 59th,
but instead the office at 1 Boerum)
Is a fine belated Chanukkah or Christmas gift.*

*Decided to give up smoking cigarettes
for the New Year.
I did
And am now loving my smelly cigars.*

*How did Pittsburgh go so far?
If that can be, JFK Jr. may pass the bar.
Houston lost in the Astrodome?!
And what's more, we're halfway home!*

THE GOLD CARD® A SPECIAL MEMBERSHIP OPPORTUNITY.



FOR GRADUATE STUDENTS EXCLUSIVELY.

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

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

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

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

The Gold Card®
1-800-648-4420



© 1989 American Express Travel Related Services Company, Inc.

INTER ALIA

by Michael Harding

I'm down to my last three months in BLS. Perhaps I should just count down the days, collect my J.D., and get the hell out of here, but there is something on my mind. It's been on my mind since my first semester here at BLS. I didn't complain because first year students are usually lost in space and just thankful to be here. Second year students are just glad the first year is over. Third year students just don't care anymore. Maybe I should keep my thoughts to myself, especially since this problem is now behind me, but sometimes you have to make a stand. I'm going on the record. I want the Dean, the administration, and the faculty to know that no matter how you look at it, THE EXAM SCHEDULE STINKS!

Exams. For whatever reason, BLS prefers a schedule that calls for the fall semester final exams to be administered after the holidays. Spring semester exams are given through late May. This schedule has negative side effects for BLS students ranging from financial to academic consequences. It may very well result in your not passing the bar exam.

Bar Review Programs. For students, the past three or four years mean nothing if you fail to pass the bar exam. That is why students spend hundreds of dollars to attend intensive bar review programs. Undoubtedly, a student would expect to devote all of their time and energy to such a program. This would be possible if you attended almost any other law school, but here at BLS don't even give it a thought. For BLS students taking the February bar exam, the review courses began in mid December. These students had to attend bar review courses and pre-

pare for final exams simultaneously for four weeks. Ultimately, these students ended up only being able to devote their full attentions to the final three or four weeks of review courses. This May students get a break, only one week overlaps between the bar reviews and finals. Students in the past weren't so lucky. Those in the future may not be lucky either.

The BLS administration stresses the importance of preparing for the bar exam. In an apparent move in this direction, BLS instituted an "Early Start" bar review program this semester. If the BLS administration were sincere, they would arrange the exam schedule so as not to conflict with the bar review courses.

Summer Jobs. Because of the final exam schedule, BLS students are not available to work summer jobs until weeks after students from other schools begin. Last year I began my summer job a week after final exams. Summer interns from other schools had begun working up to 3 weeks earlier. Some employers end their summer programs in mid August, at a time when most students are preparing to return to school. The result: BLS students get short changed on summer jobs. BLS students need to be available in early May to get the full benefits of summer employment and to be more competitive with other schools.

Intercession. Is that what they call it? That break between semesters? Give me a break! One week (two years ago we got 3 days) between semesters is not enough time to wind down after exams. And what are we expected to do during that week, buy books, straighten out financial aid payments, professors actually expect you to do homework. That week is no vacation. If exams were before the holidays, then students could enjoy a three week break and start the new semester refreshed.

Grades. The one-week break

between exams and the spring semester is too short for professors to grade exams. At the time of writing, we are in the fifth week of classes and many of us are still waiting for our fall grades to be posted. The drop/add period expired after two weeks. To play it safe, some final-year students have registered for extra classes. If grades were posted before the expiration of the drop/add period, then students could make informed decisions on what classes to take during the final semester.

Solution. The solution is clear. Fall classes should begin in August. Exams would be over before the holidays. Students, not just professors, would be able to enjoy the holidays, unwind, and prepare for a new semester. Those taking the February bar won't have final exams hanging over their heads as they take review courses. Professors would have time to grade finals and have grades posted before the expiration of the drop/add period. Students would be able to choose courses they want and need, not courses they may need. Spring exams would end earlier, allowing BLS students to start summer jobs sooner. Students taking the summer bar would be able to devote all of their time and energy to the review courses. This is the way it should be. I like BLS. I like the administration and the faculty. But they must realize it's the students who pay their salaries and foot the bills. Like I said, maybe at this point I should keep my opinions to myself, but Barry Manilow writes the songs and I write this column!

On Another Note. Congratulations to Colleen Piccone and William Purdy. The pair, under the guidance of Professor Gary Schultze, placed second in the National Negotiation Competition held in California. Word is, they did so well Professor Schultze has hired them to negotiate his next contract with Dean Trager.



MPRE ETHICS EXAM

Friday, March 16, 1990
(Happy St. Patrick's Day!)

**PIEPER NEW YORK BAR REVIEW'S one day seminar
will be offered 9:00 a.m. to 4:30 p.m.**

NEW YORK CITY LIVE: SATURDAY, MARCH 4, 1990
TAPE AVAILABLE AT THESE LOCATIONS:
NEW YORK CITY, NASSAU, ALBANY, BOSTON, BUFFALO,
SYRACUSE, WASHINGTON: Saturday, March 10, 1990

Successfully passing this two hour exam is a requirement for admission to the New York State Bar. This seminar is *FREE* to students who are enrolled in the *PIEPER BAR REVIEW COURSE*, otherwise there is a \$125.00 fee which includes books. Why not come and experience the Pieper method.

Applications can be obtained from your Law School or the National Conference of Bar Examiners (319) 337-1287.

The filing deadline for this exam is *February 16, 1990*. The exam fee is \$25.00. Late registration will be accepted until *March 7, 1990*, but the exam fee is increased to \$75.00. If you miss the *March MPRE*, the next *MPRE* exam is *Friday, August 7, 1990*.

For more information contact your Law School Pieper Rep or
PIEPER NEW YORK-MULTISTATE BAR REVIEW, LTD.

90 Willis Avenue, Mineola, N.Y. 11501 • Telephone: (516) 747-4311
Amy Rhodes; Jacqueline Terry; Amy Weiner