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May, 1990 Vol. LIX, No. 5

THE JUSTINIAN

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

OCCUPATIONAL HOUSING DISCRIMINATION

Prof. Hellerstein
On
Jamaican Prisons

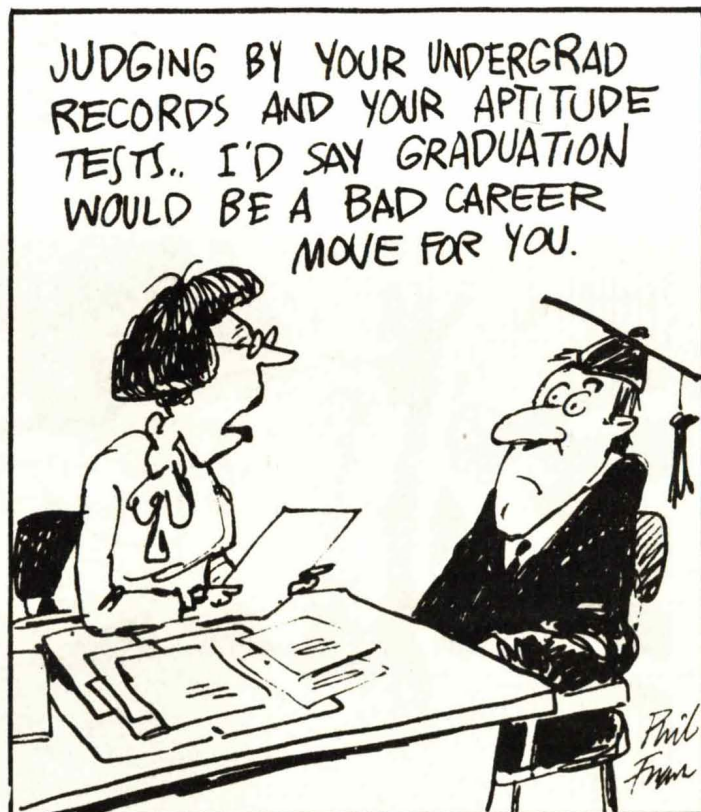
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Review: Second Circus

BLS Buys Building

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The Justinian

A Forum for the Brooklyn Law School Community

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May 1990

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Editor's Corner

By Stanley Lee

Going into law school, I swore to myself that I wouldn't get involved in extracurricular activities to the same extent as in college, and especially not the newspaper. Obviously, this final column is proof of good intentions gone astray.

At the outset, I'd like to make a bold statement: Law school doesn't take all your time. I don't care what everyone says about all their time being consumed by the study of law. More time is spent socializing and/or worrying than actually studying. Most students have the time to get involved with the school newspaper, or student politics, or even some of the student organizations, but choose not to allocate their time accordingly. This, in my humble opinion, is a mistake. There's much diversity in the student population, notwithstanding the appearance that everyone seems to have come from SUNY, NYU, or Stuyvesant High School. Sometimes you learn more from these interactions than you would in the classroom.

Working on *The Justinian* often seems like... Work. Having gone to this new format last year, everything in each issue is done by students, except for the actual printing. This includes writing, typing, editing, artwork, and layout. The layout is especially arduous, because much of this work used to be farmed out to contractors. Now that we do it in-house, the school saves a lot of money, but at a great cost of person-hours to the staffers. Because of the increased time required for each issue, in these last two years it has only been feasible to put out two issues every semester, instead of once-a-month as planned. It infuriates me when people complain about the relatively few issues we put out, then respond with "I don't have time" when asked if they would like to help out. Do they think that we have more hours in the same week than they do? If you don't help out, please refrain from complaining.

I don't know if I would do it again, but I must admit that running *The Justinian* had its rewarding moments. However, having stayed awake for the last 48 hours to do the layout prior to this writing, I'm not inclined to articulate exactly what these rewarding moments are, at this time.

There are many people with whom I've become acquainted with during my years at BLS. Unfortunately, I won't be able to acknowledge them all, mainly because of space limitations, and partially because I don't care to do so. Because of this, I'll have to largely limit my

comments to some of the people I've come into contact with during the course of my duties on *The Justinian*. Here they are, in no particular order:

My thanks to the Dream Team of first-year students, Joe Accetta, Daniel Tam, P.J. Brackley, and Marcus Spevak. They came to the introductory meeting at the beginning of the year, and came through as promised, handing in articles every issue when they were supposed to. Joe Accetta and Dan Tam have done such a superlative job that I will be confidently leaving *The Justinian* in their capable hands for the upcoming year as Co-Editor-in-Chiefs. Maybe the two of you combined will do as well as I did this year.

Jim Sherman, who was the Dream Team last year, suffered from the sophomore jinx: All is forgiven, come home next year, your irreverence is needed. At least I thought so.

Thanks to Professors Gora, Holzer, and Madow for their wise counsel on journalistic legal problems that I ran into this year.

Joe Cardieri, the school needs more rabble-rousers like you. Well, maybe that's an exaggeration, but your activism was always amusing to watch. I hope you eventually find a quiet library.

Thanks to Professors Hellerstein and Pitler, the former for caring enough to submit articles, and the latter for coming into the office to shoot the breeze, one of the benefits of having faculty next door.

Howard Graubard, who published *Not The Justinian*: There are two groups of people in this universe: *Us*, and *Them*. Howard, you're *Them*.

Thanks to the administration for responding to our editorials, and for providing us with the funding for our equipment. Mostly, I'd like to thank you for leaving us alone; last year, the two journals and Moot Court got moved to One Boerum, and SBA is going to the cafeteria next semester (Was it just a coincidence that SBA got the announcement the day after the first performance of *Second Circus Revue*?). It is vitally important that *The Justinian* remain centrally located, accessible to all.

Thanks to the cleaning crew of BLS. Most of us don't notice the great job they do, and generally take it for granted. Having spent many late nights in the office, I've met many of them, and have seen firsthand the transformation the school undergoes each night.

Chun (Luther) Wai Wong: Thanks for doing all the dirty work that I didn't want to do myself. Just like last year in AALSA, right? At least we're still friends, and will continue to be.

Michael Harding: Good luck in the D.A.'s office. I loved your column, and I'm sure everyone else did too. It's the kind of column I always wanted to write, but you

(Continued on page 8)

CORRESPONDENCE

The Empire Strikes Back

To The Editor:

This is in response to the editorials in the December 1989 and February 1990 issues of *The Justinian*. At the outset, let me express my thanks for your bringing many of these matters to my attention, some of which had not been brought to my attention.

(1) **Student Lounge:** I agree that it leaves a lot to be desired. We are planning to replace the furniture and carpet in the student lounge this summer and to paint the room as well. I would, however, point out that the present furniture is only two years old.

(2) **Lockers for First-Year Evening Students:** I was not aware that we did not have enough lockers for our first-year evening class. The problem apparently was lack of space in which to put them. I believe we have found a solution to this problem. Although we could have the needed lockers within a few weeks, we wanted to buy more aesthetically pleasing ones. They will be delivered in two months. To accommodate the lockers, we will have to move the bike rack, which may cause some inconvenience to some faculty and students, but we see no other solution that will not deprive evening students of lockers.

(3) **Security at One Boerum Place:** The problem at One Boerum is not lack of security. If anything, the difficulty arises because we wish to maintain adequate security. Although we appreciate the desire of some students from the Law Review, Journal, and Moot Court Society to work past midnight, we cannot give out keys to those organizations so that the students can come and go at will after midnight. If we do, we would lose

control of the building. To allow students to come and go while maintaining adequate security, we had tried to arrange for the lobby guard at 250 Joralemon to respond to requests from students entering and leaving One Boerum. Obviously this system has not worked out as well as we had hoped. Here, too, we hope we have found a solution. We plan to set up a TV security system which would allow students at One Boerum Place to communicate directly with the guard at 250 Joralemon who would buzz them in and out of One Boerum. This system will be installed in the next few weeks. Also, effective immediately, we have set up a procedure whereby the guard at 250 Joralemon will call the various offices when he plans to be away from his desk for more than a few minutes.

(4) **Calendar Change:** A faculty-student committee has been actively discussing a possible calendar change. A proposal to be implemented starting in the Fall of 1991 will be submitted for approval by the faculty this fall, to be followed by a student body referendum. It is too late to change this fall's calendar, as some members of the faculty, administration, and student body have made plans for August in reliance on the existing calendar. In addition, because the burden of any change will fall most heavily on the evening students, I will insist that any proposed change be approved by a majority of the evening students as well as by the day students. I would only note that in studying the matter, we have learned that some schools that schedule exams before Christmas are in violation of ABA rules requiring 70 days of

classes each semester.

(5) **Computers:** The Librarian, Professor Sara Robbins, informs me that she already has received proposals to increase the number of computers in the library and hopes to have additional computers in place by August or September at the latest.

(6) **Physical Conditions in the Library:** Although I do think that the editorial's snide characterizations were a disservice to our student body, I will say we do intend to paint the library this summer and do some other cosmetic work. We will also try to fix the existing carrels and do something about the lighting. However, in light of our plans for a substantial expansion of the library, it would be inappropriate to undertake major renovation work at this time.

(7) **Library Noise:** The final issue raised in your editorial is a matter that the administration cannot deal with alone. This is the problem of library noise. Students themselves must reach a consensus as to where in the library they can and cannot talk and what level of noise will be tolerated, given that the library is a place for study. I have asked our Librarian, Professor Robbins, to form a committee consisting of students, faculty and administration to come up with some clear rules that would be acceptable to most everyone. One thing I hope is clear. We are dealing with adults, and I do not think that the law school should be put in the position of hiring a guard to enforce library noise rules.

Very Truly Yours,
David G. Trager

Affirmative Reactions (See Corrections on page 22)

To The Editor:

I write in response to Mr. Day and Mr. Kaiden's letter in the February 1990 issue of *The Justinian*. I am amazed by the ability of these individuals to read so much into Mr. Shapiro's letter printed in the December 1989 issue of *The Justinian* and see so little of the world in which we live and the events which have shaped it.

Mr. Day and Mr. Kaiden criticize Mr. Shapiro's suggestion that BLS "admit and graduate more Black and Hispanic students." They read into this a certainty that such consideration of race, gender, national origin, etc. will result in the admission of unqualified minority students, thereby "reducing the quality of the student body." I resent this leap in logic and the ideas behind it. Also, I resent their implication that more than two hundred years of legalized slavery was caused by perpetuation of "the idea that society is a collection of races." If the reasons for slavery, racism, prejudice, bigotry and gender bias were as simple and superficial as that, maybe Mr. Day and Mr. Kaiden's contentions would have some merit. And I emphasize the word "maybe".

The contents of Mr. Shapiro's letter did not lead me to perceive an invitation to reduce law school entrance requirements for minorities. On the contrary, I heard a cry for outreach and cultivation, not charity. The perception that consideration of race, gender, or national origin in the admissions process results in the reduction of admission and retention standards, as applied to those affected groups, is not exclusive to Mr. Day and Mr. Kaiden. Once I begin to look for employment as an attorney and I enter the practice of law, I may suffer as a result of the same assumption. Although, I am taking the same

courses and exams as my classmates, I must be concerned with the very real possibility that my education and my experience, along with those of other minorities, will be cheapened by the same erroneous conclusions they manifest.

Mr. Day and Mr. Kaiden have failed to think their position through to its inevitable, real-world result. The vast majority of law school applicants are young, white, and male; thus, a policy which did not take into consideration race, gender, national origin, or even life experience, would result in a significantly less diversified student body. The consequence would be a reduction in the quality and character of the student body, the learning experience and ultimately the legal profession.

I do agree, however, with Mr. Day and Mr. Kaiden that the Albert Einstein Medical School program is an outstanding effort but its very existence recognizes a problem that runs deeper than race-consciousness. The real world is a place where minorities, especially African-Americans, proliferate the underclass, where there are few minority students in professional school and even fewer minority educators. This problem is the result of more than race-consciousness and will not be resolved by ignoring our racial, ethnic and gender differences. We should consider these differences an essential part of human existence and use them to enrich each other. To do any less would diminish the experience.

Meanwhile, the question posed by Mr. Shapiro remains unanswered. "Are we doing everything we can and should do at Brooklyn Law School?"

In the Spirit of Umoja (Unity),
Kenneth S. Buffalo

To The Editor:

The letter submitted by Charles Day and Jonathan Kaiden compelled me to respond in support of an inclusive admission policy.

We need greater representation of all minority groups in the legal profession. The study of law must be made available to not only African-Americans and Hispanics, but all segments of the population. Asian-Americans, native Americans, the disabled, and others also need greater representation. Until the bar is representative of the diverse population of the United States, many groups will remain disenfranchised, without access to judicial review of legal wrongs suffered individually and as classes.

Unfortunately, those who are admitted based on predictions of "most likely to succeed" in law school are not always those who will best represent the various segments of the population. Diversity in law school provides a minimal representation of all groups. Expanding representation through increased recruitment activity is one of the methods that should be used to encourage greater enrollment of minorities.

Nevertheless, giving consideration to all of the qualities a student brings to the law school facilitates elimination of existing social ills. Upon graduation, these students will increase their respective group participation in our system of legal redress. Their unique insights and abilities will be applied towards the resolution of tomorrow's problems. Insuring that all groups within our society have some representation in all facets of the legal process and reasonable access to judicial intervention are problems that are best addressed by providing for participation of those groups in the legal profession. Access to participation

should not be limited to increased recruitment efforts. It should be addressed by all available means, with an emphasis on inclusion of all segments of the population.

Sincerely,
Lucille McEwen

To The Editors:

When I first read Monsieur Day's and Monsieur Kaiden's piece entitled "An Opposite and Equal Reaction," I was amazed and disappointed in their simplistic analysis of the situation as well as in their naivete. Before voicing my reaction, I would like to clarify that I write not to insult either gentleman, but to awaken them to the realities of American History; the plight of persons of African descent and all other minorities (minorities is defined herein as used generally in our society to define all persons who are not straight white protestant males).

The authors correctly point out in their piece that for centuries persons of African descent ("blacks" in their piece) were discriminated against. Unfortunately, they write in the past tense, suggesting this discrimination no longer exists. They further go on to incorrectly state that Affirmative Action (although not referred to by name) would result in discrimination against all others who are not of African or Latino descent and lower the quality of the student body at BLS, and that the use of "race as a factor would harm both BLS, and society as a whole, by perpetuating the idea that society is a collection of races." (In the February issue of *The Justinian*, the term individuals was incorrectly substituted for races.) In response I write:

Dear Monsieur Day and Monsieur Kaiden,

Society is a collection of diverse races, creeds and cultures. The diversity of these groups lends itself not to divisiveness, as suggested in your piece, but to the development and maintenance of a society rich in talents, interests and perspectives. Additionally, suggesting that the quality of education at BLS would decrease if more students of African and Latino descent were admitted is not only stigmatic but replete of ill-founded stereotypes. A review of world history would quickly disprove the suggestion that persons of Latino or African descent are intellectually inferior to their European counterparts.

I submit that we as a student body should not actively seek to decrease the enrollment of students of African or Latino descent, but, work towards the active recruitment of these students and the recruitment of students who are Asian-Americans, Native Americans, Arabic and so forth.

Additionally, the increased recruitment should not apply solely to students. We, as students, should seek an increase in the number of "minority faculty" which presently comprise the faculty at BLS. Our legal education should not be restricted to simply learning black letter law. Speculation, exposures to cultural bias, experimentation, as well as an exchange of ideas and perspectives between persons of different ethnic and cultural backgrounds is an essential element of higher education.

I further submit that a limitation of interaction among students and faculty of different races, creeds and cultures would stagnate individual development as attorneys and as functioning members of society.

Marie Germaine Vilain

No Earth Day At BLS

Fellow Students, Honored Faculty, Administration, and Employees of BLS:

I am deeply dismayed that Brooklyn Law School needlessly contributes to the solid waste problem facing our city and nation. The lunchroom at BLS serves its food and drink in plastic and styrofoam containers. The population at BLS goes through thousands of non-biodegradable cups, plates, trays, and utensils a day! This material takes years to biodegrade and releases poison into the atmosphere when it finally does.

BLS should replace the plastic and styrofoam material with paper products. Furthermore, although the kitchen area is small, BLS should provide reusable utensils and install a small dishwashing machine to clean them. This may cost a little and require some remodeling, but the benefit in the long run justifies it.

In the meantime, everyone who uses the cafeteria should try and use as little of the plastic and styrofoam as possible. Take your sandwich on a napkin instead of a styrofoam tray or plastic plate. Bring in a mug from home for hot drinks. The cafeteria charges the same price for a regular sized mug of coffee or tea as it does for a small styrofoam cup of coffee or tea. The slight inconvenience of using your own mug is clearly outweighed by the benefit to the environment considering that a two-cup-a-day habit for *one person* at BLS generates about 600 cups a year. It's time we all woke up and smelled the coffee! As Martin Luther King once said: "If you're not part of the solution, you're part of the problem!"

Harold Baker

Sour Grades, Sour Grapes

To The Editor:

As the recipient of the *American Jurisprudence Award* in Civil Procedure I, I am compelled to respond to John Bonina's letter in last month's *Justinian* alleging that the award was a result of gender bias. I am infuriated at the implication that the only reason I could possibly have received that award was through a professor's gender bias. While I choose not to be as persnickety as Mr. Bonina as to measure my class participation against his (except to say, in my own defense, that his characterization as my having participated "sparsely" is at best inaccurate), suffice to say that I am confident, based on my class performance, including graded exercises, that my award was well deserved.

Furthermore, and more importantly, I would like to stress that if the circumstances were exactly the same, but the professor was someone other

than a well-known (and well-respected) feminist such as Prof. Schneider, I am quite sure Mr. Bonina would not have considered sexism as an issue, in the professor's grading policies. In fact, I feel safe in stating that gender bias would never have entered his mind. And just for the record, I would like to point out the Am Jur was awarded to a male student the second semester; was that awarded simply as a cover-up to legitimate other awards to female students? I don't think so. As a law student, Mr. Bonina should know that before making an allegation as serious as gender bias, especially against a professor who spends a great deal of time fighting against every act which is alleged, he should spend some time understanding exactly what gender bias is and gather substantially more evidence than that which he purports to have.

I suggest that Mr. Bonina's two-year-old gripe was not a case of sour grades but rather sour grapes, and in

his own words, his "excellent performance was only second best."

Andrea Sharrin

To The Editor:

Given the high standards we as law students and future lawyers should be held to, I am troubled by the poster promoting three candidates for the Student Bar Association offices that uses the cartoon character Bart Simpson. The use of this pictorial work in this instance, absent permission from the holder of the copyright, is an infringement of the copyright owner's rights.

Not knowing all the facts involving the drawing of this poster, I will refrain from reaching any conclusions as to whether a violation of the copyright statute has been committed and, if so, who is responsible. However, I urge the candidates whose names are on this poster to examine the facts of its making.

Louis Haber

Editor's Corner (Continued from page 4)

beat me to it. I hope someone can continue *Inter Alia* next year. Stay in touch, big guy.

Mark Gaw and your written submissions: Good try.

Ching Wah Ching: Bo knows sports, but Ching knows everything. Well, just about everything. You probably didn't know how grueling the conversion of our format would be. Sure, we won first place in the ABA contest, but the hours were brutal. Or *did* you know? Anyway, let's do that road trip.

Clare Wee and Karen Wong, thanks for never complaining whenever I asked you to do some work; this was a rare quality around here. However, if you call me Fearless Leader again, I'll strangle you with your tongues.

Helen Lee and Nancy London: I know, I know. All men *are* snakes.

Lawrence Schuckman is like one of those characters in the World War II movies: The scavenger who can get or accomplish anything, as long as you don't ask questions. An invaluable asset to an editor, and also a good friend. Next time you set me up with someone, just tell me in advance, okay?

Irene Chang, I know things got wacko and spooky, but you were always a woman of action who came through. Thanks.

The Crew from The Thursday Night Card Games in *The Justinian*: Thanks for your generous contributions to the Stanley Lee Scholarship Fund. Lenny Mark, that *is* your car! Get Well soon, John Ambrosio.

All those I didn't mention, and helped out during the year, you have my appreciation. Those who didn't help: You know who you are.

I wish I could have met everyone in my class; however, it's simply not possible for anyone to do this. I sincerely hope that if any of us recognize each other in the outside world, that we at least greet each other cordially. After all, there's only one Class of 1990 from Brooklyn Law School.

Finally, these last two weeks of exams, plus studying this summer for the bar, mark my departure from the relatively sheltered world of academia. At the same time, it heralds my entry into the real world. Now, if I take the GMATs, that's two more years in business school, but if I take the MCATs, that's four more years of med school...

SBA Update

By Lawrence "Lame Duck" Schuckman

By the time this is printed, there will be a new SBA executive board. It's been an interesting year as SBA president, but I'm looking forward to being the new American Bar Association representative. I'd like to thank those delegates, faculty, and school employees who have helped make this experience a pleasant one. Special thanks to Day Vice-President Irene Chang, whose constant support enabled me keep my sanity. Next year, the SBA office will be moved to the book store's old location at the back of the cafeteria. The book store has moved to 184 Joralemon Street, between Court and Clinton Streets.

Many of the student organizations were very active this year and it is hoped that this trend continues in the future. Rarely did a week pass without an interesting event and it was encouraging to see different groups participate in each other's gatherings. All student organizations should pick up their forms for next year's budget allocations in the SBA office by the first week in September. Keep your eyes open early next semester for more details.

Graduating students who have finals during the evenings of May 22-24 should by now be aware that they may take these finals during the afternoon instead to avoid conflicts they may have with their bar review courses (see the bulletin in the first floor for details). These conflicts will never be completely eliminated so long as our law school continues its current class schedule. However, I would like to thank Dean Wexler for being as accommodating as she could under the current constraints.

In an effort to accommodate Brooklyn Law School graduates, both Bar/Bri and Pieper are changing their schedules to avoid further conflicts. Pieper will have additional tapes of

the May 23rd lecture on May 25th and of the June 12th lecture on June 16th, both at Brooklyn Law School. Graduates should call their respective bar review courses for more information.

It is with regret that I've learned that another student was locked in at One Boerum Place this weekend. The administration does not appear to consider this risk to student's safety worthy of immediate action. An intercom system needs to be implemented at the very least to protect those students who are left locked in at night across the street. While I'm on the subject of safety, a parting suggestion: both the outside of the school and the parking lot across the street are inadequately lit. Many of us know of students who have either been accosted or who have had their cars broken into. Unfortunately, it is very dangerous for students late at night in this area and the administration should make every effort to improve this situation.

I'm also sorry to hear that bar review courses are no longer able to show first year review tapes at Brooklyn Law School. It's disappointing to learn that certain faculty members consider a three hour lecture a threat to the integrity of their classes. We hope that next year the book store will still be able to sell Emmanuels...

SBA delegate John Ambrosio continues to show improvement at JFK Hospital in Edison, New Jersey. He gives his regards and thanks everyone who has written and visited him.

The administration has ordered new lockers for all students who were never assigned them. They should be installed by the beginning of next semester.

Finally, our annual Springfest was held on Friday, April 27th, and no, it didn't rain! Thanks to Irene Chang, Roger Brennan, the band Banzai Fish, and all the people who helped to make the party a great success. A special thanks to the two first-year students who "tried to help" me move the kegs!



Springfest 1990

Occupational Discrimination. in New York City Housing

By Lori S. Gentile

When one considers discrimination, two separate categories come to mind. One is the "area" of discrimination, e.g., discrimination in employment, education, voting, access to public facilities and housing. The other is the "type" of discrimination, e.g., race, nationality, religion or age. It is important not to consider these categories as finite. The following account illustrates the point.

In 1988, Greg Faragasso, newly graduated from Brooklyn Law School, experienced housing discrimination. However, his situation was atypical; he was being discriminated against because of his occupation.

Faragasso's story is not complicated. He found an apartment on the upper East Side of Manhattan. He filled out an application with his realtor indicating his desire to rent the apartment. A deal was struck and Faragasso returned the next day with the rent and security interest.

The realtor then informed Faragasso that there were "problems." The landlord refused to rent the apartment to Faragasso because he was an attorney. Faragasso asked the realtor if he could talk to the landlord to assure him that he was not a troublemaker and had no intention of organizing tenant groups within the building. The realtor refused, and Faragasso was never able to assuage the landlord.

Faragasso became frustrated, not just because he was denied an ideal apartment, but more importantly, because of the reason behind the outcome.

Although Faragasso read about housing discrimination in law school and in the newspapers, he never expected to be a victim of such discrimination. His choices of actions were limited. He either could continue his search for another apartment or he could stand up for his rights and help deter this type of behavior. Being a recent law school graduate, he decided to accept the challenge.

There was virtually no case law to support

Faragasso's complaint. One 1977 case, *Kramarsky v. Stahl Management*, 92 Misc. 2d 1030, 401 N.Y.S. 2d 943 (Sup. Ct., N.Y. Co. 1977), specifically held that a landlord had wide discretion to discriminate against a tenant, as long as race, creed, color, national origin, sex or marital status were not the bases of discrimination. The court stated:

"So regrettable though it may be, a landlord can employ other criteria to determine the acceptability of his tenants--occupational, physical or otherwise. He may decide not to rent to singers because they are too noisy, or not to rent to bald-headed men because he has been told they give wild parties. He can bar his premises to the lowest strata of society, should he choose, or the highest, if that be his personal desire."

Fortunately, Faragasso was not foreclosed from proceeding further. New York City has a series of statutes in its Administrative Code prohibiting unlawful discriminatory practices, which encompass, among other things, those related to housing discrimination. Specifically, Title 8 of the Code delegates the power to eliminate and prevent discrimination in housing accommodations to the Commission on Human Rights. Administrative Code of the City of New York §8-101, et seq.

In 1986, Title 8 of the Code was amended to include a person's occupation as a protected class. Administrative Code §8-108.2 Title 8 identifies the specific procedures in such actions. First, the complainant must file a verified complaint in writing with the Commission with the name and address of the alleged discriminating party within one year of the alleged act. The complaint must also set forth the particulars of the alleged unlawful discriminatory practice.

The Fair Housing and Public Accommodation Division of the Commission will then conduct an in-

vestigation. This could include sending employees of the Commission to the same realtor to inquire about the same apartment.

If the Commission finds probable cause to credit the allegation, it may make an attempt to remedy the situation by arranging negotiation between the complainant and the alleged discriminating party. Throughout the whole process, the Commission acts only as an impartial mediator and not as counsel for the complainant.

If no settlement is reached, Fair Housing will send its recommendation to the Deputy Commissioner of the Law Enforcement Bureau. If the Deputy Commissioner and the attorneys of the bureau find probable cause, they will either attempt to settle the case or schedule a public hearing.

If a hearing is scheduled, one of the administrative law judges of the commission will conduct a hearing with the parties and determine the appropriate remedy. The judge will then submit his recommendation to a panel of 15 non-salaried commissioners appointed by the mayor for a final decision.

Faragasso followed this procedure and filed a complaint against the landlord. Under the Code, Faragasso had a potential claim against the realtor as well for refusing to negotiate (Administrative Code §8-107(5)(c)(1)) but agreed to release the realtor for an affidavit attesting to the content of the realtor's conversation with the landlord. Ultimately, Faragasso settled with the landlord.

Although he was successful in his case, Faragasso recognizes the difficulties in proving certain instances of occupational discrimination. Specifically, since a number of real estate agents may show the same apartment, if the landlord intends to discriminate, he may simply inform the realtor representing the party to whom he does not want to rent

that the apartment has already been rented. Consequently, a potential complainant in this type of situation has a higher burden of proof than where the landlord admits, to at least one party, the reason for refusing to rent the apartment (as the landlord in Faragasso's case did).

In addition to the Commission's various investigatory procedures, Faragasso suggests two possible ways of alleviating the proof problems. One way is to eliminate the requirement that an occupation question be included on an apartment application. Faragasso realizes, however, that credit checks may lead to subsequent disclosure of this information.

Alternatively, stricter standards could be placed on the realtor. Perhaps, realtors could be required to

log applications upon receipt. This would provide a check in the event the landlord claims that another party had priority by ensuring that the apartment was rented to the first financially-qualified applicant. This solution seems more effective and could be easily accomplished with the aid of a computer. Furthermore, the logs could be produced dur-

Faragasso became frustrated, not just because he was denied an ideal apartment, but more importantly, because of the reason behind the outcome.

ing the discovery stage of a lawsuit.

The Commission on Human Rights stated that since 1987 approximately twelve complaints of alleged occupational discrimination were brought to its attention, mostly by attorneys.

This number is quite small and it is unclear whether it is due to the infrequency of this type of discrimination, the low public awareness about the relevant law, or the potential problems of proof in successful enforcement of the laws.

If the problem is that the public is unaware of their legal rights and remedies, we, as future lawyers, should encourage people to investigate their alternatives.

The Commission on Human Rights is very helpful and provides a Fair Housing Hotline. The number is (212) 964-7000.

BLS Purchases 184 Joralemon Street

By Helen Lee

The BLS community should be pleased with news of the acquisition of another building on Joralemon Street. As part of the administration's efforts to meet the needs of a growing student population and also new faculty members, 184 Joralemon Street was purchased by Brooklyn Law School last year. The new building is located only one block from the main building, between Court and Clinton Street.

The main purpose of the purchase is to expand existing housing available to students. Currently Brooklyn Law School owns two buildings, 2 Pierrepont and 100 Pierrepont Street, for student housing. Although not all units in these buildings are student apartments, the administration is in the process of converting units as they are vacated by non-student residents. The building at 184 Joralemon Street is a 12-story Beaux-Arts style building and is presently leased to commercial tenants.

In a telephone interview, Dean Trager said there will be three or four two-bedroom apartments available this fall for students and two or three apartments for faculty. He also said the two-bedroom apartments for two student roommates will cost approximately \$550 per month. The conversion of the spaces available have already begun and Dean Trager expects them to be completed by the fall semester.

He added that the building was purchased from the U.S. government. When asked for additional information on the circumstances of the acquisition, Dean Trager declined to elaborate and directed that information on the building could be found in last year's issue of Brooklyn Law School News, the alumni newsletter. The article referred to was in fact



The new neighbors down the block

limited to a physical description of the building's "stained glass windows, grand arched openings, and sculptural figures". The article also stated that the new building will house an expanded Office of Alumni Affairs and Placement Office. Dean Trager also refused to discuss the purchase price of the building, stating that he thought this was an inappropriate question.

As of April 23, the new building now also houses Brooklyn Law School's bookstore, which is not officially run by Brooklyn Law School bookstore but rather the private enterprise of M.J. & K Company. The bookstore, which gets space from the school rent-free, was moved because of the shortage of office space for the growing faculty body. More faculty offices will be made available when the space, which currently houses the SBA office, is converted over the summer. The SBA will then be located in the back of the cafeteria where the bookstore was.

Although the relocation of the bookstore to 184 Joralemon Street

makes it somewhat inconvenient for the last-minute purchase of highlighters and study guides, the move was the best available solution to the space problem. As Dean Trager said, "In my list of priorities, the needs of the faculty and the students came first". When asked whether he was concerned about the possibility of the bookstore losing revenue from these last minute sales, he responded, "Frankly, I didn't really care. It was a matter of priorities and the faculty and students came way ahead of the bookstore. Its principal business is at certain portions of the year anyway." Since the bookstore gets the space free and the relationship with the law school is on an at-will basis, the administration is not concerned about how much money M.J. & K. Company makes during the semester.

The move of the SBA, which oversees the activities of all student-run events, to the rear of the cafeteria will make the student organization more accessible than if it were moved across the street, as was proposed prior to the bookstore relocation.

The Bush Administration: Developing a Chamberlainean Glow

By Joe Cardieri

September 29, 1939. The German Foreign Minister, Ribbentrop, and his Soviet counterpart, Molotov, met and reexamined their agreement for the partitioning of Europe. The result? The Soviets were given a larger chunk of the annihilated Poland and a freer hand to play around in Lithuania's domestic politics. It took the Soviets less than a year (July 14, 1940, to be exact) to 'convince' Lithuania, Latvia, and Estonia to join the friendly forces of their eastern neighbor. Of course, the fact that the Soviets were ready to sweep the Lithuanians into the Baltic may have, in some slight way, influenced their decision.

And now Lithuania wants out of the Soviet Empire. Understandable, I'd say. The Lithuanians want to cast off the iron grips of the paper bear and rid themselves of an ideology and an economic system which has proved unworkable. What is, however, less understandable is the Bush administration's policy toward this

hostage country.

Bush is obviously more interested in not stepping on Soviet toes than in supporting a nationalist movement. Actually, Lithuania's case is more than a democratic movement; they simply want back that which was stolen (oh, excuse me, "annexed" is the proper official word here for stealing) from them 50 years ago. Bush's policy is dangerous because it shows the world in stark terms that the U.S. is willing to sacrifice its ideals when political expediency rears its head.

I'm not saying that practical considerations should not play a large part in formulating American geopolitical policy. Of course they should. But when our nation continually ignores the 'good guys' because the 'bad guys' may become perturbed, we show the world that our ideals are really not that important to us, and thus encourage further misbehavior.

For instance, after the massacre last summer in Tianemann Square, Bush covertly reached out to high

level Chinese officials; doing so, he stated, because of China's strategic importance and out of fear that the Chinese leadership would withdraw into themselves and become yet more sinister. (I guess their murderous rampage was not sufficient to prove that these men were already sinister to the hilt). Thus we embraced the bad guys and cast aside our ideals of democratic freedom and peaceful resolution of disputes in the name of political expediency. China has not become any less sinister because of our placatory overtures.

Presently, we are ignoring the plight of the understandably aggrieved Lithuanians because, as Bush has indicated, our relationship with the Soviets is our primary consideration. What integrity can be ascribed to our national ideals if we toss them aside everytime political expediency dictates we should? The Lithuanians are clearly in the right, yet we refrain from recognizing them because to do so might step on Soviet toes.

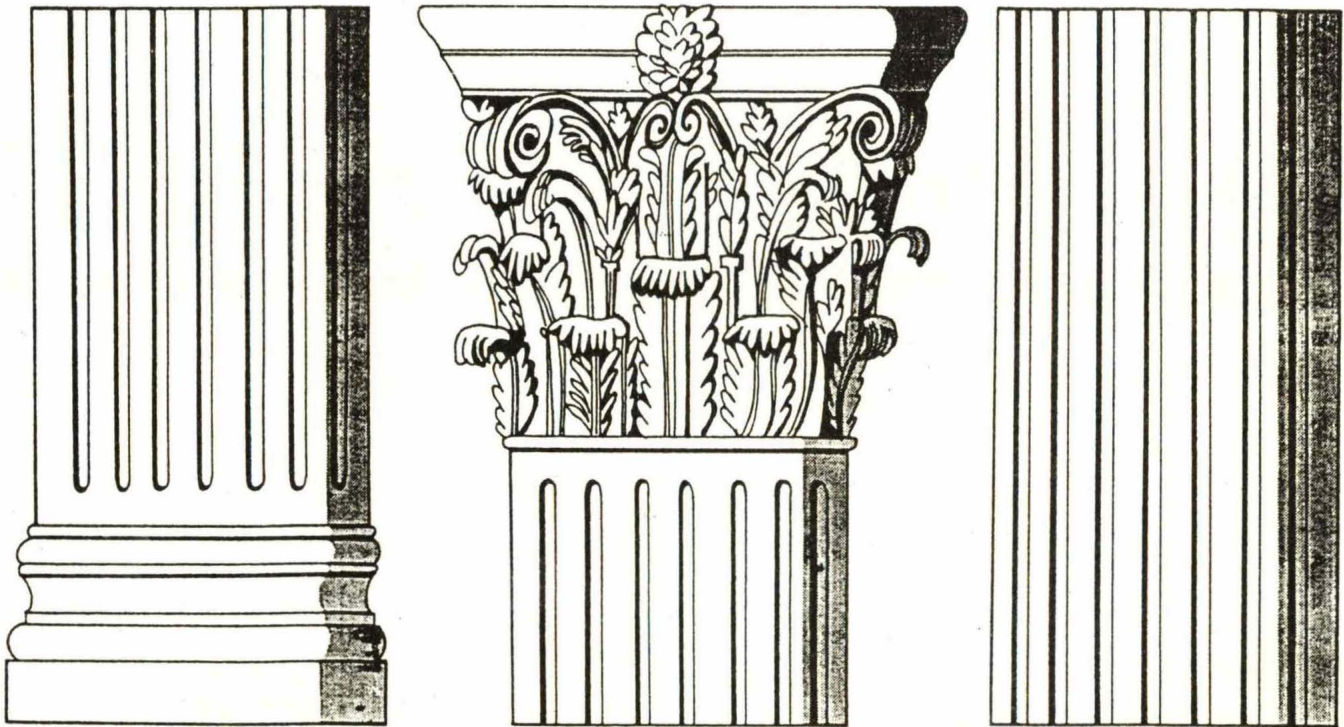
How come no one seems to worry much about stepping on the toes of the U.S. or remaining her friends? Maybe it's because everyone knows that the U.S. is always willing to appease, regardless of the violation of human rights or sovereignty.

The U.S. may be acting currently in ways that it deems expedient when it defers to the unconscionable behavior of the other superpowers. In the eyes of history, however, we are developing a "Chamberlainean glow". You remember Neville Chamberlain. He's the British leader who tossed aside British ideals for the greater purpose of placating Nazi Germany. As I recall, his appeasement policies didn't work.



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Alumnus Spotlight: Bill Finkelstein of L.A. Law

By Daniel Tam

We've all seen it. The glamour. The excitement and luxury that is **L.A. Law**. As it so happens, one of the writers of that show is a graduate of BLS. For Bill Finkelstein, BLS '83, there was only one true ambition: to be a writer. But, that road was not so easy for him. He wrote numerous screenplays after graduating from Clark University, but all were rejected. In his discouragement, he turned to law school. There was only one place to go: Brooklyn Law School. "My mom had gone there, and I decided to go there mostly because of my mom's recommendation," Finkelstein said. "It was also one of the few places you could attend at night."

After graduating from BLS, Finkelstein practiced law at his parents' firm for about two years, but still continued to write. "I wrote all throughout law school. I had always wanted to be a writer, but had no success in it." But the success soon came when **L.A. Law** accepted a script sent in to its production department by Finkelstein's agent. Finkelstein joined **L.A. Law** soon thereafter, and is now one of the show's two writers (the other is David Kelley).

Finkelstein said that going to law school helped him a great deal with his writing. He went on to say that "the [study of] law gives you a good analytical sense, and I learned a lot about the law. It was very fortuitous in timing, because a show was being developed in the law. It worked out well." He made sure to emphasize, though, that he was a writer first. Does he have any special topics which he likes to concentrate on? No, because "with 22 shows a season, there is no specific field of law which we can spend a lot of time on. It's a

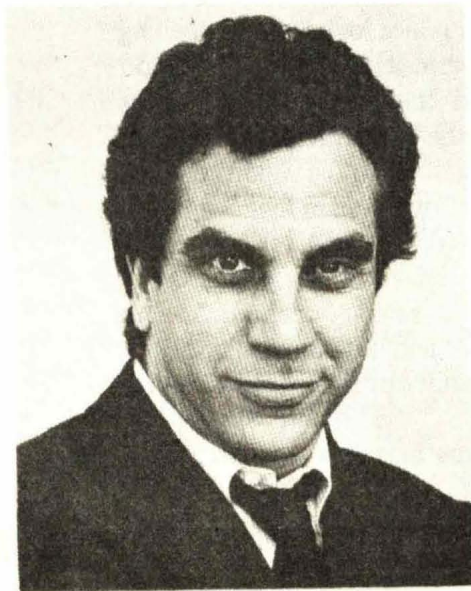
luxury we can't afford."

Finkelstein never expected **L.A. Law** to be such a success. "I was a novice. I was a baby in the woods. I didn't know one end of the camera from the other. I was just thrilled that I was getting paid to write. But I think, certainly, that [Steven] Bochco (the creator) gave the show a certain credibility, which helped. I don't think anyone thought this show was going to be as successful as it became."

Showing that he hasn't forgotten his professors, Finkelstein created the fictitious law firm of Farrell, Leitner & Crea, and also made Joseph Crea a judge. (He sent the judge's name plate used on the show to Professor Crea, who keeps it on his office desk.)

Finkelstein admits that the show doesn't always accurately represent the practice of law. "You know we don't go from opening arguments to jury verdicts in one hour. But do we capture something that is true? I think so, and so do a lot of lawyers. That's why it's popular with them. We identify things which are emblematic [to the practice of law]. Are we accurate to the spirit of what we're trying to tell? I think so. But we don't do documentaries."

As a writer, Finkelstein is overshadowed by the actors on the show, and is never really in the spotlight. But that's all right with him. "I'm a writer and I get satisfaction out of writing for the show. I'm not even



interested in acting." Finkelstein is also the supervising producer on the show, but his writing has not decreased since he took on this added position. "Since there are only two writers on the show, the producing is done in addition to the writing."

Originally from New York, Finkelstein said there were some cultural adjustments he had to make when he moved to Los Angeles, but he is currently very happy living there. As for his career, he is enjoying what he is doing right now and has no plans of leaving television. "I like television. My plans are to stay around for a while." Writing movie scripts are not in his near future.

Finkelstein was wary about giving advice to law students interested in careers in the entertainment industry. "It depends on how driven you are. I wouldn't want to give advice because that's something everyone needs to find out for themselves."

What can be expected in the future from **L.A. Law**? "I'm just going to let it be played out on TV. I'm not giving anything away."

Professor Hellerstein On Prison Conditions in Jamaica

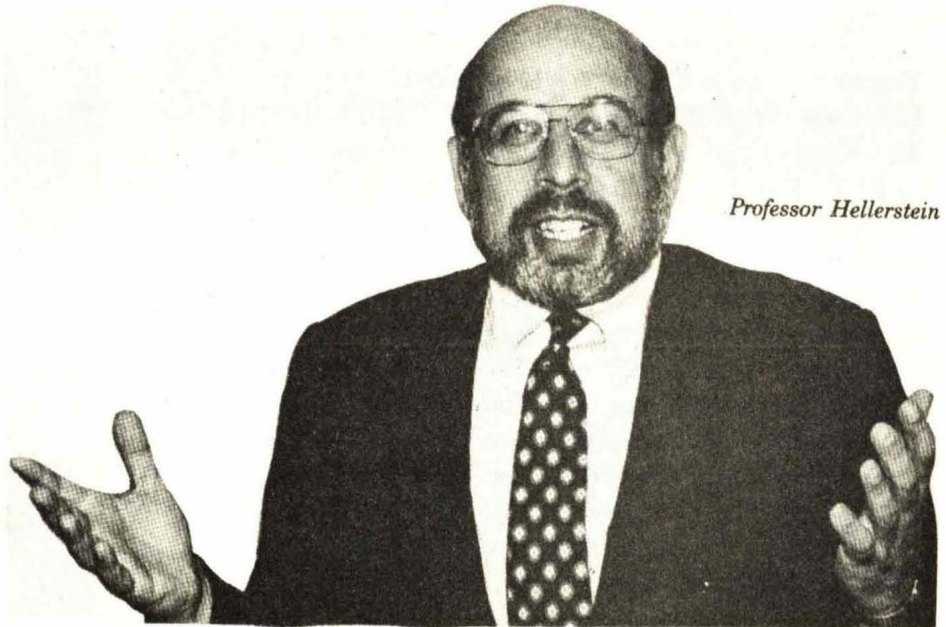
As told to Joe Accetta and Stanley Lee

Conditions in Jamaica's prisons and police lockups are appalling and inhumane, according to a report released this month by Americas Watch, the United States human rights organization. In the report, entitled "Prison Conditions in Jamaica," Prof. Hellerstein concludes that the major penitentiaries are grievously overcrowded, sanitary conditions are dreadful, and the nutritional quality and quantity of food are grossly inadequate. The report states that numerous incidents of brutal treatment of prisoners and corrupt practices by prison wardens were reported to investigators.

Also, Professor Hellerstein found conditions in police lockups even worse than those in prisons, with extreme overcrowding, the stench of human excrement, the absence of adequate ventilation and, in some instances, even of light. Although stays in lockups are supposed to be short-term, many are not, and suspects are never allowed out of their cells for exercise or recreation.

The report, which was based on Prof. Hellerstein's 10-day visit to Jamaica in January 1990 conducted in cooperation with the Jamaica Council for Human Rights, concludes that conditions in Jamaica's prisons and lockups violate international minimum standards for prisoner treatment as well as basic guarantees contained in Jamaica's laws and treaty commitments. The report indicates that the Jamaican government cooperated fully in the investigation, and that high-level officials acknowledge that conditions are inhumane and contravene minimum standards.

Prof. Hellerstein recommends that the Jamaican government phase out St. Catherine District Prison, General Penitentiary and Fort Au-



Professor Hellerstein

gusta Women's prison, and build central remand facilities to house pretrial detainees. Also, he recommends that overcrowding be reduced by paroling more prisoners, commuting death sentences so as to increase available cell space at St. Catherine District Prison, using community sentencing alternatives, and liberalizing bail and release on recognition requirements.

The report also recommends the prompt appointment of a Prison Visiting Committee and a Board of Visiting Justices for each prison. Measures to ameliorate the dreadful sanitary conditions in prisons and lockups and to improve the daily diet and medical, dental and psychiatric services, are also outlined. Prof. Hellerstein suggests staffing changes that would reduce the time spent in overcrowded cells, increases in educational, vocational and recreational programs, and changes in the length frequency of visits.

The report stresses the need for the Ministries of justice and National Security to make clear that brutality in prisons and lockups will not be

tolerated, that unlawful acts against inmates will be investigated and that offenders will be dealt with sternly.

Here are some excerpts from Prof. Hellerstein's report:

"Prof. Hellerstein interviewed one former death row prisoner whose conviction was set aside:

'On his first evening at St. Catherine, Mr. Watts was greeted at the gate by being hit in the face by two senior officers who called him "murderer." He was then signed in and kept in a holding cell in his own clothes alone overnight. The cell was infested with chiggers, and he was severely bitten by them and developed chafed skin and a rash. Inside the cell, there was a bucket, half a plastic jar and a rotten mattress made from coconut husks on the floor....His head was shaved and he was photographed. When questioned by two officers about his case, he told them to speak to his lawyer. The warders then beat him for being "feisty." The beating, during which he was struck repeatedly with a baton and kicked, lasted 20 to 25 minutes and left him bleeding from a head wound and with

an injured wrist....His stay on Death Row was interrupted after 10 months,when the Court of Appeals ordered him retired..."

"Halfway-Tree Lockup in Kingston has a larger population than the Spanish Town lockup and it is housed in a two-tier building. On the day of our visit, there were 136 inmates, including five women and four juveniles (under 17 years of age). Although a floodlight was not required to illuminate the cell-blocks, there was very little light, particularly on the lower floor. The stench was overwhelming and the toilets also were not functioning. To empty them someone periodically scoops them out and dumps the excrement behind the building. Inmates urinate through the bars of some cells into gullies in front of the cell. No toilet articles of any kind are provided and the Superintendent told us that there was a toilet paper shortage which meant that an inmate got enough for each trip to the toilet..."

"There can be little doubt that conditions in Jamaica's prisons and lockups violate international standards for the proper care and confinement of prisoners. In numerous instances, they reach levels of inhumanity that could only be surpassed by programs of intentional torture. They fail to provide the barest essentials for decent treatment such as the basic necessities for personal hygiene, a nutritionally adequate diet, and requisite medical, dental and psychiatric care. In addition, vocational educational and recreational activities, so crucial to a person's psychic and physical well-being, are virtually non-existent, and contact with relative and friends is greatly restricted..."

Graduating Law School

By Joe Cardieri

I graduate law school in less than one month. I want to be a public-spirited lawyer; which means, I suspect, that I will likely join the current stock of citizens whose good faith efforts have not stemmed the societal slide into increased crime, drug use, and violence. I want to join the good citizens who are attempting to assuage the current problems which daily affront us all. I sincerely want to 'do good'. I fear I'll be wasting my time.

I ask myself, how can one 'do good' when any action must first be funnelled through accepted premises that are fundamentally faulty. For instance, our leaders tell us that more police and more jails will stem and deter drug use and violence. Legislators were recently ecstatic because they achieved the necessary numbers to overcome a death penalty veto by the governor. All this grandstanding is hogwash; and while our leaders posture, criminality soars.

Our leaders are intoxicated with the simplistic notion that societal problems could be conquered by greater application of force. Such an outlook, I dare say, undermines the teachings of recent history (remember Eastern Europe?). Moreover, it devalues the complexities of human behavior to simple machinations which can be easily stymied by outside compulsion. Understandably, our frustrated society latches eagerly onto these spec-ters masquerading as solutions.

The pockets of denigration which have sprung up everywhere in our fair city have not arrived out of whole cloth. The path toward obscene levels of violence and the abandonment of volition to chemicals has been paved by years of

neglected educational institutions, the virtual abolition of traditional family structures, and, more generally, the evaporation of any real hope to aspire to a reasoned existence. It is unnerving to continually hear from those charged with overseeing the public interest that these deep problems can be cured by additional force.

Let's be frighteningly realistic for a while. If I were a citizen born and raised on 125th St. and Lenox Avenue, I think it improbable to say the least that my 'natural fiber' would have prompted me to the study of law. More likely, I, being impatient for my slice of life's wonders, would have sunk, like so many others, into disenchantment. Instant gratification of coarse desires would have ruled my day. Moreover, I think it fair to say that had I been unlucky enough to have been born amidst any one of the plethora of present day New York drug arenas, it is highly unlikely that I would have aligned my world view with societal conventions simply because additional force confronted me.

If, as Rousseau said, society is a social contract between citizen and state, our leaders are as much in breach as is the drug dealer. By contenting themselves to deplete limited resources in chasing phantom solutions, our leaders are contributing to the unravelling of the social web.

Ideally, at some point in the near future, conscientious citizens interested in applying their energies toward addressing social ills will be better able to tap into solutions which yield long term answers instead of short term frustration. In any event, the premise of additional force as a panacea for our present problems is infantile and detracts from the real work needed to be done.

The Justician, Vol. 1990 (1990), Iss. 2, Art. 1
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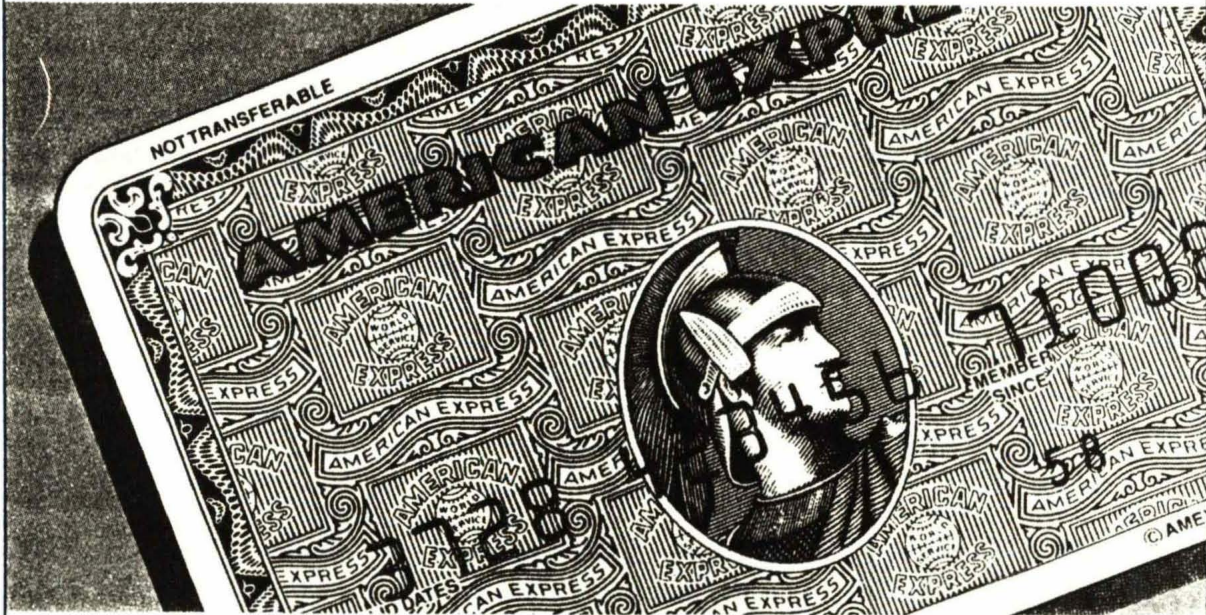
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Brooklyn Law Review

by Mark Gaw

The Brooklyn Law Review is a scholarly journal of analysis and commentary on current legal issues. To date, more than 350 federal court opinions and 450 state court opinions make reference to the Review, which contains articles written by eminent legal scholars, practitioners, and judges, as well as notes and comments written by students.

The Law Review's newly-elected 1990-91 Editorial Board includes Jack Moore as Editor-in-Chief, Lisa Salvatore as Managing Editor, Laraine Pacheco as Executive Articles Editor, Elizabeth Hadad as Executive Comments Editor, and John Vitha III as Executive Notes Editor.

The selection of topics, membership, and the Editorial Board is up to the staff itself. The BLS administration supports the Review financially. Professors on the Faculty Publications Committee advise on issues which affect BLS' reputation. These issues include policies such as those related to academic standards and plagiarism.

The Law Review has recently adopted a new selection process, where a student may become a member through the Best Brief Competition, the Joint Writing Competition, or by academic ranking. Being selected a member through the best brief competition is the easiest route for students. The briefs submitted are from the first year Moot court competition. The best brief from each legal writing class is sent to the Review. From these, the Review will select up to one third of the next year's membership. Last year, five students were selected from the best

The Justinian, Vol. 1990 [1990], Iss. 2, Art. 1
brief competition. Students not selected on the basis of their briefs, including those who are highly ranked, are strongly urged to enter the writing competition. According to Lisa Salvatore, "we consider grades from both semesters, so students who did well in their first semester should do the competition because their grades may shift in the second semester."

The competition is held after spring semester. After paying a registration fee at the Bursar's office, students receive a packet with all the material they'll need to complete their writing assignment in four days. This past year the assignment was a case comment. No outside research is permitted and a point penalty is applied to late entries. Every entry will be read by three different editors who score them on the basis of organization, legal analysis, and writing style. A cut-off score sends the best papers to the next round to be read by three more editors. Last year, 300 students picked up the packets for the competition, and about 180 turn in written products. Thirty students were accepted from this competition. This year, this number will be less because of the changed criteria.

To prepare for the competition, students can look at case comments in the past issues of the Review (available in the library). Generally, a note is an analysis of a specific area of the law, and a case comment is an analysis of a specific case. Written analysis or propositions should always be supported by sources. The whole idea of a student-pick is to offer a fresh perspective to the legal community.

Membership on the Law Review entails a great deal of work. There are two main tasks, writing a paper for publication and working on other authors' papers by source checking, proof reading, and galley reading.

Paper topics are suggested by the editorial board. Students may find

their own topics, but must receive topic approval from the Editorial Board and a faculty advisor. Each paper is read three or four times by the author's primary editor, and then several times by the executive editors. A faculty advisor also reads and critiques each paper. While six rewritten drafts are submitted, there is no presumption that the paper will be published. Being on the Law Review merely offers the opportunity to be published. Any paper that is published satisfies the upper-class writing requirement, in addition to giving two course credits to the author.

The second task for the Law Review members is the source checking and examination of drafts of other authors' papers. Members are expected to finish source checks within two weeks. Source checking can consume an enormous amount of the student's time if an article is long and complex. The student receives one credit for this production work.

During the semester, a member's average extra weekly workload from the Law Review easily surpasses twenty hours. Review members are also required to put in three hours of office hours per week.

Besides offering the opportunity to be published, being a member of the Law Review enhances a student's career opportunities. Membership on a journal enhances "marketability" and stays with the members for the rest of their legal careers. This is partially because the work on the Law Review helps improve students' legal writing and research skills, which can sometimes offset less than dazzling grades.

Beyond the skills honed by membership on the Law Review, students find that members feel a special tie to the Review and the school. As Lisa Salvatore explains, "You work so hard on each issue that you have a vested interest in seeing a quality publication. It creates a strong tie to the school."

Brooklyn Journal of International Law

By Irene Chang

As one of two journals at Brooklyn Law School, the Brooklyn Journal of International Law publishes scholarly articles on various topics of international law written by faculty and outside authors, as well as those written by Brooklyn Law School students. This academic year the Journal published student notes on some very interesting topics, including homelessness in New York and London, United States Amerasian immigration policy, and United States foreign population assistance programs. By the beginning of this summer, the Journal will have completed five issues, with production work on a sixth left for the 1990-1991 staff.

In addition to publishing articles and notes, the Journal presents an annual symposium in December, under the guidance of Dean Joan Koven. This year's symposium covered international products liability issues. The Journal publishes a symposium issue which contains articles written by speakers as well as student papers that relate to the symposium topic.

This year, Dean Trager, along with the faculty, decided to institute changes in the membership selection process for both Journal and Law Review. According to Paula Kay, this year's Editor-in-Chief, the new selection process allows for one-third of next year's members to be chosen by a combination of first-year grades and Moot Court brief and up to another one-third through the Best Brief submissions. The remaining members of each journal will be selected on the basis of their submissions in

the Joint Writing Competition that will be held in the first week of June. In previous years, students could not "grade onto" a journal, and selection on the basis of first-year briefs was less likely, (although last year the Journal accepted seven students on the basis of their briefs), with the majority of members selected from the Joint Writing Competition submissions.

This author detected that the revised selection process was not well-received by the current members of the journals. Nevertheless, some of the top-ranked first-year students will be very relieved by the institution of this new selection process.

According to Paula Kay, the positive effect of the new selection process is the increased staffing early in the summer, as all members selected on the basis of briefs will become full members soon after the end of this semester. These members will immediately begin production work. However, students will not begin their written work until all the members of the Journal have been chosen. This policy is to promote unity among the members and to ensure that all members have an equal opportunity to write a publishable paper.

The Journal also runs an Open Note Competition, which allows all second-year students and third-year evening students to submit notes or case comments for publication. To be accepted, these papers must be submitted by the end of the fall semester and must be of publishable quality. If the paper is accepted, the student will become a member of the Journal and begin production work the subsequent semester. While one student submitted a paper last fall, it was not accepted for publication. In recent years no one has been accepted by this method.

Although writing a publishable note or case comment is a difficult task, students are motivated by the

benefits of journal membership. Membership on the Journal essentially involves two components, the production component and the writing component. The production component is essentially the realm of the Managing Editor, MaryKim DeMonaco. She explained that members' responsibilities include all phases of Journal production, such as page proofs, clean reads, and book proofs which can usually be done during weekly office hours (four hours a week). However, a member is excused from office hours when he or she is working on a source check of an article or paper. Members usually work in pairs on source checks each of which takes between twenty and fifty hours, and must be completed within two weeks. Each member works on approximately three source checks a year.

The writing component begins when students consider and are considered for various topics. There is room for students to develop their own topics with help from the Research Editor. Once they receive their topic assignments, students begin research on their topics. Soon thereafter, students begin writing their notes or comments which eventually go through several levels of editing, beginning with the Primary Editors, then through two Executive Editors, until finally being presented to the Editor-in-Chief.

In addition to the writing and production work, the Journal provides members with a brief orientation in international research and requires all new members to take International Law or Comparative Law and one other international business or trade law class. Last semester two members of the Journal were also involved with the Faculty Hiring Committee, which hired additional international law faculty this year.

Toward the end of their first year on the Journal, members learn whether their papers are of publish-

able quality. The writing of a publishable paper is a pre-requisite to run for a position on the Executive Board or the Editorial Board. While all senior positions on the Journal are elected positions, election to one of the seven Executive Board positions is difficult. The election process involves an interview with the outgoing Board. Among other qualifications, the Board considers preferences

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of candidates' second-year colleagues on the Journal.

The Journal recently created a new position on its Executive Board by splitting the position of Executive Articles Editor into two positions. The Executive Solicitation Editor will approach outside authors for articles, work with outside authors in developing and researching topics for articles, and maintain contacts with

authors around the country. The Executive Articles Editor will then edit the articles received from outside authors.

It's obvious that a great deal of work goes into getting on, being on, staying on and running the Journal. Congratulations to the outgoing Board and good luck to all the hopeful first-year and second-year evening students!

M.J. & K Co. HAS MOVED FROM THE CAFETERIA TO 184 JORALEMON STREET

Corrections In the February 1990 issue

The Letter To The Editor from Charles Day and Jonathan Kaiden, the letter stated: "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." It should have read, "[B]y perpetuating the idea that society is a *collection of races rather than a collection of individuals*." All those who responded to Mr. Day and Mr. Kaiden were apprised of this correction.

In *Indursky Rocks BLS*, it was reported that Arthur Indursky's law firm was Grubman, Indursky, and Schingler. It should have read **Grubman, Indursky, and Schindler**.

Moot Court Update

By Nancy London

During the last two months, seven more teams have participated in moot court competitions across the country. These teams should be congratulated for their outstanding performances in dealing with very difficult topics. The Civil Rights team distinguished itself by taking first place, with each team member ranking among the top ten individual oralists in a competition attended by sixteen schools. Anna Cline ranked third, Gail Rubinfeld ranked sixth and Debbie Green ranked ninth. The

et al.: The Justinian

Products Liability team also had a good year making it to the quarter finals with Andrew Levi winning Best Oralist for the entire competition. The Entertainment Law team also advanced to the quarter finals and Richard Dellheim won Best Oralist for the preliminary rounds. Brooklyn Law School was also an easily recognized contender at its own Jerome Prince Evidence competition where the team advanced to the semi finals. The Moot Court Honor Society also proudly sent teams to the Nassau Trial competition, the Administrative Law competition and the Client Counseling competition. This marks the close

of another great year for Brooklyn Law School's Moot Court Honor Society.

The honor society is also proud to welcome the new members as well as the newly elected executive board for the 1990-1991 academic year. The new executive board will feature Dominic Morandi as chairperson, James Pocchia as Vice Chairperson of Intermural Affairs, Andrew Levi as Vice Chairperson of Intramural Affairs, Nancy London as Vice Chairperson Prince Coordinator, and Edward Shapiro as Secretary/Treasurer. May next year be as fine a year as this one!

Professor Bentele
with Justice Scalia



The Fifth Annual Jerome Prince Invitational Evidence Competition, hosted by Brooklyn Law School's Moot Court Honor Society and coordinated by Jacqueline Terry, took place on April 6-7, 1990. Though the competition has always been an outstanding one, this year had an added air of excitement due to the distinguished members of the bench who were attending. The two teams that advanced to the final round of the competition had the enviable experience of arguing before the Honorable Antonin Scalia, Associate Justice, Supreme Court of the United States, the Honorable Ellen A. Peters, Chief Justice, Supreme Court of Connecticut, and the Honorable Jack B. Weinstein, District Judge, United States District Court, Eastern District of New York. All those who attended the final round witnessed an outstanding performance by Southwestern University School of Law and Washburn University School of Law. Additionally, all benefitted from the advice and comments given to the students by the bench at the close of the round.

The winner of the competition was Southwestern University School of law which also took home an award for Best Oralist. Washburn University School of Law came in second place in the competition and won the award for Best Brief. All 28 teams that entered the competition did an outstanding job and had the benefit of an excellent experience.

Shakespeare and the Law

Shakespeare And The Almighty Dollar

By P.J. Brackley

The critical debate of whether or not William Shakespeare was a lawyer is one of the few remaining unanswered questions surrounding the Bard of Stratford Upon-Avon. Lawyers and legal scholars around the world and throughout the years have filled miles of library shelves with books attempting to end the debate. A sub-group, of course, believes the Shakespeare was not in fact Shakespeare, but someone else! Well, that debate must rage elsewhere.

Those who claim Shakespeare was a lawyer rest their assumption on the fact that because his plays are saturated with legal references and allusions, and that because the playwright had such an affinity for legal metaphors, he had to have, at one time, been a lawyer... or at least made a thorough study of the law. Those who seek to counter this argument claim that even though Shakespeare did fill his plays with legal mystique, he misuses the law quite often and improperly analogizes legal concepts: in sum, the naysayers claim that Shakespeare may have used the law often, but he always applied it incorrectly.

To be sure, there is a grain of truth to the fact that Shakespeare often used concepts for his own purposes, which often paved the way for misappropriation, but the fact remains that Shakespeare was primarily a linguist and a dramatist and was thus obligated to manipulate phrases and conventions to suit his own best purposes. Who, if not law students, would understand the inherent power in manipulation of language and reasoning? Whatever Shakespeare knew about the legal profession, and how he knew about it, certainly remains unclear. What Shakespeare knew with certainty, however, is that lawyers must earn a living, and he saw a bitter irony in dire social humor and in the fact that lawyers get paid to talk. Literally.

Thus, it was Shakespeare's great image of a lawyer whose breath and words were only as powerful as his clients' bank accounts. In one telling exchange, a clown says of a politician, "His words have the power of the breath of an unfee'd lawyer... That is to say None." Although there are some lawyers who do feed themselves and clothe their children by hiding away atop law firms in skyscrapers, churning out pages and pages of legal briefs, such lawyers were not lawyers in the Shakespearean conception of the occupation. Such lawyers were much like the lawyer in Herman Melville's *Bartleby the Scrivener*, who "would hide away and wage the legal wars of men behind the desk and with a pen, than with a knotted stomach and a set of vocal chords."

Lawyering is, after all, a job. Assign whatever societal value you want, but even the public defender must open a paycheck and deposit into a bank no matter how great the deed and how small the compensation. Plumbers use wrenches, mechanics use tools and carpenters fashion raw wood into suitable objects, just as chemists use flasks and doctors use scalpels. What does a lawyer arm himself with before proceeding into the great grinder of societal expectations? Perhaps his wits, his mouth, his pencil and his pad. Certainly, this is a fascinating concept.

In *Hamlet*, in the classic scene as Hamlet stands in a freshly dug grave while the gravediggers empty the bones and remains to make way for the new dead, Hamlet holds up the skull and soliloquizes, "Alas, poor Yorick!" He examines the skull and wonders whether it may have been the decayed skull of a lawyer, stating:

Why, may not that be the skull of a lawyer? Where be his quiddities (tricks) now, his quillities, his cases and tenures, and his tricks? Why does he suffer this rude knave (gravedigger) now to knock him about the sconce with a dirty shovel, and he will not tell him of his action of battery? Hum? This fellow might have been in his time a great buyer of land, with his statutes, his recogizances, his fines, his double vouchers, his recoveries: is the fine of his fines, and the recovery of his recoveries, to have fine pate full of dirt? Will his vouchers vouch him no more of his purchases, and double ones too, than the length and breadth of a pair of indentures? The very conveyances of his lands will scarcely lie in this box, and must be the inheritor himself have no more, ha?

Hamlet, V.i. 100-114

The image of a lawyer as but a workman standing before the judge heaving and straining his great gums and jaws on behalf of his client is indeed a powerful one. It evokes images of the construction worker hammering away at a building sight with great straining forearms, chopping the earth to earn his daily bread. Compare this image with the lawyer, standing in court with a straining head before a judge and hacking away at centuries of law and volumes of cases, only to receive the fee, the dollar value, the sum and recognition of his labor. As the construction worker heads home, he has plastered a few more bricks, perhaps, welded a little more iron. What has a lawyer done? He trudges home, having spent the day talking. Just talking.

For Shakespeare, this idea was comic and heroic, but as Hamlet says, it really doesn't matter at all because whether you conveyed all the lands under the sun, or drafted all the wills, or outsmarted all of your adversaries, you still lie in the earthen box awaiting the gnawing worms. Hamlet's description, however, also evokes a spiritual affinity for the work of lawyers because the lawyer, like the playwright (and we suspect Shakespeare knew this all too well), depends on the power of illusion and persuasion. The playwright takes reality and makes it into fantasy, while the lawyer takes real life dispute and stuffs it into written, illusory concepts of law, and then is expected to stand before the court and construct real legal castles from thin air. To protect the property, keep the defendant out of a rotten prison, or convict the criminal and societal waywards- this work smacks of heroism. The skull of the lawyer may eventually empty and become filled with dirt upon death, but it has certainly created vast, powerful, and useful, societal universes. The flapping of gums, says Shakespeare, may carry you on wings to heroism.

So, learn law in the true Shakespearean vain. As the Bard himself informs us, you can only hope somebody will pay you to talk.

CONGRATULATIONS To The Class of 1990

Stanley Chess, Esq., Director
Steven Rubin, Esq., Associate Director
Robert Cohen, Esq., Assistant Director
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BAR/BRI
BAR REVIEW

**"The Nation's Largest and Most
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The Club Scene

The Sports And Entertainment Law Society Record Labeling Laws: Saving Our Children or Seizing Our Rights?

By Inge Hanson

Would kids - and their parents - be better off if a record label warned them that Ozzie Osborne's tune "Suicide Solution" contained "explicit lyrics descriptive" of suicide? A music industry panel debated issues raised by mandatory labeling at a program sponsored by the Sports & Entertainment Law Society. The panel, moderated by Howard Leib, Esq., of Marshall, Morris, Wattenberg & Platt, included Bradley C. Rosen, Esq., Lawrence Stanley, Esq., director of business affairs for Tommy Boy Records and Hank Shocklee, who produces acts for Public Enemy, Vanessa Williams and 3rd Bass.

Legislation has been proposed in several states requiring records, tapes and compact disks to be labeled if the lyrics are "descriptive of or advocating" a "hit list" of activities including "suicide, sodomy, incest, bestiality, adultery, murder, morbid violence [or] illegal use of drugs or alcohol". Leib, whose clients include Whitney Houston, KISS and Bobby McFaren, took a pro-labeling position. He characterized the proposed legislation as a means of helping parents assess the content of the albums their children are listening to. Parents, he said, have a right to know "what's on the album". Without labels, Leib explained, parents must buy a record, listen to it and then decide whether it's appropriate for their children. This is "great for the record industry but not cost effective".

Rosen, a solo practitioner who has written on labeling laws for *Billboard* magazine, argued that the proposed statutes are unconstitutional. He claimed the requirement that albums warn purchasers of lyrics describing or "glamoriz[ing]" adultery and other listed activities potentially violates protection of free speech under the First Amendment, due process and the Interstate Commerce Clause.

Rosen argues that the states' labeling proposals would "undoubtedly" place heavy burdens on interstate commerce without addressing legitimate state concerns. He quoted the constitutional test the Supreme Court developed to describe a state's power to affect interstate commerce, as whether the "statute regulates evenhandedly to effectuate a legitimate local public interest, and [whether] its effects on interstate commerce are only incidental." *Pike v. Bruce Church*.

Rosen asserted that labeling proposals will impact interstate commerce by imposing a number of costly and time-consuming procedures upon record manufacturers and retailers. For example, prior to releasing an album, a record company would have to hire lawyers to listen to all the songs in relation to every state law to determine whether warning stickers were required. If the lawyer concluded that a song violated these various statutes, the record company

would have to affix a different sticker on each album according to the legislation of the state of final distribution. Under these circumstances, Rosen said that "Me and Mrs. Jones", a song about the love affair between a man and a married woman, would most likely be stickered because the lyrics "describe" adultery, a topic subject to most proposed labeling laws. The manufacturer would therefore have to determine where the album was being sent and then affix the appropriate label prior to packaging and distribution.

These procedures, Rosen stated, would impact heavily upon interstate commerce without furthering a legitimate state interest. "Is this material endangering [children's] welfare? No. There is no evidence that music lyrics have any adverse effects [upon listeners]." Rosen concluded that because the proposed legislation would burden interstate commerce, yet have only a tenuous connection to the purpose of protecting children, such statutes would violate the commerce clause.

Rosen also claimed that these statutes would violate a person's right to due process of law under the Fifth and Fourteenth Amendments. He argued that retailers would be deprived of due process because, although they would have no opportunity to control or correct the manufacturer's labeling procedures, they would be held liable for selling

improperly stickered albums. Under several proposed statutes, Rosen claimed, a retailer who displayed five copies of "Me So Horny" for three days without proper labels would face a potential 15-year prison term and \$7,500 fine.

Rosen added that the proposed laws potentially violate the First Amendment as having a "chilling effect" on the exercise of free speech in addition to being "void for vagueness". "What does 'advocating, encouraging, describing and glamorizing' [adultery] mean? Is 'Me and Mrs. Jones' about adultery or love?" The prospect of record labeling should "frighten" the entire music industry, he concluded, because retailers may refuse to sell stickered albums to minors or to anyone.

Lawrence Stanley framed the issue within the context of children's rights. During the Warren Court era, Stanley said, children's rights were broadened as exemplified by the Supreme Court's decision in *In Re Gault* that minors have the same due process rights as adults. He claimed, however, that there has been a right-

ward shift focusing on the family and the state's need to exercise "greater controls over youth". In response to Leib's assertion that parents simply want the government to help regulate what albums their children purchase, Stanley stated that parents want help controlling other people's children, not just their own.

He perceived the move to label music as part of an attempt by white Christian culture to dominate other cultural aspects of society. Rap music, he stated, frightens white parents. The thought of "blacks out of control fascinates and terrifies the white community". He concluded that this fear explains efforts to restrict access to music, like rap, which is associated primarily with blacks. The labeling movement, he asserted, is a "backlash against the '60s to prevent youth culture from developing". He considers music labeling as part of an "overall campaign to disempower children".

Stanley questioned the proposition that music labeling protects children. The American Medical Association, he said, has stated that there

is no evidence that music affects adolescents. Stanley also pointed out that music lyrics contain nothing that cannot be found in soap operas, cop shows and classic novels. "Labeling says little about a record's contents. The Bible describes every form of behavior banned by these labels."

Record producer Hank Shocklee could not understand what the "fuss was all about". Music labeling, he claimed, only became an issue with young black bands but not with heavy metal groups. He said the bands he produces, like Slick Rick and Public Enemy, were simply interested in entertaining not in labeling.

Since the program took place, *Billboard* magazine has reported that 13 state lawmakers have withdrawn their warning-sticker bills. Those states include Rhode Island, Maryland, West Virginia, Tennessee, Alaska, Minnesota, Oklahoma, Kansas, Iowa, Illinois, Arizona, New Mexico and New York. Labeling efforts are therefore focused upon self-regulation within the music industry.

Program On Book Publishing

By Inge Hanson

James Fox, Vice President and General Counsel of Harper & Row, Publishers, Inc., discussed book publishing and the role of lawyers in the business at a program sponsored by the Sports & Entertainment Law Society. Fox got his first publishing job with the Doubleday contracts department although he had no experience in the book industry. He stressed, however, that understanding all aspects of the publishing business became crucial to his work as in-house counsel. In 1971, he left Doubleday for Harper & Row, which has a small legal staff that handles a variety of issues concerning contracts,

libel, royalty claims and other matters. Most litigation is handled by outside counsel, as the amount of work involved would overwhelm the in-house staff.

Fox provided a context for describing the legal work that involves the in-house department by giving a brief overview of book publishing. He explained that under the Copyright Act, an author owns all the rights to his or her work, which includes the right to publish it in book form or to recast it in other forms such as a movie or as a picture on a lunchbox. The question, Fox stated, is how the author is going to parcel out these

rights.

Subsidiary rights, such as magazine, motion picture, bookclub, foreign and paperback rights, are potentially a major source of income for both the author and the publisher, he explained, because "[h]ardcover books don't make money." Fox stated that a number of publishing houses, which had published hardcover titles exclusively, have either purchased or created their own paperback lines to tap into the substantial profits reaped from paperback sales. A percentage of the income the publisher earns from such sales is credited to the author against the initial advance

money paid for the book.

Fox explained that a \$1 million book contract may be based on a one or two page proposal depending on who the author is. The \$1 million dollar advance will be split into several payments, due, for example, on signing of the contract and on completion of an acceptable manuscript. If the author does not write the book, Fox said, it is clear that he or she will have to pay back the advance to the publisher. If, however, the author completes a manuscript which the publisher considers unacceptable in "form and content", the issues become complex as the standard of acceptability is subjective. As a consequence, Fox said, there is a large amount of litigation concerning a publisher's decision to reject a completed manuscript and demand repayment of the advance.

He provided an example of this problem by discussing a lawsuit that

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arose out of a contract between Barry Goldwater and Harcourt, Brace, Jovanich for the senator's political memoirs. The manuscript was delivered to Harcourt which never accepted or rejected the book despite Goldwater's persistent attempts to contact the publisher. Goldwater finally sold the manuscript to the publishing house William Morrow. Fox said that Harcourt then brought suit based on the claim that Goldwater had breached the book contract by failing to deliver an acceptable manuscript. The court held that Harcourt could not arbitrarily reject the manuscript but had to offer the author suggestions on making the work acceptable.

In a later lawsuit Fox described, involving an autobiography by Tony Curtis that Doubleday rejected as unacceptable, the actor argued that the court should look beyond editorial assistance to the quality of the

editor's guidance. Curtis claimed that the editor had not helped him sufficiently to correct problems with the manuscript. The court, however, ruled against Curtis, holding that it would not consider quality but simply whether guidance was provided. Today, Fox said, book contracts generally contain a "first proceeds" clause which provides that if the original publisher rejects a manuscript as unacceptable, the author can repay the advance money from proceeds received from a second publisher, which subsequently purchases the book rights.

Fox said that an author's warranties and indemnities to the publisher concerning a work comprise another area subject to litigation in the book business. The publisher, Fox stated, has no idea whether an author has plagiarized another work, whether a novel is actually based on people the author knows or if the facts in a non-fiction title have been verified. For these reasons, Fox explained that the publisher must ask the author to provide assurances that, among other things, the work is original, and warrant that it is not defamatory. On occasions he said he has spent considerable time trying to convince an author to change a single word he considers libelous or defamatory. With respect to self-help books, he added, authors must warrant that the instructions, if properly followed, will not be harmful. Warranty and indemnity clauses concern how risks are allocated between the author and the publisher, he said.

For students interested in pursuing a legal career in publishing, Fox recommended spending several years in the litigation department of a law firm. Legal departments at publishing houses are too small and too busy to provide training to people just out of law school, he explained. A litigation background is the best training for starting a career with a publishing company.

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April 1990

Dear Third Year Law Students:

Kaplan-SMH Bar Review Service would like the opportunity to introduce you to one of our newest products and, in the process, give you the opportunity to identify your prowess in the Multistate Bar Exam subjects well in advance of the actual test.

We have earmarked fifty complimentary copies of our Early Diagnostic Test (EDT) for use at your law school. The EDT is a full-length (six hour) simulated Multistate Bar Exam consisting of 200 multiple choice practice questions in the areas of Contracts, Torts, Criminal Law and Procedure, Constitutional Law, Property and Evidence.

The examination will be administered at our local Kaplan Center, 131 West 56th Street, New York City on Saturday May 5 or Sunday May 6, 1990 from 9:00 A.M. until 4:00 P.M. Each of the students who participate will receive a customized "print-out," a detailed analysis designed to assess individual strengths and weaknesses in various subjects, major topics and subtopics, along with statistical information on the group's performance. This valuable diagnostic tool will give you a maximum amount of feedback with a minimum amount of effort and should prove to be a worthwhile investment of your time.

Once again, please note that there is absolutely no charge or obligation either to the students or to the law school in connection with this program. But, you must call our local Kaplan Center (212-977-8200) to reserve a seat.

We look forward to seeing you on May 5th or May 6th.

There Ought To Be A Law...

By Joe Accetta

Once upon a time, the borough of Brooklyn owned and nurtured its own ballclub - the Brooklyn Dodgers - until one day, a man named Walter O'Malley uprooted the team and headed for greener pastures in the hills of Los Angeles. This is an old story, for this tragedy occurred in 1957. Yet, nearly two generations later, the mere mention of the Brooklyn Dodgers still evokes nostalgia and stirs mixed emotions in the hearts of those who still remember the glory days....

I had a friend, he was a big baseball player
Back in high school
He could throw that speedball by you
Make you look like a fool, boy
Well, I saw him the other night at this roadside bar
I was walkin' in, he was walkin' out
We went back inside, sat down, had a few drinks
But all he kept talkin' about was glory days....

Memories. I guess that's what the Brooklyn Dodgers evoke most of all. Memories of day baseball on a grass field at an old band-box ballpark known as Ebbets Field up on Flatbush Avenue and Empire Boulevard. Memories of an annual "Subway Series" between the Dodgers and the hated Yankees. Memories, for some, of a long lost youth in the late '40's and early '50's when this city had three great major league ballclubs: the Dodgers, the Giants (who once resided in Manhattan, but they, too, fled to the West Coast and settled in San Francisco in 1958) and the Yankees (who still reside in the South Bronx). Memories of arguing over who was the greatest centerfielder in the world: Willie Mays (Giants), Mickey Mantle (Yankees) or Duke Snider (Dodgers). Memories of taking that pretty girl to the ballgame so you could explain to her what those nine men were doing out on your field of dreams. Memories of a time that doesn't quite exist any longer, except in the hearts of those who believe in the magic of baseball.

The owners of **The Brooklyn Dodger** sports bar in Bay Ridge believe in this magic. You can feel it when you walk in, as memorabilia, including old uniforms, gloves, pennants and pictures, adorns the walls of The Brooklyn Dodger, which hums with excitement this evening. There is a notice on the front door, asking patrons to sign a petition that would help the owners stake their claim to the rights to use the name **The Brooklyn Dodger** in association with this and other establishments.

You see, the bar's owners applied to the Federal Trademark Commission for recognition of the bar's name. Apparently, two weeks after the owners filed their application, the Los Angeles National League baseball team - some die-hard Brooklynites still refuse to call that team the Dodgers - also filed an application for the trademark, claiming that the franchise never surrendered its rights to the name when the team moved to Los Angeles. In fact, the Dodgers, currently owned by Peter O'Malley - Walter's son - even have had the nerve to offer the bar's owners a settlement: for a nominal amount of one dollar per year, the owners would be allowed to use the name, provided that the ballclub retain a right of refusal over operations, including menu items, and that owners do not open any more establishments under that name. (There is currently another establishment in Windsor Terrace.)

In essence, the question remains: who has a better claim to the rights to use the name **The Brooklyn Dodger**? This question should be answered sometime next month in court, where the ballclub has threatened to bury the owners if they do not desist from using the name.

Well, there's a girl who lives up the block
Back in school she could turn all the boys' heads
Sometimes on a Friday I'll stop by and have a few drinks
After she puts her kids to bed
Well her and her husband Bobby, well they split up
I guess it's two years gone by now
We just sit around talkin' about the old times
She said when she feels like cryin' she starts laughin' Thinkin' 'bout glory days....

"I think this petition's a great idea," bellows Dominick, a paunchy fellow, who sports a gray tee-shirt with the words "Brooklyn Dodgers - 1955 World Champions" proudly displayed across his chest. Dominick is in his late forties, and he recounts to me how lucky he was to see the Dodgers play at Ebbets Field in his youth.

"You should've seen those guys. What a great place to see a game. You'd be sittin' right on top of the field, and those bums could here every insult or cheer," said Dominick with a twinkle in his eye. "I feel sorry for the kids who grew up around here and missed out on seeing them here." His tone turned somewhat somber as he said, "You know, this is something we carry around with us for the rest of our lives. It's like that special girl you fall in love with as a teenager who just turns around and leaves for no reason. What do you do? What do you say? It's something you never quite get over," lamented ol' Dominick over another round of Miller Lites. He looked like he was going to cry.

But suddenly, he started to smile. "Boy, we really had some great teams here," he laughed. And they did. Let's see, there was a little shortstop named PeeWee Reese, the Hall of Fame captain and field general. Then there was Gil Hodges, the powerfully-built, quiet bear at first base who died tragically in 1972 after managing the Mets to their incredulous 1969 World Championship. Who could forget Carl Furillo, the passionate, hard-headed Italian with a taste for pasta - much like myself, I'm told - who had a rifle arm and patrolled right field as if he built it. Finally, there was Jackie Robinson, the pioneer - the most exciting ballplayer Dominick said he ever saw. This was a man who carried an entire race on his back, being the first black ballplayer to reach the major leagues, with style, grace and a fierce competitiveness that quickly won over the hearts of Brooklyn baseball fanatics.

There is no need to comb an entire roster of players here. That's what Roger Kahn's *The Boys of Summer* and Peter Golenbock's *BUMS* are for. But sitting here in this sports bar, listening to Dominick tell his tale, I could feel that there was something more than just a few old baseball stories at work here. I get the distinct feeling that this ballclub was the heart of this borough at one time. And that heart was inexplicably torn away.

Some folks speculate that it was Walter O'Malley's dislike of the changing racial make-up of inner Brooklyn in the 1950's, where the white middle class was lured away by the attraction of Long Island only to be replaced by poorer blacks. If that's the case, then Walter O'Malley's narrow-mindedness cost this borough a great piece of its identity, and for that, many Brooklynites still can't forgive and forget. Others insist that the city's refusal to build a new ballpark at the Atlantic Avenue and Flatbush Avenue junction, coupled with the vast acreage the city of Los Angeles presented to O'Malley on a silver platter, gave O'Malley the reason he needed for moving the ballclub west. This may also be true, but for the heart-broken fans in Brooklyn, this was really the harsh reality setting in that baseball is not merely a game but a business.

"They were the richest team in the league," lamented Dominick. "They had no reason to leave." All I could do was nod my head in agreement.

Think I'm goin' down to the well tonight
And I'm gonna drink 'till I get my fill
And I hope when I get older I don't sit around thinkin' about 'em
But I probably will
Yeah, just sittin' back, and tryin' to recapture
A little of the glory of
Yet time slips away, and leaves you with nothin' mister
But boring stories of glory days

Well, they pass you by, glory days
In the wink of a young girl's eyes, glory days
Glory Days....

I guess this story means a lot to me, because if the Dodgers were still here, there wouldn't be any Mets. And I have my own memories of when I was growing up, and my heroes were named Seaver and McGraw, and as I got older, my new heroes were named Hernandez and Gooden and Brooks and Strawberry. I can remember how we used to play stickball on my corner, hitting balls into neighbors' yards and climbing that old roof to retrieve foul balls. Now that corner is empty, as no new kids play there any more (they're probably playing Nintendo). Sometimes, I'd give anything to hear kids arguing on the corner about whether that pitch was in the box or not.

When it comes right down to it, the owners of **The Brooklyn Dodger** face an uphill battle in court, especially if the Los Angeles Dodgers prolong the case and force the owners to virtually bankrupt their business to defray court

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costs. But for those of you who remember your Bible, a skinny underdog named David once faced a heavy favorite named Goliath. You remember Goliath - heavy-hitter, lead the Philistines in homers for many years. Yet David, with all the guile of a crafty veteran hurler, struck out Goliath on three pitches. Let's see, I think it was the change-up-curveball-fastball sequence that did the trick.

Something tells me that while trademark law makes the Los Angeles Dodgers the odds-on favorites, poetic justice is on the side of **The Brooklyn Dodger**. As Dominick so eloquently put it, "Maybe the O'Malley's could take the Dodgers out of Brooklyn, but they can't take the Brooklyn out of **The Brooklyn Dodger**."

Well said, my friend.

Special thanks to Bruce Springsteen for providing these inspirational words in his 1984 song *Glory Days*.

HARDING METHOD UNVEILED!

Maggie Dolin and Michael Harding have kept their new bar review course under tight wraps for some time now. However, investigative reporters on the Justinian staff were able to get a first hand look at this course that is expected to revolutionize the world of bar review courses. Here's what we found out.

Dolin and Harding believe that the key to bar review is the caliber of instructor. Guided by this belief, they have hired Otis and Claude from the Brooklyn Law School Security Department. Harding has been quoted in the past as saying that between the two of them, Otis and Claude have 15 solid years of law school experience behind them. Dolin has pointed out that the average law school student only spends three or four years in law school. The sheer genius behind these appointments left this reporter speechless.

Developing the Harding Method hasn't been easy for its creators. There have been some rough times. Particularly when Eli (of security) recently left BLS. Dolin and Harding were hoping to introduce his brilliant work on Torts, only rivaled by that of Professor Leitner. Who could forget Eli's enlightening lecture on intentional torts: "Battery, It Makes My Car Run." In any event, Dolin and Harding have decided to replace Eli with Otis. Otis is expected to bring his unique, but unproven method of tort instruction to the course. Otis stresses the importance of first hand experience. This method does have its drawbacks. During a recent lecture on the tort of battery, Otis had a student come to the front of the room to demonstrate what battery is. The student squeezed Otis' nose and asked, "Is that a battery?" Otis said yes before showing the student what an aggravated battery was. Otis used old latin, calling it an "ass whipping." By the way, that student is recovering nicely and is expected to leave the hospital soon.

Justinian reporters were also able to learn the Harding Method's three point rule for handling the Multistate:

1) Read the question. 2) Choose the correct answer. 3) Repeat steps one and two.

Raw data suggests that Harding students performed well on the MPREs. Dolin combines her past experience of working with the sick, lame, and insane with Harding's past experience dealing with the criminal element to teach a truly fascinating and comprehensive course. We found these rules in a sample workbook:

1.) Remove yourself from the real world. Bar examiners want you to give unrealistic answers. Example A. A judge is about to rule on the admissibility of evidence that, if admitted, would result in your winning a 10 million dollar law suit. Before his ruling, would you assure the judge that his daughter is just right for that summer associate position in your firm? Of course you would. It's irrelevant that the judge's daughter is only in grade school. This means the answer the examiners want is, "no!"

2.) If the question sounds too crazy, then the answer is probably just as crazy. Example B. If a judge had a defendant prostitute sit on his lap as he conducted arraignments, would the judge be removed from the bench? This is crazy, so the answer is no.

3.) Remember the police officers rule. Always accept the free meal, but never admit it. Now apply this rule to your position as an attorney. You'll never go wrong.

This concludes the information the Justinian was able to find out about the Harding Method, but whether you sign up for Harding, Pieper, Bar Bri, or Marino you'll get out of it, what you put into it. **Remember**, you can only sign up for the Harding Review on April 1 of any year.

ARTS AND ENTERTAINMENT

Mountain

By Daniel Tam

Justice William Orville Douglas has been one of the more controversial Supreme Court justices. Having served an unprecedented term of 36 years, he survived two impeachment attempts. Now, the life of this supporter of civil rights and conservation is a new play at the Lucille Lortel Theatre. Titled "Mountain," the play begins on January 19, 1980, the day Justice Douglas died. The stage is but an undecorated white room, with a pedestalled seat in the middle, an American Flag behind it, and a coat hanger where his robe hangs. At center stage is Douglas himself (played impressively by Len Cariou).

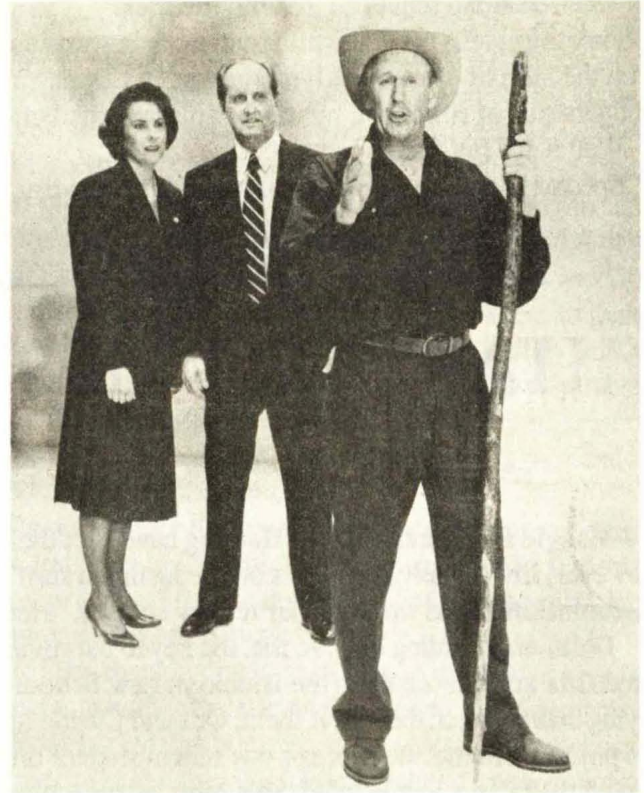
Time starts moving backwards, and Douglas begins talking about his relationship with President Nixon. He criticized Nixon (played by John C. Vennema, who also played all the male characters in this play), after whose impeachment he retired from the bench. The play becomes somewhat hard to follow for a few moments, as the play continually goes back in time through the first act. Douglas moves from topic to topic quickly. At one point, he went from talking about his divorce in 1953 (he was married four times), to his trip to Tehran, where he acted as an unofficial mediator extending US relations to the Middle East.

Time again moves back, and the audience finds itself in New Haven, Connecticut, where Douglas was professor of law. Douglas spends this time glorifying Justice Louis Brandeis. A great moment for Douglas came when he was recommended to take a seat on the

highest court of the nation. What made this more of an honor was that the recommendation came from his mentor, Justice Brandeis, who was retiring from the bench. Suddenly, the light around the robe began to get brighter and brighter.

The audience is soon brought to his home in Yakema, Washington, where he was brought up. It is at this point that we learn the meaning of the play's title. Douglas was in a wheelchair as a child (he suffered from polio). He remembered seeing children climbing a mountain, and he said to himself that "there's nothing I want more to be than that mountain." To Douglas, it symbolized strength and, at the same time, freedom.

Time begins moving forward again and the audience travels with Douglas to law school, then quickly into his beginnings on the Court. Dennis Scott, who wrote this play, put Douglas in a positive light when displaying his passion towards granting the freedoms espoused in the Constitution (evidenced by his dissents during the McCarthy era cases). When the Rosenbergs were sentenced to death (by a judge, incidentally, not a jury), Douglas ordered a stay. That stay was subsequently overturned and, after the execution, impeachment articles were drafted against Douglas. Douglas survived that impeachment process. When he finally retired



against his will, in 1975, Douglas had written over 1300 opinions, 583 of which were dissents. The play ends, as it began, on January 19, 1980, with Douglas on his death bed, after having a stroke. As he reflected on his life, he was certainly more angry than he was content. But he was the mountain.

Although the play at times was somewhat confusing because of the constant time shifts, Dennis Scott certainly emphasized the most important events of Douglas' life. In that respect, his play is deserving of applause.

Heather Summerhayes gives a brilliant performance as Douglas's mother and each of his wives, as well as other female characters in his life, the strongest performance coming as the young, independent Catherine Heffernan Douglas. If you have the opportunity to see this play, don't pass it up. It is a strong statement on the necessity to protect the freedoms we so easily take for granted, as well as on the life of Mr. Justice Douglas.

Take The A Train... To The NYC Transit Museum

By Joe Accetta

Hey, you commuters out there. Did you ever find yourself looking around a subway station platform while waiting for that ever-elusive train? Did you ever find yourself wondering just how this system works (or if it works)?

Well, these answers may be found at the New York Transit Museum, located only two blocks from Brooklyn Law School at the corner of Boerum Place and Schermerhorn Street. In fact, the museum is actually a former subway station (Court Street, which closed in 1946), which once served a shuttle route between Borough Hall and Hoyt-Schermerhorn Streets.

The museum, which opened on July 4, 1976, was the New York City Transit Authority's contribution to the nation's Bicentennial celebration. The Transit Authority feels that the museum informs the public about the contributions of urban mass transit to the development of New York City.

The self-guided tour begins with an exhibit on turnstiles - those one-armed bandits - ranging from the ancient wooden, creaking contraptions designed for ticket-taking to today's sleek, automatic stainless steel model, which has been designed to accept computerized fare cards (a project currently in the experimental stage).

Next, the tour proceeds with a artistic display of mosaics and bas-reliefs, which August Belmont, Jr., one of the original owners of the Interborough Rapid Transit Company (IRT), had installed at certain stations, including South Ferry, Astor Place, Fulton Street and Canal Street. (Yes, the subway was a privately-owned system in the early 1900's.) These mosaics and bas-reliefs served the dual purpose of brightening up stations and symbolizing the impor-

tance of Lower Manhattan to the city's shipping and trade industries early this century.

An exhibit on the track circuit signal system follows the mosaic display. The highlight of this system is the safety features, built into the track lengths, which automatically prevents a train from passing a red signal by using strategically-placed stop arms.

Downstairs, on the station platform, is a signal tower display. Nearly 200 signal towers direct subway traffic in segments throughout the system's 710 miles of track by monitoring train movement and locations. In fact, one can view the progression of red lights indicating train positions in the Downtown Brooklyn area by watching the large signal board housed at this station.

Finally, both sides of the platform are adorned with a conglomeration of subway cars from yesteryear. (Contrary to popular belief, these cars are no longer on active duty.) As one tours these cars, one might notice that certain older cars did not house

operator's cabs because these cars were pulled by other motorized cars.

Aside from viewing bulky equipment cars in addition to these fabled passenger cars, there is an impressive array of undercarriage trucks assembled along the platform. These trucks are the life-blood of a subway car, supplying the power and all vital parts that allow cars to operate, including the shoe beam that runs along the third-rail, which feeds electric current to the train.

The tour rounds out with small, yet interesting, exhibits concerning trolley cars and surface transportation, the Transit Police Department, graffiti, and aids for the visually impaired. All in all, the museum provides an interesting diversion for a few hours, and for the price of a subway token, it's a chance to gain an appreciation for this much-maligned subway system just by understanding its sheer complexity.

P.S. See if you can identify the missing subway stops on the large three-dimensional track layout of the entire system.



The Magical Mystery Tour: Second Circus Revue 1990

By Daniel Tam

As a first-year law student, I can't believe how all these students had the time to put on such a huge production. But I'm glad they did. Anyone who had the opportunity to see either of the two performances of **The Magical Mystery Tour** know it was well worth the time and money to see it. To those of you who didn't see it, you missed a lot! The show centered around two prospective students, Garth (played by John Ashmead) and Debbie (Debbie Gruskin), who get lost from their tour group while visiting the school. Garth is a cross between Bill S. Preston, ESQ., of *Bill and Ted's Excellent Adventure*, and Jeff Spicoli of *Fast Times At Ridgemont High*, while Debbie is an annoying girl with a thick Brooklyn accent. Looking for the group, they get into an elevator, which they soon learn will take them on their magical mystery tour.

It started with a song by the entire cast, called "Law School Will Warp You For Life," a takeoff on the *The Rocky Horror Picture Show* song "Time Warp."

Garth and Debbie then take the elevator ride to their first stop, the BLS library. There, these two naive persons are exposed to the petty, bothersome noises that are the signature of the BLS library, such as the clicking of the pen and the constant chattering of the students (exposed more fully in real life, of course, by the ever so lovable Joe Cardieri).

Garth and Debbie decide to move on, and ask the voice inside the elevator (Jim Castro-Blanco) what famous students went to BLS. In an effort not to disappoint, the voice leads them to a Real Estate Practice class taught by the incomparable Al DeMeo. In that

class, Garth and Debbie are treated to some of the school's finest. First, Paul Simon is introduced, and DeMeo gives him a hypothetical, which starts like this: "Suppose me and Julio are down by the schoolyard..." The other students included David Dinkins (who received a hypothetical about his cable stock transfer), Ben Ward, Bruce Cutler, Donald Manes, and last but not least, Geraldo Rivera (uh, I mean Jerry Rivers, played to perfection by Jim Castro-Blanco) who came from the audience with a microphone and a lot of questions. This drew a huge applause from the audience.

Before going to another class, Garth and Debbie decide to stop in at the cafeteria, where they are treated to a display of its past and present. It gave everyone a good laugh, as the cafeteria has always been the butt of many jokes at BLS. Garth and Debbie choose to move on, and head to Prof. Leitner's Torts class, with Larry

Greenberg as Jerome Leitner. In that skit, Larry treated the audience to his fine voice with a takeoff of "Fun, Fun, Fun" called "Torts, Torts, Torts."

In an attempt to learn more about the professors, Garth and Debbie attend Gary Schultze's Teacher Therapy session. This skit, about those professors who were not funny, was somewhat tasteless, yet somewhat hilarious. I guess there must be some students who really have some aggressions to take out on these professors (who include Profs. Hahl, Karmel, Poser, Gerber and Crea, Stempel, Farrell, and Allen). Does Stempel really rub himself constantly? Is Schultze's laugh really like that? Are these professors that unfunny?

Garth and Debbie make a stop on the fourth floor, where they see anxious students looking at their grades, wondering who got those other



Students on tour in the opening act



grades. Then, wanting to learn more about career placement, Garth and Debbie take an elevator ride to the Placement Office, where they see Jane Ezersky (played by Marcy Weinstein). With Jane viewing her enormous engagement ring, her secretary (played by Lauren Drooker) went over her schedule for the day: a makeover, followed by lunch, then an engagement ring cleaning. I'm not sure if it was a serious statement that the Placement Office doesn't care about anyone under the top 1/4 of the class or not on Law Review/Journal/Moot Court. I thought the show was going to get real ugly, but I was happily mistaken. The Hiring Process skit was very funny, and the first act closed out with Irene Chang's takeoff of John Lennon's "Imagine," titled "Imagine There's No Finals."

In the Second Act, Garth and Debbie decided to check out the student life at BLS. Hey, why was Larry Greenberg reading that feminist Chinese newspaper? Anyway, Garth and Debbie end up in the courtyard of BLS, where Irene Chang belted out a takeoff of "Under the Boardwalk," aptly named "Out on the Sidewalk," while backup singers Dave Berg, Jim Castro-Blanco, Peter Fields, Larry Greenberg, Justin Lowenberger, Rob Segall, and Mike Wieser surround a garbage can trying to keep warm.

When Cus rose from the garbage can, it drew a roar from the crowd.

The Law Review skit followed, but didn't draw that much laughter from the crowd, so I'll let that speak for itself, with just one comment: Mike Pepperman did a great job as Igor, the Editor's sadistic assistant. The following skit, "Sympathy for Hank Holzer," whose theme song came from the Rolling Stones' "Sympathy for the Devil," allowed the audience to see members of the band, Banzai Fish, which did an absolutely outstanding job for Second Circus.

The *Batman* skit which followed was fantastic. Justin Lowenberger played Prof. Pinto and his alter ego, Robin. Batman and Robin had to save the day against such arch-criminals as the Riddler (Kuklin), the Penguin (Crea), King Tut (Habl), and Egghead (Farrell). Liz Schneider (played by Lauren Drooker) came on, of course, to argue that there weren't any women in this skit. Schneider, by the way, was object of many of the Second Circus jokes. The funniest moment came when Justin forgot his lines and was just adlibbing until he remembered them. The crowd loved it.

Debbie and Garth next stopped in on the Brooklyn Law News network, anchored by Stanley Lee and

Lauren Drooker. This skit provided some funny moments, with the frustrating phone problems at BLS, the new law school dean (Benny, from *LA Law*) and the 970-LAW-BABES jokes getting laughter from the audience.

I thought the show could have concluded here since it was somewhat long. But the show continued with skits about Dean Trager, Prof. Twersky (who could ever forget the "Twersky Rap"), and Prof. Jones. I thought that the Jones skit was in poor taste, but hey, I'll get over it.

Many names have been left out of this review, but that doesn't mean they are any less important. All deserve great applause for putting on a fantastic show overall. Roberta Chevlowe and Peter Fields did a great job directing Second Circus, helped out by Irene Chang and Lauren Drooker. The rest of the cast was also great: Lisa Boltax, Howard Graubard, Marjorie Hoffer, Steve Kantorowitz, Michael Pepperman, Andrew Targum, Stacey Woloshin, and the Banzai Fish band members Todd Braverman, Peter Brodsky, Paul Gargiulo, Peter Gold, and Ray Mura-daz. Last but not least, the production crew deserves a hand for keeping it all together. I can only hope next year's show can be as great as this one.

POET "LAWREATES"

A PLEA FOR RACIAL STANDING

By Ron Rukenstein

The news hurt me bad today.
The cameras came to my town to stage their play.
Now Sharpton won't go away until he gets his way.

Hey Al, if you want to see justice done
why don't you say what you mean?
Instead of lying in wait to hear yourself scream.

Lets think about what "racism" has become
in the new political lingo
where ideas get undone.

I mean it's silly to say that Nikes,
Reeboks and Starter jackets are to blame
for the ceaseless violence of inner city strain.

Still Spike that don't make it right
to rebuke the charge because it was brought
by someone who is white.

Materiality is a problem for white and for black.
And, We'll never understand it
if we look to attack.

We've got to get through this together
and show a little more trust,
that people don't buy the quick sell
the media is trying to thrust.

Charity

By Geanine Towers-Dioso

Out an eighth floor window,
I watched the feathered congregation,
Atop the cracked and moss-lined chimney-
I stretched a lanky arm to reach,
Just a minute ago.
And, it had felt so strange
To place the fistfull of breadcrumbs
Where the hungry flock could share;
To be level with something so high;

To have created so many struggles.
At once. Each taker must painfully detach
The smoky flutter of his own tiny body
From the smoky blue of the sky, like a sea
Large and deep enough to cover us all.
Having landed on the three by three
Foot Indian-red brick island, each
Must earn its supper, collecting up
Tiny grains, of what I could give.

The next to land
will nudge, with a coo, and force
One to fall or fly, maybe
Still empty inside.
I had to pull myself back
To keep from hearing the anger,
Greed and jealous sadness,
Arrhythmic tintinllabulation;
the impoverished plea of pigeons.

And the voice that calls to me,
"What the hell ya hangin' out the window for?
You'll fall and break your neck."

Cross-Examination

By Marcus Alan Spevak

I looked up "never having to say you're sorry" is my confession
 And indeed did not find love, but instead, adverse possession
 This is Property with Prof "Bartlett, Eat Your Heart Out" Wein
 And is not solely a study of a trust and lien
 His advice: "Dress British, think Yiddish"
 Do not opine, just say, It's mine"
 You may lack clout, but better to be wrong than in doubt."
 Cross exams are a pain, but "never complain, never explain."

Reading Gunther's Con Law requires evaluation
 When you discover he's the speaker for '90 graduation
 Reading the Bible may be equally true
 I fear who's coming in '92.

So you no longer eat well and gave up on fitness?
 There is a reason why Brooklyn Heights is the world headquarters
 of Jehovah's Witness.

In line for coffee for sobering effects
 I read "Drinking during pregnancy can cause birth defects."
 Unless my mind is abridge
 I have yet to find brews in the fridge
 If you find a six-pack it would appease
 It's on me. (No pregnant women, please.)

If your professor appears as a judge
 It may not be such a fudge
 For while in your class of tort
 Remember that 250 Joralemon was the site of the old Supreme Court.

The architects of BLS were those who designed Shea Stadium
 I like it, but it's no Taj Mahal or the likes of the Palladium.

The sun is out, there is no moon
 Socratic method at 12 noon
 Prof. Kuklin asks, "Day or Night?"
 You question yourself with maybe or might
 But come on, it is the day!
 And that is what you ought to say.

You wished to know
 Whether school was moot due to snow?
 It was on 6:30 a.m. on Talk Radio 77
 (At that time I am in heaven)
 But if you awoke then before your dress
 You deserved to save that trip to BLS.

Let's go across the street for a little fun of sorts
 I am not talking about the interesting courts
 For a few years longer we will sip the aperitifs
 In a courtly type of place we all call O'Keefes.

(Continued from page 39)
gan, Esq., was awarded \$7.3 million in compensatory damages (exceeding their insurance by \$6.3 million.) Punitive damages have yet to be determined. If you don't take professional responsibility seriously, you could throw all you've worked for down the drain.

Friendships. The best thing about Brooklyn Law School are the many friendships I have established and will carry with me for life. Here's hoping the monthly outings, parties, and dinners shared by group 3B since 1987 never end.

Memories. What will I remember most about my three years at Brooklyn Law School? Leitner wearing a green turtleneck and a big silver fish belt buckle. Stempel's rapid fire questions. Johnson giving me the lowest Legal Process grade over the last three years. (It wasn't personal, I deserved it. Yeah, right!) Fink, she has a lot of class. Schultze's ties. McLaughlin saying, "People,

people, people." Pinto's bow ties. I really wanted to twirl one and see if he'd fly around the room. Jones: "Don't walk between me and the class." Farrell teaching me to draw Donald Duclarent and Yogi Bear. Caplow and Smith: their knowledge of the criminal justice system. Hynes: The pleasure of learning Trial Advocacy from a District Attorney. Meehan: Nice guy. Crea: I hope he gets the SOB who stole his silver dollars. Falk and Fajans for their help. Korman and I never agreed, but when I had to research some federal cases, I found that the Court of Appeals never agreed with him either. My grade would probably have been reversed like many of his opinions.

Most of all, I'll miss the people. The students I won't be seeing every day, the office staff from the eighth floor, clinic, financial aid office, registrar's office, bursar's office, student services, and the security staff.

Most Forgettable Experience. The day a first-year law student ar-

gued the point that blacks and Hispanics are not entitled to the same rights he has. And this was in a Constitutional Law class. I never would have thought I'd find "Archie Bunker" type mentality in law school. The scariest thing is that this guy sees nothing wrong with his point of view. You would have thought people learned from Hitler and apparently he did.

Thanks. Thanks to C.W. Chin and Stan Lee for printing my column over the past two years. Thanks to the rest of the Justinian staff for their assistance in correcting my grammar. I hope the future editors don't let this column die.

Special Thanks. Special thanks to my wife for putting up with me, anxiety attacks and all, over the past three years.

HERE'S WISHING EVERYONE THE BEST IN THEIR ACADEMIC AND PROFESSIONAL LIFE. I HOPE ALL OF YOUR DREAMS COME TRUE!!!!

Inter Alia. Any frustrated, unpublished writers out there? Do you think you can carry on the fine tradition of this column? If you think you can write the "Inter Alia" column, submit a brief copy of 1-2 pages to *The Justinian* (c/o Michael Harding.)

Congratulations to the new SBA Board
Larry Greenberg/President
Dorothy Dolan/Evening vice-President
Marcy Weinstein/Secretary
Ramon Reyes/Treasurer
Lawrence Schuckman/ABA Represesntative

INTER ALIA

By Michael Harding

Dreams Do Come True. Years ago, I would drive by or walk past Brooklyn Law School and wonder what went on behind those doors. I would look at the students and wonder what it must feel like to be a law student. For me, being an attorney was and always would be an occasional daydream. When I went into the office I put on a bullet-proof vest and strapped one or two guns to my body before I met with my first client of the day. The only attorneys I knew were Manhattan Assistant District Attorneys and I always felt I should have that job, but it wasn't meant to be in this lifetime.

Today it's hard to believe that I am within days of receiving a law degree and a few months away from becoming an Assistant District Attorney in Manhattan. The course of my life had made a sudden and sharp turn. Injured in the line of duty, I was forced to retire from the Police Department. However, this cloud had a silver lining. After leaving the force, I was presented with the opportunity to attend Brooklyn Law School. I grabbed it. I traded in my gun for a brief case. Some days I still wonder what goes on behind the doors of 250 Joralemon Street, but I have a pretty good idea of what law students think. As for this student, I think life is full of surprises and dreams do come true.

Cafeteria. For the past two years, I've been wanting to do a week's review of the food in the cafeteria. But no matter how hard I tried, there was no way I was going to eat there for five days in a row. In all fairness, some items were okay. The salad bar of assorted rabbit food seemed to be popular. But did you ever find yourself saying, "Mmmm! I better save my appetite for lunch, we might be

having tacos or zucchini today. Or maybe I'll have some of that soup that is so thick the ladle rests on top of it."

Instead of hacking away at the menu, I think, at this point, I'll just make some suggestions. **HAMBURGERS, HOT DOGS, FRENCH FRIES.** It would not cost too much to put a small grill in and have someone flip hamburgers during lunch time. A hot dog grill can sit on the counter and student could help themselves. A deep fryer would pay for itself. How about an ice machine and a freezer with frozen yogurt and ice cream? I've never seen a cafeteria without these staples of cafeteria cuisine.

Library Noise. I had a dream that Linda Holmes had designated the second floor of the library as "The Joseph Cardieri No Talking, No Smoking, No Nonsense Room." Joe was delighted. After all, who would have thought that 23 letters to the Justinian would have made a difference? However, my dream did end on a sour note. It seemed that the second floor was so quiet that you could hear students breathing. When last seen Joe was punching away on his typewriter, "Dear Justinian....."

Placement. This year's Second Circus Revue might have crossed the boundaries of good taste with some of its jokes aimed at Jane E. Ezersky, Director of Career Services. Hopefully this won't inhibit anyone from seeking her assistance or mislead anyone as to her character. Jane Ezersky is here working for you. If you're ranked 350 out of 400, don't blame her because you didn't get a job with that Wall Street firm. Blame yourself for not seeking the assistance of a Miracle Worker.

Exam Schedule. It still STINKS. Exams should not conflict with bar review programs.

Graduation Fee. Well clutch my pearls, honey! You mean it wasn't included in the 30 grand I laid out over the last three years? I'd rather

pay \$33 a year (25 part-time) and at least feel like the school threw in the graduation, gratis.

Elevator Etiquette. More and more, the elevators remind me of the subways. When the elevator is empty, why do the first people to step in stand in front blocking the doorway? When a crowded elevator stops, let the people out before pushing your way in. When you're not alone in the elevator, don't hold the door open while you talk to your friend about where you are going. When you are standing in the elevator and you see a fellow student sprinting toward you, don't just smile or look away like you don't see them as the doors close. We'd all like the same courtesy back.

Prince Competition. United States Supreme Court Justice Antonin Scalia presided over the final round of the Jerome Prince Moot Court Competition. I can't believe so many students missed this opportunity to see Mr. Justice Scalia at work. That's like a priest missing an audience with the Pope.

Professional Responsibility. A lot of us are guilty of not taking the course in Professional Responsibility seriously. The same holds true for the MPRE. I hope you don't have to learn the hard way how important a matter this is. Being ethical is not enough. You must know the rules of the game or Hilton Stein, Esq. can end up being your worse nightmare. Hilton Stein is an attorney who makes his living suing lawyers. He is also author of the book, "How to Sue Your Lawyer." Stein is but one of a growing number of attorneys who believes: if a product goes bad, sue the manufacturer. If your law suit goes bad, sue your lawyer.

Recently, the firm of Miller, Miller, and Kearney (Virginia) was found to have breached its fiduciary duty, etc. to its client deriving from a personal injury case. The plaintiff (ex-client), represented by Patrick Re-

(Continued on page 38)

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THE NEW YORK BAR EXAM

HAS CHANGED

AND BAR/BRI HAS CHANGED

WITH IT!!

There has just been a major change in the New York Bar Exam and it will benefit BAR/BRI enrollees.

The New York State Bar Examiners have dropped a number of topics from the Bar Exam, effective immediately. In addition, the Examiners will change the emphasis slightly among the remaining topics.

What this means to you is that you will be able to devote more time to the Multistate subjects and more time to the skills needed to optimize your scores.

We at BAR/BRI have already changed our testing materials to reflect the new Bar Examination. No longer will you be tested on such topics as Bankruptcy, Labor Law, Insurance, Municipal Corporations and other topics deemed unimportant for exam purposes by the Bar Examiners. There will be a renewed emphasis on the six core Multistate topics and on New York Practice, Wills, Trust, Corporations, Domestic Relations and various other topics that New York considers to be important.

Already, the free Essay Workshop that will be provided to every BAR/BRI enrollee for the summer of 1990 has been redesigned to reflect the new emphasis on the New York Exam. Plus, the free Multistate Workshop will be more valuable than ever.

The New York State Bar Exam keeps changing and BAR/BRI keeps changing with it. This change is primarily to take things off the New York State Bar Exam. In future years we expect the Bar Examiners will be adding things to the Exam, probably in lieu of the New York multiple-choice component.

Our staff of attorneys is now developing both a performance program and an enlarged essay program in the event that New York State goes in that direction. As soon as further changes occur, we will keep you informed.

BAR/BRI
BAR REVIEW