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September 1990 Vol LX, No.1

THE **JUSTINIAN**

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

WELCOME BACK!!

THE VALDEZ PRINCIPLES AND SHAREHOLDER ACTIVISM

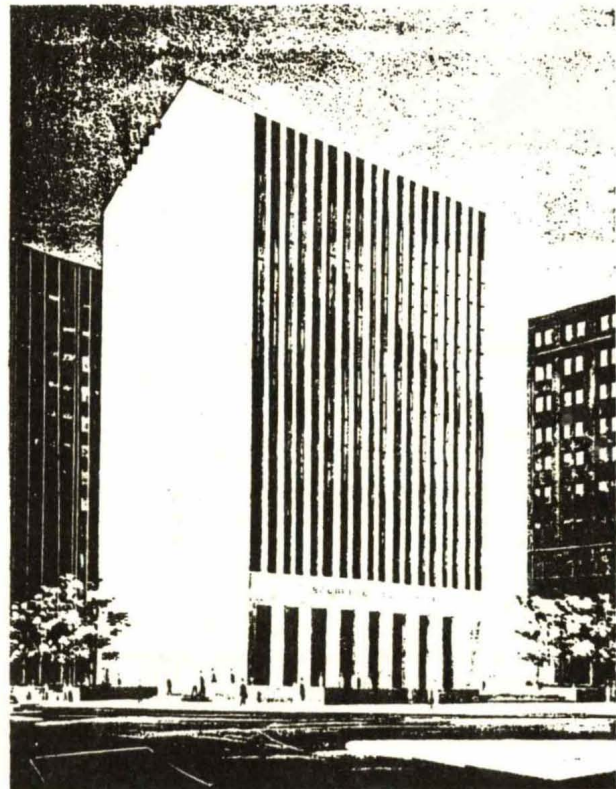
Also in this issue:

SBA Update

Fulbright Scholarship Info

Restaurant Review

Rotisserie Roundup



YEARS AGO



Justinian

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

Mr. Justice Douglas

Volume XXXIII - No.9

THURSDAY, AUGUST 30, 1973

Page One

Welcome To Brooklyn Law School



*Dean
Lisle*

Welcome! You come to a law school with a history of almost 75 years — a school old enough to preserve the values of traditional legal education and, at the same time, young enough to meet the challenges of a rapidly changing society. Yours is the first class to profit fully from the modernized program with its new course in civil procedure from the greatly broadened curriculum designed to provide both thorough grounding in the techniques and doctrinal knowledge needed by all lawyers and also opportunity for developing special competence in particular areas of current interest and concern; from an enlarged full-time faculty, the members of which have committed themselves to full-time service to your training and professional development and to the development and improvement of the law by scholarship and public service; from a professional placement service which will institute for the first time this fall a series of seminars on various types of practice to provide you from the very beginning with material for making informed judgments as to professional objectives and careers.

You begin your preparation for membership in the broader community of the Bar at a time of soul-searching and of intellectual and moral turmoil. Recent events and the activities of lawyers in high places have raised fundamental questions. Is the Bar discharging its full responsibility both to society and to the client? Are the standards of professional ethics, articulated and felt, and the machinery for their enforcement adequate? What can we do to ensure that the skills you acquire here will be used for the public good and for the furtherance, rather than the destruction, of the values of a free society. They are problems with which you must be concerned in every course from the beginning of your studies. Your clinical education work will provide special opportunities to explore the problems of professional responsibility in the context of a realistic lawyer-client relationship and to reflect meaningfully on possible conflicts between personal ambition and service to your client.

You will find that the law and its life-time study, considered in their broadest aspects, can be not only an occupation but also a way of life, providing not only a livelihood but also a focal point for your search for enduring values and for understanding of yourself and of your fellows; for your ideals and your hopes for a greater society; for your desire to serve others; for furthering the ideals of justice. You must read widely and think deeply if the law is to be all of this to you. If you do, the law can be not a mere trade but truly a learned profession. These are ideals and objectives in the law for which all of us, faculty and students alike, are groping. We can help each other in our search for what can never be fully realized. You must do your part.

As a result of the efforts of the faculty and your predecessors, Brooklyn Law School has earned, and in a few months, will achieve a new level of academic and professional recognition.

We can all be proud of the reputation of the school for scholarship and sound legal education, for social-mindedness and for public service. You have your part together with that of the faculty in maintaining and enhancing that reputation.

The Justinian

A Forum for the Brooklyn Law School Community

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CONTENTS

September 1990

FEATURES

Moot Court Update	14
Law Review	15
International Law Journal	16
The Valdez Principles & Shareholder Activism	20
Rotisserie Roundup	21

DEPARTMENTS

Years Ago	2
Editor's Corner	4
Correspondence	5
Fulbright Scholarships	7
SBA Update	8
There Ought To Be A Law...	10
Arts and Entertainment	18
Inter Alia	23

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EDITORS' CORNER

Well, that time has arrived. The summer has come to an end, and now it's time to trade in beaches for books. You've already bought your books for the classes you've registered for. But do you really think the fact that you registered for, and were enrolled in, a class by the Registrar means you'll be taking it in September? Not if a certain professor has her way. What follows is a conversation I had with the Registrar's office, which called me a week before classes started:

"Hello?"

"Good afternoon. This is the Registrar's office. I'm afraid we're going to have to drop you from Appellate Advocacy."

"Wait a minute! I'm already enrolled in that class. Why are you dropping me now?"

"Sorry. Professor *****'s Moot Court and Clinical students get priority over other students in Appellate Advocacy."

"Then why am I already enrolled in the class?"

"We were just informed by Professor *****."

"Let me get this straight. If classes already started, and some Moot Court or Appeals clinic students wanted to take Appellate Advocacy, and Professor ***** informed you of this, you'd drop me from that class? Even after classes began?"

"I'm sorry."

"Hey, it's not your fault."

So now I'm on the waiting list, patiently waiting to get into a class that I was already enrolled in and had every right to be in. It comes down to this: I can't register for classes I would have registered for had I known about this priority system. Because I was informed so late in the summer (only a week before classes began), I was in a difficult position, trying to choose a class that kept me within the 4 days/week, 5 hours/ day requirement, while not conflicting with my work schedule. That left me with only one class to choose from. I really hate this.

What suggestions do I have? Try this one on for size. For all classes where certain students get priority over other students (not including, of course, the normal priority system — 4E, 3D, 3E, 2D, etc...), have a pre-registration period for those classes, so the other students know where they stand before registration, not a week before classes.

I agree that Moot Court students, as well as the Appeals Clinic students, should have priority in Appellate Advocacy. It is necessary for them. But I was already enrolled in the class, and that makes this professor's decision wrong. At this point in the summer, I should not be forced to change my schedule to accommodate others. At this point, the professors should increase the number of people they allow into each Appellate Advocacy class. I can only hope that some of you out there are listening.

LETTERS TO THE EDITOR

No Smoking!

To the Editor of *The Justinian*:

Cigarette smoke poses a danger to the health and well-being of non-smokers. As a result, state and local law prohibits the smoking of cigarettes in the hallways, classrooms and elevators of Brooklyn Law School. In full knowledge of the law, and despite "No Smoking" signs in the designated areas where smoking is prohibited, numerous persons continue to violate the air with cigarette smoke, thereby endangering the health and well-being of the Brooklyn Law School community. I strongly urge all smokers to obey the law, and, at the very least, to respect the needs of those whom cigarette smoke bothers.

From the Surgeon General to your family doctor, everyone understands, recognizes, and is aware of the dangers of passive cigarette smoke upon others. The effect of short term exposure to passive cigarette smoke varies from person to person, but frequent symptoms include

headaches, sniffles, watery eyes, wheezing and the triggering of other allergies. Of course, the long term physiological effects include cancer and emphysema.

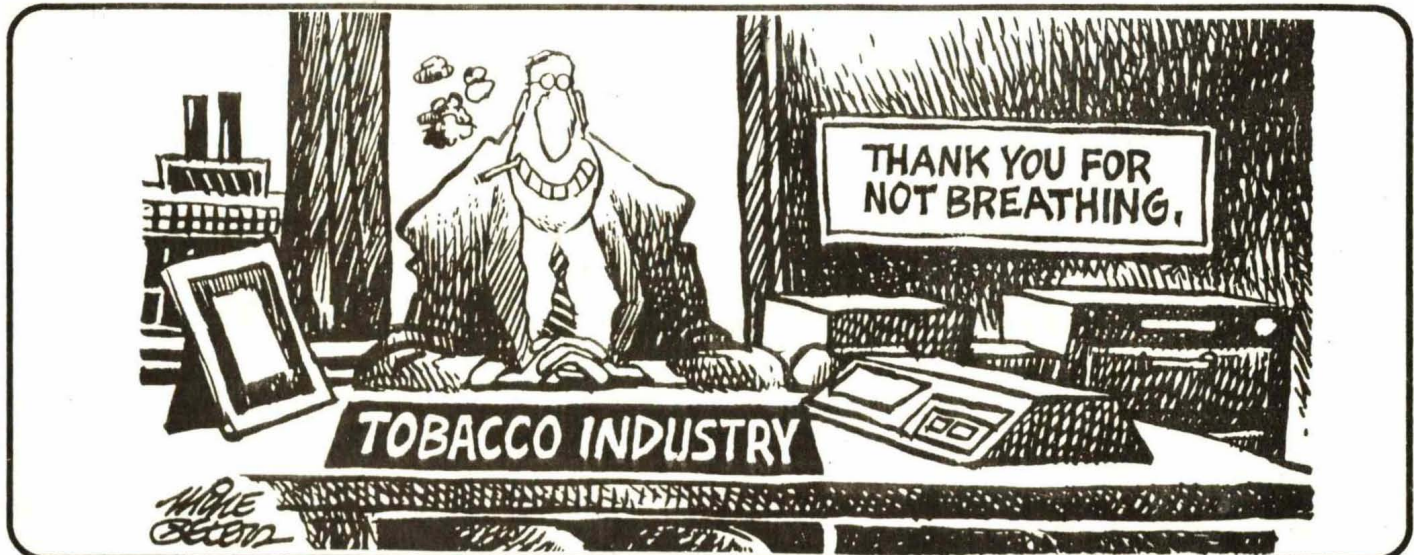
The law does not intend to infringe upon the rights of persons to engage in a legal activity. Rather, the law recognizes the harmful effects of cigarette smoke upon persons in an enclosed area where air has little chance to circulate. In the absence of proper ventilation, such as found in Brooklyn Law School, the cigarette smoke hangs in the air, seen or unseen, long after the smoker has finished his cigarette. An unsuspecting person who uses the elevator or hallway to get to class then ends up with lungs full of smoke-filled air, from which symptoms from cigarette smoke soon begin to appear. Not exactly a great way to start a class full of devilish Socratic questions.

What amazes me is that most people know that it is not only illegal but wrong to smoke in these areas. When the smokers are asked to stop

in a polite, friendly and non-confrontational manner, some oblige the request, while others continue to puff either smilingly or sneeringly. For those who stop, I often see later see the same people doing the same thing in the same place. This moral obnoxiousness is staggering if you consider that the smokers need only step outside via the unalarmed fire exit door on each floor in order to puff free and easy outside.

I have no desire to turn myself into a non-smoking pariah. All I want is a chance to breathe free in areas where I must be, absent of headaches, sniffles and watery eyes. The law grants me this much, and I seek enforcement. I urge the Brooklyn Law School community to request that all offending smokers cease their activities in the designated "No Smoking" areas.

Signed,
Name Withheld
Upon Request



ATTENTION!!!

ALL STUDENT ORGANIZATIONS:

**SBA BUDGET APPLICATIONS
ARE CURRENTLY AVAILABLE IN
THE SBA OFFICE**

**BUDGET APPLICATIONS MUST BE TURNED IN TO
THE SBA OFFICE
BY**

MONDAY SEPTEMBER 17, AT 5:00 P.M.

FULBRIGHT SCHOLARSHIPS

BY NORMAN LEON

If you, like many of us, are currently infected with the "travel bug," and if Brooklyn Heights is not your idea of the cultural center of the universe, have no fear. Brooklyn Law School is actively involved in numerous study abroad programs that afford interested students the opportunity to study a greater variety of topics in a plethora (nice word, huh?) of countries. Of course, there are certain requirements to apply for the program, but it is probably easier to get involved with study abroad than it is to purchase a "super saver" plane ticket.

If Africa is your calling, Fulbright grants provide graduate students and young professionals the chance to study or do research for one academic year in one of 35 countries. Like Africa, South America is admirably represented and presents the opportunity to study in 28 different countries, ranging from Argentina to Venezuela. Fulbright and other BLS grants present similar opportunities in East Asia and in the Pacific. Qualified candidates can study or do research in Japan, Hong Kong, Thailand, "Down Under" in Australia or in 15 other countries. The Near East, as well as the Middle East (Egypt, Israel, Kuwait - hold off on Kuwait for a while though), Eastern Europe (East Germany, Poland, and the Soviet Union) and Western Europe also afford a number of exciting and interesting opportunities.

Study abroad, however, is not limited simply to academics. Fulbright and other grant opportunities are available for graduate study in performing arts, as well-qualified students can study

from among conducting, dance, drama or a variety of musical instruments. If your forte is the visual arts, qualified graduate students may study architecture, painting, photography, etc.

In addition, opportunities exist for the study of journalism in Spain and for the pursuit of post-doctoral research in Israel. The Institute of International Education provides teaching opportunities to qualified persons in Afghanistan, Ecuador, France and Germany. As should be apparent by now, the study abroad programs offer virtually countless opportunities to study, travel and

grow. Certain specific qualifications are required for each program, but the qualified individual should not be deterred from pursuing the program.

Law school, if you allow it, can become a very restrictive experience. As pressures grow and chances to travel dwindle, one should not overlook the fantastic opportunities the study abroad programs present.

For more information about these requirements and each of these programs, interested students should contact Prof. Maryellen Fullerton in Room 807. The deadline for participating is October 1, 1990, so do not delay.

BODY BASICS FOR THE 90's

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SBA UPDATE

BY

LARRY "ROD" GREENBERG

It gives me great pleasure to welcome you all back to Brooklyn Law School. Hope a good time was had by all this summer. I'm sure you're all as psyched as I am to be back. This year, the Student Bar Association is embarking on its most ambitious journey in Brooklyn Law School's 90-year history. We're going to make Brooklyn a fun place whether you like it or not. In addition to furthering the festive nature of law school, we are going to give something back to the local community. Here's what's in the works:

FALLFEST 1990 - The Student Bar Association will kick off the year on September 14 with Brooklyn's first annual Fallfest, which will be a major fiesta on the plaza in front of the school. SBA Secretary Marcy Weinstein recently commented, "The B-52's are booked at N.Y.U., but there will be some form of live entertainment at Brooklyn's Fallfest." When asked what students should expect, SBA Day Vice-President Michael "Pep" Pepperman grunted, "No foam." Of course, the T-shirts are sure to push the outer limits of trademark infringement. I've also been working closely with the faculty this summer trying to convince them to participate in the planned "Professionally Dry-Clean Your Favorite Professor" booth. Mark your calendars for September 14 and help us add a little comradery to the law school community.

ATTENTION - STUDENT ORGANIZATIONS: The new and improved SBA Student Organization Budget application will be available on September 4. They can be picked up at the SBA office, located in the back of the cafeteria. All student organizations which require SBA funds

MUST submit completed budget applications by Monday, September 17 at 5:00 P.M. Recently, SBA Treasurer Ramon Reyes told me, "I will carefully scrutinize every application to determine whether they contain satanic messages written in invisible ink." Anyone interested in forming a new student organization should fill out a budget application and stop by the SBA office and talk to Ramon.

EARTHSCHOOL 1990 - This year Brooklyn Law School is becoming a more environmentally conscious institution. Thanks to the arduous work of June Seddo, Director of Administrative and Student Services, we now have a new cafeteria concession. Also, the new cafeteria has promised not to use any styrofoam products in its operation. On another front, I have been working on getting recycling boxes placed throughout the school so that the school can recycle its used cans, bottles and papers. American Bar Association representative Lawrence Schuckman has said, "Look, if you don't want to recycle an aluminum can, give it to me, I could use the nickel." If the students pitch in a little, we'll all benefit in the long run.

FINAL EXAM SCHEDULE - During the last two years, many students have expressed concern over Brooklyn Law School's final examination schedule. Some students adamantly believe that finals should coincide with other New York area law schools. Dean Joan Wexler has insisted that a student poll be taken to find out what the students want before any action is taken. The SBA will have a polling desk set up in the lobby during the second week of October. Please, when we're out there, fill out the poll, so that the SBA

can "go to bat" for the student body.

SBA DELEGATES - All first-year students should be aware that members of the SBA executive board will be coming to your Torts classes during the second week of regular classes (September 10-14) to discuss getting involved with the SBA. The following week (September 17-21), we will return and hold SBA delegate elections. All upperclass students interested in becoming an SBA delegate should complete an SBA delegate nomination form, currently available in the SBA office. Anyone interested in taking part in Brooklyn's student government should seriously consider running for SBA delegate. Being a delegate is a great way to meet faculty members and get an inside track to what's happening at Brooklyn Law School. If you are considering it, come by the SBA office, introduce yourself, and we'll schmooze.

HOMELESS EFFORT - Also, coming in October will be the SBA drive for the homeless. The SBA will be collecting food and clothing for those who are less fortunate. These necessities will be donated to local homeless shelters. All are encouraged to pitch in and "do some good" for the local community.

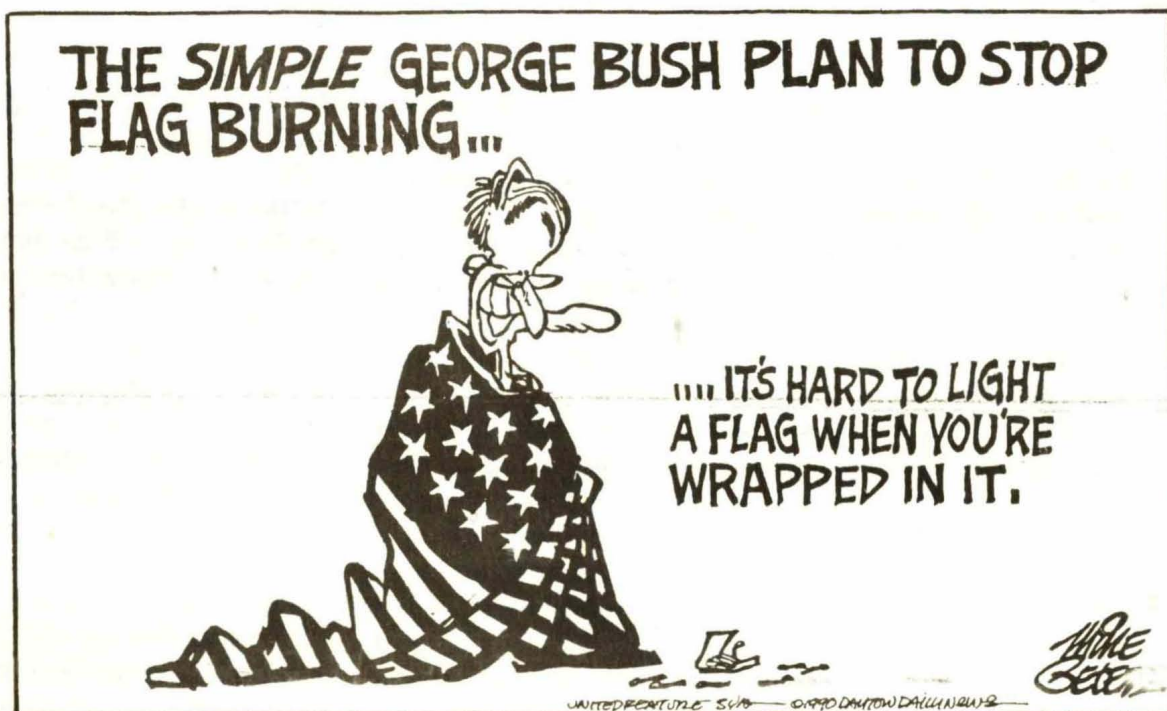
FINAL NOTES -

Congratulations go out to James Castro-Blanco and Rob Segall on their recent engagement. Those of us who know them are sure they'll make a wonderful couple. Also, if you're seriously bummed about anything school-related, stop by the SBA office and bitch to us. That's what we're here for. Do not be afraid to stop by and let us know what is on your mind. I look forward to seeing you soon.

Attention All Clubs:

The Justinian invites you to make yourselves known by submitting information and occasional updates on all club activities.

Please drop off any information at *The Justinian* Office, Room 307.



THERE OUGHT TO BE A LAW...

by Joe Accetta

On August 23, 1989, I was nervously awaiting the first day of my first year at Brooklyn Law School. I can remember that it was a hot, humid evening when the Bensonhurst shooting occurred, throwing this city into a year-long turmoil that recently culminated in the Central Park jogger rape verdict on August 19, 1990.

I guess a lot has happened since that muggy August night last year, and for those of us who followed the events throughout the 1989-90 school year, only sketchy images linger, despite the local media's often microscopic coverage of both of these stories.

Sketchy images. For instance, the word Bensonhurst, as did its predecessor Howard Beach, became a synonym for hatred, prejudice and racism in a city sorely divided by racial tension. We will remember the Rev. Al Sharpton leading marches through Bensonhurst, only to be greeted by chants of "Niggers, go home," and some local residents hoisting watermelons over their heads while mockingly chanting, "Yusuf, Yusuf."

We will remember the scene in front of 2007 Bay Ridge Avenue that night, where a black teenager named Yusuf Hawkins was shot and killed for no reason other than for the color of his skin. He lay lifeless on the sidewalk, you'll recall, just as Michael Griffith lay lifeless in the eastbound left lane of the Belt Parkway after being chased to his death in December 1986.

We will remember the hoards of professional protestors anxiously awaiting a verdict outside of State Supreme Court, across the street from Brooklyn Law School. I, for one, will certainly remember the thunderous cheer that clamored in

the streets when the jury found Joey Fama guilty of second-degree murder. More so, I will remember the rioting that occurred in the streets surrounding Brooklyn Law School after the jury acquitted Keith Mondello of murder and manslaughter charges on the following evening. For the first time in my life, I was afraid to leave a building and walk the streets, for all around the school were people whose eyes were filled with revenge and whose faces were contorted with anger and rage at the verdict.

Powerful, yet fleeting images. On April 19, 1989, a woman who remains known to us only as "the jogger" was brutally beaten, savagely raped and left for dead along a secluded Central Park back road off 102nd Street. Her attackers, a group comprised mostly of black teenagers, were apparently bored and decided to go "wilding," or wreak havoc on all people who were unfortunate enough to cross their path. We will remember taped confessions at police stations, allegedly coerced in some cases, being recanted, as well as the use of DNA semen samples being used at trial to try and disprove the prosecutor's case against the teenagers.

We saw a repeat of the entire Bensonhurst racial overtone to the trial, which culminated in rape and assault convictions against three teenagers named Yusef Salaam, Antron McCray and Raymond Santana. Powerful, lasting images, brought to us daily by eager camera crews and reporters, who often forgot to delve beneath the surface of these spell-binding, explosive stories.

Luckily, we are all intelligent enough to realize that media stereotypes do not accurately reflect the entire story. I have spent many

hours in Bensonhurst with friends, and what emerges upon reflection is that, for the most part, the people of Bensonhurst are proud, middle-class Italians who guard their homes and families jealously because they've worked hard their whole lives to achieve what they have. When you walk into their home, you become family. I'll be the first to admit that I am very proud of my own Italian heritage, not because of any image associated with being Italian, but because I've watched my mother and father work hard for what they have, and their home and family are just as precious to them as to the people of Bensonhurst, who fight to protect their enclave. I'm not condoning this attitude by any means. I'm just trying to fill in some of the gaps that the media has left in searching for a reason for this senseless crime. It is just a shame that the ignorance of a few has cost this safe, vibrant neighborhood its good name.

Granted, there are times when I've driven through Bensonhurst and been aggravated by the double-parked cars along 86th Street or Bay Parkway or 18th Avenue on almost any given night. And I find it hard to believe that in a neighborhood where people are always out on their front stoops, nobody came forward as a witness to the shooting. Again, family protects family. Yet, the media would have us all believe that the mob was behind some massive coverup, and that most members of the community were associated with organized crime. In essence, for the media to portray the neighborhood as a bastion of hatred is simply inaccurate. In fact, it seems as if the media did not learn from their mistakes in covering Howard Beach.

Similarly, you would think that all black and Hispanic teenagers that

live in the Harlem projects are crack addicts and wild animals from the portrayal these young men received in the past year following the Central Park attack. Moreover, you would think that Central Park, north of 86th Street, is a jungle where packs of teenagers molest and abuse any white jogger or bicycle rider. Well, as a high school student in the 1980's, I spent a great many hours running around the Central Park reservoir and playing baseball on the 96th Street diamonds, and I've been to the area where the jogger was attacked. While I wouldn't necessarily have a picnic there after dark, the media portrayal of this part of the park is exaggerated.

Additionally, not enough is said about the teenagers in Harlem who work hard in woefully understaffed schools and who occupy their free time more constructively in the all-too-few youth centers or by playing pick-up basketball games in schoolyards, which are, sadly, just

about the only places aside from the streets that young minority teenagers can gather in Harlem. Again, the media focus unfairly on the actions of a few lost souls while dooming an entire neighborhood to condemnation.

Unfortunately, the pain and suffering that the families of both the perpetrators and victims suffer while under the intense media spotlight they desperately attempt to shun is shunted into the background. What the media fail to convey to us is that these senseless crimes are a product of the lawless atmosphere that now pervades the streets of New York City.

It is truly a sad comment on society when a teenage boy travels to another part of his home borough and loses his life over the color of his skin, or when a woman who enjoys her nightly exercise is brutalized in a violent, vulgar manner that shocks our collective conscience. Yet, the media seem to lose these and so many other cold, hard facts about the lawless

state of this city while rushing to portray these crimes in the most sensational manner possible. Generally, we are supposed to look to the law as a parameter within which we are to measure civil behavior. Unfortunately, it is difficult to keep this in mind when the media produce such fleeting images that alter our perspective of the real life law laboratory known as the streets of New York City.

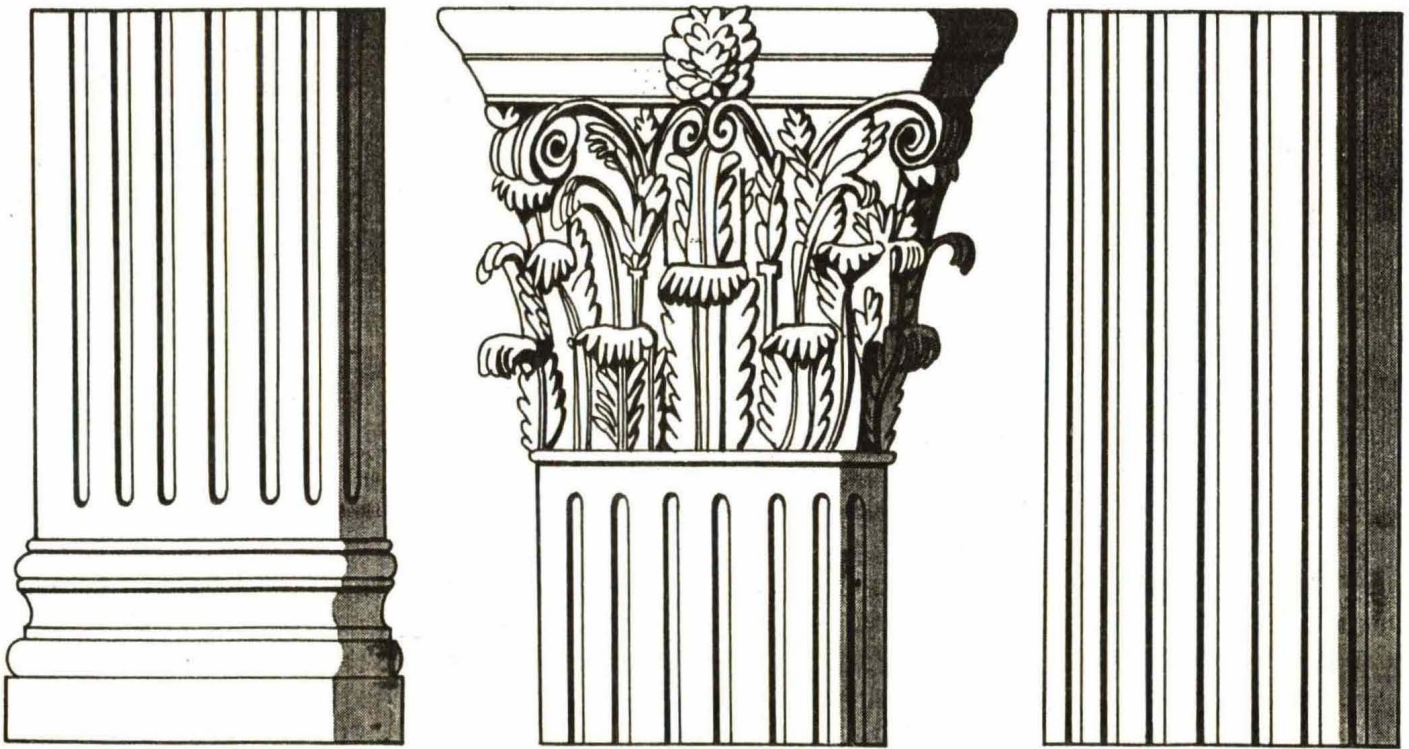
Looking back over the past year's events, I've had many problems in relying on the local media for an in-depth perspective on these events. I guess what I'm suggesting is that the media often fail to provide a complete perspective when such emotionally-charged issues grab their headlines. Unless the media act more responsibly, I'm afraid that our experience as law students here in New York City will be cheapened, even with the existence of breaking stories in our own backyard.

Interested in writing for *The Justinian*?

We welcome submissions from all students. Please stop by our office on the third floor, or come to our organizational meeting on September 12. Look for signs on the bulletin boards as to time and place.

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MOOT COURT UPDATE

The following is a list of the individuals selected for the 1990-91 Moot Court Honor Society's Intermural teams. Faculty coaches will be announced at a later date. Congratulations to the new team members!

Administrative Law Team

Fred Arriaga
Huma Kangar (Team Editor)
Dawn Orlacchio
Student Coach - Jon Citrin

Bioethics Team

Stacey Charkey
Beth Chetkof
Lisa Haberman
Student Coach - Dom Morandi

Client Counseling Team

Martin Diamond
John Stella
Student Coach - TBA

Environmental Law Team

Karen Bennett
Robert Golden
Lisa Beth Vanefsky
Student Coach - Greg Kinoian

National Team

Anna Cline
Sarah Hamilton
Jeffrey Kimmel
Alternate - Peggy Walsh
Student Coach - Dom Morandi

Prince Evidence Team

Judith Selby
Edward Ross
Kathleen Warner
Student Coach - Jim Costello

Tax Team

Lisa Mastrodomenico
Joe Mirabella
Joe Williams
Student Coach - Mike Rappaport

Benton Privacy Team

Tad DiBiase
Albert Khafif
Linda McMahon
Student Coach - Mario Argote

Civil Rights Team

Adam Becker
Christiane Berry
David Mandelbaum
Student Coach - TBA

Entertainment Law Team

Craig Cohen
Naftali Dembitzer
Jackie Lesser
Student Coach - Ed Shapiro

Jessup International Team

Annabel Hubbard (Editor)
George Nahitchkevansky
Marci Silverman
Robert Williams
Rebecca Woodland
Student Coach - Ed Shapiro

Nassau Appellate Team

John Lonuzzi
Gae Polisner
Valerie Weinstock
Student Coach - Jim Pocchia

Products Liability Team

Melissa Epstein
John Fortuna
Edward Tantleff
Student Coach - Andy Levi

National Trial Advocacy Team

Noel Bonilla
James Castro-Blanco
Donald Leo
Christine Mendola
Linda Osmond
Rob Segall
Alternates - DeWayne Chin, Mami Schwartz
Student Coach - Jim Pocchia

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The Justinian would like to congratulate the members of the 1990-91 Editorial Board and Staff:

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Sondra Shaievitz
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Cynthia Watkins
David Weinreb
Mark Whitney
Cory Wolfe

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Richard Yates

RESTAURANT REVIEW

BY
DANIEL TAM

Beginning with this issue of *The Justinian*, I will be travelling throughout downtown Brooklyn in search of fine dining establishments that you can eat at. There is life beyond Montague Street. At least I think so. This month, I came across Jack's Kosher Delicatessan on Court Street, only a few blocks away from the law school.

If your mouth begins to water when you walk into this deli, don't worry. It's your tastebuds telling you that you're going to have an excellent lunch. I looked around the dining area, finding many people who were regular customers at this deli. They all were enjoying their meals. But, hey, this is my review, not theirs.

I was greeted by a man behind the counter, Mr. Nat Gellman, who is the owner of the deli. I asked him for a suggestion on something to eat, and he recommended the pastrami on rye. He also made sure to tell me that "there's no Brooklyn Law student that eats by me for three years that doesn't pass the bar." Well, I'm not so sure about that, but I can tell you the food is fantastic. I know that when I go in there, I'll be very partial to the pastrami on rye.

But that's not to say the other sandwiches aren't just as great. They most certainly are. I tried a number of them, in order to get a complete picture of this place. Of course, what would a deli sandwich be without a

hot knish on the side?

But is that all there is to this place? Of course not. If you need a caterer, Jack's deli is right there for you, to help you with your catering needs. Customers receive friendly service by the people at Jack's. That's the mark of a great deli. And, of course, they deliver (even to the Third Floor Lounge!).

Prices at Jack's are moderate. If you're in a deli mood, go down to 116 Court Street. If you're going there for lunch, try getting there around one o'clock, because it gets very busy around noon, and seating is limited. Tell them you heard about them in *The Justinian*!!!

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ARTS & ENTERTAINMENT

PRESUMED INNOCENT

reviewed by

Daniel Tam

When I walked into the movie theatre, I was really excited to see this movie. You see, unlike the majority of people around me that day, I had not read the book. This meant two important things: I didn't know who the killer was, and I was going to enjoy the movie more because of this.

Or so I thought.

The media hype for "Presumed Innocent" brought out the huge lines at movie theatres, and a huge payday for everyone connected with the movie. Yet, even though I didn't read the book, I had already sensed that the others around me didn't find the screen adaptation to Scott Turow's best-selling novel such a big success, either.

The plot unfolds like this (but most of you already know this): Harrison Ford plays Rusty Sabich, a hard working Deputy District Attorney, second-in-charge only to

the District Attorney, played by Brian Dennehy. Sabich is suddenly transformed from the prosecutor to the prosecuted, after a co-worker (played by Greta Scacchi) is found murdered. It turned out that Sabich had had an affair with her, which seemed to make Rusty the easy target.

But, of course, he couldn't have done it, or this movie probably couldn't have been made, right? I haven't followed this line of thinking since I saw "Jagged Edge." But let

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me put it to you this way. Before the movie was half over, I had already figured out who the murderer was. That's not to say this was the obvious choice. There were a number of "obvious choices." But the way the screenplay developed the murderer's part gave the murderer away. That was probably the biggest flaw. I can only assume that Turow developed the murderer's character much better, because the book received such great reviews.

Ford's acting is superb, considering the script he had to work with. He played his role with all the tension and nervousness that one can only feel when he is put on trial for murder. It would have been good if the audience could get more into Sabich's mind, as I know was done in Turow's novel. Certainly, it was feasible for the screenwriters to have his thoughts put into the movie, possibly as a type of narration. The audience might then have been able to get a better feel for Sabich's character.

Bonnie Bedelia puts in a limited performance as Ford's devoted wife. Raul Julia, though, does an excellent job as the top-notch defense attorney Sandy Stern (whose character becomes the focus of Turow's new book, The Burden of Proof). Paul Winfield plays the tough, yet wary, judge who presides over the murder case.

Screen adaptations of novels are often difficult, so the screenwriters, directors, and producers should be commended for a solid effort. Unfortunately, they come up a little short this time. Go and see the movie anyway, if not for the plot, then for the acting of Harrison Ford. But, if you haven't read the book (which is doubtful), you'll probably enjoy this movie more. As for Turow's latest novel, I think I'll read it before the movie gets made.

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The Valdez Principles and Shareholder Activism

by Eric Wollman

Unbeknownst to many activists both on campus and in various movements for social change, corporate America is subject to shareholder pressure derived from a demanding set of rules established under Rule 14a-8 of the Securities and Exchange Act of 1934. The Act governs the inclusion of shareholder proposals in the proxy materials of publicly-traded companies. This allows concerned activist shareholders to compel management to formally address issues management may have heretofore ignored and provide for a vote by owners of the company at the annual shareholder meeting.

By thoughtful and persistent application of shareholder proposals, individual and institutional owners of stock have pushed companies out of South Africa, halted product testing on animals, and raised issues such as infant formula sales in the Third World, among a host of other concerns. At the time of a proposal submission, the proponent must (1) be the record or beneficial owner of at least 1% or \$1,000 in market value of securities entitled to be voted on the proposal at the meeting, (2) have held the securities for at least one year, and (3) continue to own the securities through the meeting date.

Currently, much attention is being focused on the environment and the manner in which corporate America deals with cleaning up the planet. After the horrible oil spill in Alaska, a number of concerned activists, conservationists and investors formed the Coalition for Environmentally Responsible Economies (CERES), a project of the well-respected Social Investment Forum. Co-chaired by Denis Hayes, a prime mover of Earth

Day, CERES membership includes Friends of the Earth, the Sierra Club and the New York City Comptroller's Office. Prompted by their concern about the environment, CERES members promulgated "The Valdez Principles" on September 7, 1989. These are a set of principles designed to encourage companies to adopt programs, guidelines and procedures that will protect the biosphere, prevent environmental accidents and conserve limited natural resources.

Taking advantage of Rule 14a-8, a number of investors, mainly affiliated with the Interfaith Center on Corporate Responsibility, sponsored Valdez-related proposals at 17 companies this past spring. The resolutions, which asked companies to "issue a report within six months...which describes company programs and progress toward achieving" the objectives of The Valdez Principles, were presented to companies such as Exxon, Kerr-McGee and Occidental Petroleum.

Nearly one year after the creation of The Valdez Principles, however, it remains to be seen whether these major corporations will adopt them. Presently, none have signed on. Indeed, it was a similar cold shoulder from the highly-regarded company, "Ben and Jerry's Homemade, Inc.," that sent a Brooklyn Law School evening division student (also an owner of 100 shares of the stock, symbol BJICA) to the annual shareholders meeting in Waterbury, Vermont on June 23, 1990.

"Ben and Jerry's" is a well-known Vermont corporation which makes superpremium ice cream and related products. What makes the company unique is their corporate concept of linked prosperity, which includes a social mission and environmental awareness. In 1989, the company created the position of Manager of Environmental Development, whose task is to analyze the company's

environmental practices and to develop solutions to the problems discovered.

Despite this commitment, "Ben and Jerry's" has continually refused to sign The Valdez Principles throughout 1990. Thus, during the question/answer period at the annual meeting, Ben Cohen, chairperson of the company and one of its founders, was asked about The Valdez Principles and if the company would subscribe to them. However, both he and Fred "Chico" Lager, the Chief Executive Officer, were evasive and vague about the company's intentions.

Plans are now underway to submit a shareholder proposal for consideration at the 1991 annual meeting. This proposal will ask the Board of Directors to become a signatory to The Valdez Principles and to participate in the annual CERES audit. Along with submission of the proposal to the corporate secretary by certified mail, the proponent will provide the company in writing with: (1) his name and address, (2) the number of voting shares he holds of record or beneficially, (3) the dates upon he acquired such shares, and (4) documentary support for his claim of beneficial ownership (Rule 14a-8[a] [2]). Interestingly, shareholder proposals are precatory. As such, even if the initiative wins a majority of the shares required by the company's by-laws, "Ben and Jerry's" can continue to avoid adopting The Valdez Principles. Nevertheless, shareholder activists perceive "Ben and Jerry's" as a bell-weather marker of corporate concern for the environment. Arguably, if a company like "Ben and Jerry's" will not participate in a formal program of ecological awareness, would a polluting behemoth like Exxon give this matter a second thought?

Interested stockholders are encouraged to contact the author through *The Justinian* office.

ROTISSERIE ROUNDUP

by Lawrence Schuckman

As the dog days of August turn into September pennant races, the action in the Brooklyn Baseball Association rotisserie league is certainly heating up. Formed in March 1989 in, of all places, Prof. Hahl's Property class, the BBA was created to allow a bunch of baseball junkies to control their own fantasy baseball teams, and make spoiled owners, such as George Steinbrenner, seem like shrewd judges of baseball talent.

The BBA, as all rotisserie baseball leagues do, compiles individual players statistics in different offensive and pitching categories, including home runs, runs batted in, batting average, strikeouts, victories and earned run average, in order to determine which owner has drafted the best team. Of course, there is a small financial incentive, aside from the pure enjoyment all owners derive from following their players in the spirit of comradery and friendly competition.

With one month remaining in the season, the competition for money positions (first through fourth places in the league standings) remains fierce. For an analysis of some of the teams, we talked to Dave "From First to Worst" Rubin, the modest, humble owner of **Dave's Team**:

"The most unique team in our league is run by a clueless guy named Randy A., who calls his team **Bob Lives**, and drafted only guys named Bob. By the time his hapless partner, Paul Kaufman, got to the draft, the damage had been done, and almost one tenth of the overall salary allotted to **Bob Lives** had been spent to acquire Robby Thompson, a stiff second baseman on the San Francisco Giants.

Sure, we all laughed with him when he drafted (Yankee catcher) Bob Geren and (Red Sox pitcher) Rob Murphy, who, by the way, can count his career victories on one hand. Now, we are just psyched to have his money, as he languishes in last place.

"Worth noting, on the other hand, is the meteoritic, majestic rise to the top of the standings of **Dave's Team**, owned by entrepreneurial mastermind Dave Rubin, whose only fault is overestimating his team's talent. Thank god for **Benny and the Mets!!**" [Editor's Note: **Dave's Team** has not reached first place this season.] "This Dave is not to be confused with the commissioner of the league with the same name, a man whose answering machine is always mysteriously on every Sunday night near the transaction deadline time, yet who is always home on Monday morning to inform you that the pitcher you requested on his machine has coincidentally been activated by him only hours earlier.

"Then there's **Big Red**, owned by "Trader John" Kaiden, a man who is always willing to take Kevin Mitchell off your hands for superstars like (Pirate pitcher) Neal Heaton and (Red Sox outfielder) Mike Marshall. And, lest we forget, Lawrence Schuckman's "Panic Button" **ERAgents**, led by a crazed madman, who would drop (Met pitcher) Dwight Gooden after two no decisions to activate Scott Scudder, the Cincinnati Reds' eighth starter, who just pitched six scoreless innings against the Atlanta Braves."

Thanks, Dave, for that low-key and succinct analysis.

On a more serious note, defending champion Marc Miner's **Ann Arbor Gold McMiners** and Commissioner Dave Pratt's **Yankees** have waged a battle for the lead all season long. The **McMiners** have survived numerous injuries with terrific midseason pickups, such as

Dave Justice, Dave Magadan and Danny Darwin, displaying an uncanny clairvoyance, in addition to a subscription to *Baseball America*. Also, super seasons from Pirates Barry "U.S." Bonds and Doug Drabek have kept the **McMiners** near the top of the standings all season long. The **Yankees**, led by their strong pitching staff, anchored by Cy Young candidate Bob Welch, have benefitted from astute drafting (Expo rookie Delino DeShields, for one) and savvy trading (acquiring Mark McGwire for an ailing Don Mattingly at midseason), as well as from the midseason return to the lineup of Dodger outfielder Kirk Gibson.

On their heels are **Big Red**, led by the outstanding pitching of Roger Clemens, John Burkett and a second-half revival by Scott Garrelts (acquired in an early-season trade), as well as the speed of Eric Yelding and batting of Willie McGee, Wade Boggs and Mark Grace, and **The Justinian**, whose all-star offense (Will Clark, Ryne Sandberg, Tony Gwynn, Vince Coleman and Matt Williams) has recently been supplemented by great pitching performances from Ed Whitson and Norm Charlton, both mid-season acquisitions. These two teams remain in the hunt for first place.

Rick McGuirk's **East Side Stranglers** have been steady, but puzzling, after a torrid late July and early August stretch. Rookie strikeout artist Ramon Martinez and Met stopper Frank Viola have led a solid pitching staff, and steady hitting, led by Barry Larkin and Carlos Quintana, have kept the **Stranglers** within striking distance of a money position. Similarly, Rob Dashow's **Benny and the Mets** have been a mystery. With a pitching staff that includes Dwight Gooden and Dave Stewart, **Benny** still hasn't carried enough offensive strength to seriously contend for the

(continued on next page)

top spot. Nagging injuries and a disappointing season from early-season pick-up Howard Johnson haven't helped either.

Finally, Fabio Valentini's **Hammers**, who started the season on fire, have been a major disappointment. Again, injuries have plagued the **Hammers**, as superstars Eric Davis and Jose Canseco have been in and out of the lineup all season long. Pitching acquisition Greg

Maddux has turned his season around and provides one bright spot on a bleak pitching staff, also decimated by injuries.

Honorable mention: Rickey Henderson and Dennis Eckersley (**ERAgents**), Booby Bonilla (**Bob Lives**), and the bargains of the year, Andre Dawson (**Dave's Team**) and Ron Gant (**ERAgents**).

Good luck to all of my fellow owners down the stretch!!

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semester, or to wait and see what number they will occupy on the waiting list. This school's administration obviously recognizes the problem, as witnessed by Dean Wexler's memos to the student body, encouraging third-year students to take this Fall's section instead of waiting until the Spring semester. The administration needs to be more adaptable to the students' needs rather than forcing them to take a class when it best serves the administration (I'm sure Prof. Farrell will side with me on this one). Please, add a third section of CPLR for the Spring semester.

CONGRATULATIONS - First, it's great to see Frank LaRosa doing wheelies around the school again. Frank is recovering from surgery over the summer, and we at *The Justinian* are happy to see him as jovial as ever. (There, Frank, I said it. Can we get our mail twice a day now??) Perhaps the best news this fall is to see the return of John Ambrosio, who has made an incredible recovery, and we wish him continued success both here and at the track. Also, *Inter Alia* would like to congratulate third-year student Nancy Green on her marriage to Adam Stanger. LeighAnn Edgar, a close friend of the bride, said, "Everyone had a great time, except Polly, who may have hit the bubbly a little too hard."

ET CETERA - Finally, I urge all students, particularly first-years, to participate in a school activity, whether it be the Student Bar Association, a club, Second Circus Revue, an intramural team, or here at *The Justinian*. There's a lot happening out there, but it's up to you to get involved!! I'll see you next issue (hopefully with my picture on this masthead - If it's good enough for Mike Lupica, it's good enough for me!)

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INTER ALIA

THE NEXT GENERATION

By Lawrence Schuckman

It's a new year, and I've been selected to write this column, replacing the now-graduated, legendary Michael Harding. (It was either this, or pay off all of my poker losses to the new Editors-In-Chief.) In writing this column, I have some very large shoes to fill (both literally and figuratively).

For those unfamiliar with this column, it's purpose is to keep the student body aware of happenings around the school and of your fellow students. If anyone has anything they would like publicized, drop me a note in my mailbox at *The Justinian*, Room 307.

Well, what's been happening around the school this summer?

CHANGES - The school's administration has been busy this summer improving the school's facilities. The third floor lounge has been completely refurnished, with new furniture, new carpeting, and a fresh coat of paint. Additionally, the administration has set up a new intercom system between One Boerum Place and 250 Joralemon. This system should not only improve security across the street, but also should prevent the occurrence of students being locked in One Boerum Place late at night: an all-too-common occurrence last year.

Perhaps the most appealing change this year will be the new food service in the cafeteria. The new cafeteria will be run by the same folks who have owned Woerner's Too Restaurant, located on Remsen Street, for the past 50 years. According to June Seddo, head of Student Services, the quality of food will be significantly better than in the past, with not only lunch and dinner being served, but

also, a full breakfast menu will be available. Also, the cafeteria itself has been overhauled, with the installation of all new equipment, including a new microwave oven. The lunch and dinner menu will include hamburgers, hot dogs, french fries, chicken-in-a-basket, and shrimp-in-a-basket, all of which will be served daily. Leaving his Remsen Street restaurant, Scotty Woerner will supervise the new cafeteria operations. When asked for her expectations regarding the new system, Seddo exclaimed, "It's going to be a tasteful, fun, and exciting year!" Seddo, and the other Student Services administrators, should all be commended for taking the initiative to improve this important part of daily student life.

NEW LOCKERS - As you have probably noticed, a new set of lockers has replaced the bicycle rack on the first floor, making an already congested area all the more difficult to maneuver through during the day. However, although this set up is inconvenient, the administration should be commended for addressing the locker shortage. The size of the student body continues to grow, and this building is simply not large enough to adequately accommodate all of the students. There is simply no other area on school premises to place these lockers. Even with these new lockers, there are still incoming students who will be lockerless this Fall 1990 semester. Please, if you do not plan to use your locker, call Student Services (780-7908) and alert them so that they can assign your locker to someone who will make use of it.

FINANCIAL AID - Tom Curtain, head of the Office of Financial Aid here at BLS, has informed *Inter Alia* that due to lack of federal funds, there probably will not

be any money available for a work-study program this year. This is disheartening news for those of us who have come to depend upon work-study to help supplement income while suffering with \$1,000+ tuition hikes each year. It would be prudent for the school to seek other means of financial assistance for needy students in the face of these cutbacks. Since this cutback will affect my employment at the library, I would like to take this opportunity to thank my various partners behind the circulation desk and, especially, Linda Holmes, who has as thankless a job as anyone in this school.

GRIPE OF THE MONTH -

The administration is well aware that last year's two sections for New York Civil Practice, given in the Spring semester, were not enough to accommodate all of the third-year students who waited until their final semester to take this vital class. They are also aware that due to a larger graduating class this coming year, this year's demand for this class will be even greater. New York CPLR is considered by many to be the most important subject on the New York State Bar Examination, and, logically, many students prefer to wait until their final semester to enroll in this class. So, does the administration schedule a third section for this year's Spring semester? No! In fact, the situation has worsened by the scheduling of this Fall's CPLR course. The only section of CPLR offered this Fall is scheduled for Wednesday, 8-10 p.m. and Friday, 6-8 p.m.! According to the Registrar's office, only 92 people to date have signed up for this ridiculous time slot. This leaves the majority of the graduating students, who are unable to take any class at this time, to cross their fingers and hope that they get into the CPLR class of their choice in the Spring (continued on previous page)



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