

# The Justinian

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October 1990 Vol LX, No. 2

# THE JUSTINIAN

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

## NEW PROFESSORS AT BLS

Anthony J. Pocchia,  
BLS '82,  
Runs For Congress

Also in this issue:

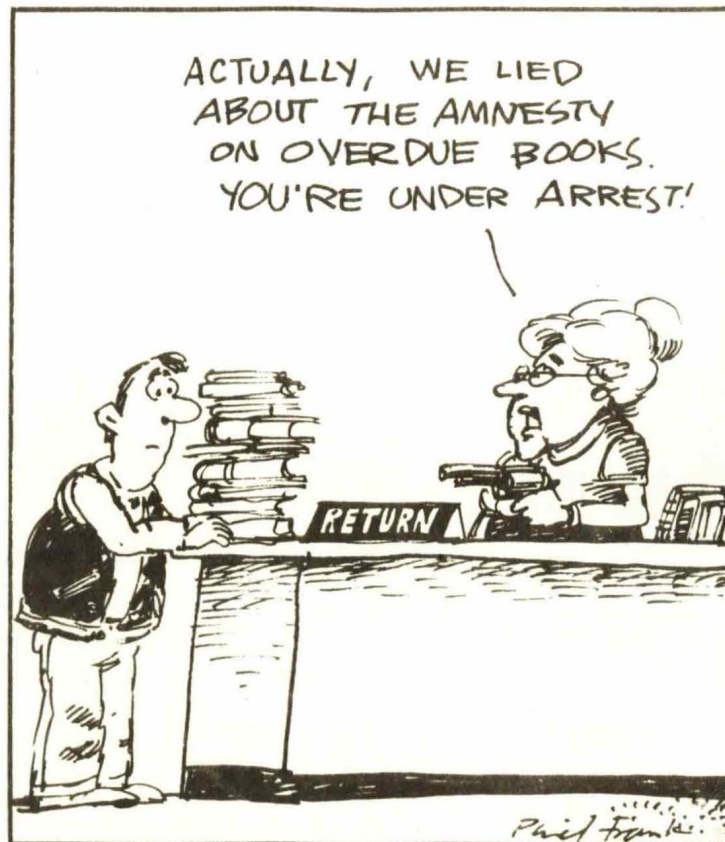
Time to Butt Out?

A Visit to the Brooklyn  
Historical Society

*The Court Street King*

Placement Office News

plus...a crossword puzzle!



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# 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 XXXIV - No. 3

WEDNESDAY, OCTOBER 24, 1973

Page One

## Prof. Karmel

Perhaps the test of a good teacher should be whether she can keep the class interested from 2 to 4 on Friday afternoon, a time when visions of the weekend dance in the students' heads. If the writing left on the blackboard — "Disgusted with the stock market, invest in scotch whiskey" — and the number of students remaining after class are any indication, Roberta Karmel is keeping them interested.

Ms. Karmel, a partner in the Manhattan firm of Rogers & Wells, is teaching the Friday afternoon course in the Federal Regulation of Securities. It is her first teaching experience, but she brings to the job an impressive list of credentials. A native of Chicago, Ms.



Prof. Karmel

Karmel graduated from Radcliffe in 1959 with majors in history and literature and from the New York University School of Law in 1962 where she was Law Review editor.

Ms. Karmel first developed an interest in securities during her job with a Boston brokerage house between college and law school. From 1962 to 1968, she worked for the Securities and Exchange Commission in New York City as an attorney and eventually as an assistant regional administrator. In both capacities, she developed and prosecuted cases involving violation of securities law.

While Rogers & Wells maintains a broad corporate practice, Ms. Karmel continues to specialize in work with securities regulations. She has been with the firm for one year, following a period with another N.Y.C. firm after her J.D. experience.

Ms. Karmel is enthusiastic about the chance to teach at Brooklyn Law School and says that she has

always considered teaching a possibility. In line with modern theory, she believes that the purpose of legal education should be "to provide students with the intellectual discipline" necessary to practice law. She contends that "the securities field is very interesting and exciting" and wants to give her students "the basic tools for solving securities law problems." So far, she finds teaching enjoyable and is "favorably impressed" with B.L.S. students, whom she describes as "eager to learn and sophisticated about securities even when the market is bad, as in the past year. Most of those opportunities are in N.Y.C. but they exist as well in other large cities, as evidenced by the departure of Ms. Karmel's predecessor at B.L.S., Joel Held, who took a position in Dallas as a securities lawyer.

Ms. Karmel's husband is an engineering teacher at N.Y.U. They have four children — ages three, five, eight, and nine. Three of the children were born during her years with the S.E.C., giving her the dubious honor of being known as the "pregnant enforcer." Ms. Karmel would like to encourage women and especially women with children in their pursuit of legal careers. She is delightful proof that the challenges of being a mother and being a lawyer can successfully coexist.

## A Closer Look

## Prof. Johnson

As a lawyer in Florida specializing in land use and control, Assistant Professor Johnson began to question his legal role in society. Many of the real estate projects he saw were at their creation destined to become slums due to poor planning and lack of adequate funds. Many times it was not possible to determine the impact of the projects and their land use implications. This uncertainty led the professor to leave his practice and continue his studies in land use at New York University.

While at New York University he co-authored a book involving the practical application of his land use experience and research. Naturally, he wanted to test these applications and he saw in teaching a way of testing and sharing his theories.

Asst. Professor Johnson stressed the need for expanded course offerings as essential to providing the young lawyer with what he needs and wants to learn. Brooklyn Law with its new elective system was ideal.

The Asst. Professor sees as essential a pragmatic approach in course instruction. He felt his own legal education was somewhat inadequate in teaching how to interview a client and determine essential issues. This art comes only with practice, in his opinion, and he would like to see actual client meetings in the last years of the students' education. He also stresses some kind of para-legal training. He terms his own period of clerkship as invaluable and comparable to a year of graduate study.

The professor's general outlook on our legal system is that it is one which works though it occasionally works imperfectly. He hopes to attack some of the imperfections through his educational efforts. He looks forward to a challenging experience at Brooklyn Law School.



Prof. Johnson



# The Justinian

A Forum for the Brooklyn Law School Community

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This time of year is a busy time for law students. First-year students are busy trying to master the "art" of reading cases, second-year students are busy trying to get a summer job through On-Campus Interviews, and third-year students are busy trying to get a permanent job. Listening to conversations around school, I am reminded of the characterizations that success in law school is achieved by "jumping through a series of hoops" and measured by the number of "feathers in your cap." I find them to ring true, especially at this time of year, as students are planning, obsessing, deliberating and worrying about their fate in each of the above situations. I'd like to offer my perspective on law school - that while it is important to be concerned with success, we should remember to ask ourselves, "What is important in the big picture?"

As a third-year student, I have been guilty of working too hard and losing control over aspects of my life which are very important to me. The worrying started my first week of law school. I worried about the first time I would be asked to recite in class. During my second month, I worried about my first grade in law school - the dreaded legal writing memo. During Christmas break, I worried about my first final - the dreaded five-credit Torts exam. At the beginning of second semester, I worried about first semester grades. In the middle of second semester, I worried about

my first appellate brief and getting into the Moot Court Honor Society. At the beginning of the summer, I worried about completing my first case comment for the Law Review/Journal Writing Competition. During the summer, I worried about my first ranking in law school. At the end of the summer, I worried about getting first interviews with the big firms. During the second month of second year, I worried about second interviews and about getting an offer. And so on, and so on. . . .

Did I exaggerate? Probably not, as I'm sure that each of you has worried about many of the same things I worried about. During each event that I mentioned, my conversations with classmates seemed to reflect a belief that what we were worrying about was critical to our success in law school, which, in turn, was critical to our success after law school and, therefore, critical to our success in life. But whenever I spoke to third-year students, they told me not to worry. They never seemed to think anything was of great significance. I convinced myself that they were "just being nice" and continued worrying.

Then in the spring of second year came what was, personally, the most significant "hoop," one which I have yet to mention - applying for a judicial clerkship. Because my experience in Judicial Clinic, with District Judge Eugene H. Nickerson, was so rewarding, I applied for judicial clerkships. I spent a great deal of time

worrying about, preparing for, and going on interviews with judges. On May 2, after having interviewed with nine district judges and one circuit judge, I realized that I would not receive an offer for a clerkship. I was extremely disappointed. After several weeks and much consolation from friends, I regained my belief that I would be successful, even if I didn't have a clerkship. Some people might question how successful I can be without a clerkship, and that is the attitude which I fear most in people.

Law students are constantly being evaluated, not only as students, but also as future professionals, so striving to be successful is important and unavoidable. Remember, however, that law school is a place where only 45 people can be in the top 10%, that you only need one summer job and that On-Campus Interviews are not the only source of good jobs. Where one opportunity is lost or missed, you become available for new and different ones. Sometimes, it may just be fate.

I believe that law school can push you to be the best that you can be, but it can also push you to be the worst that you can be. Sometimes, sacrifice is necessary to gain success, but remember to think about what you are giving up in reaching your goals. Most of all, don't forget the people around you, the ones who supported you through the hard times in law school, because three years is a significant amount of time. What do I know? After all, I'm only a third-year law student. Well, I guess no one is "just" a law student. I.C.

## RETRACTION

After our September issue was released, I had a discussion with Rochelle Pollock, Director of the Administration. In light of the information revealed during that discussion, the following retraction is in order: Professor Bentele was not responsible for the the Appellate Advocacy enrollment problems, and she should not shoulder the blame for this incident. *The Justinian* regrets this error. But we extend this retraction only to Professor Bentele, since someone else has taken the blame for the enrollment problems. The conversation which was the subject of the last *Editors' Corner*, however, is an accurate account of this editor's actual experience. We hope that the suggestions put forth in our last issue will be seriously considered. D.T.



# LETTERS TO THE EDITOR

## Non-Legal Advice

A prisoner in the hull of a ship, during the War of 1812, staring through the bars in his window, inscribed for us a poem which, nearly 200 years later, triggers pride in the hearts of all Americans. It is played before every sporting event, sung by children of all ages and is truly an amazing accomplishment for someone still experiencing only the beginning of our fine American tradition. Francis Scott Key saw a flag flying over a fort while the fort was being bombarded and his heart surged with emotion, for when all was said and done, that flag was still flying. Mr. Key also had the foresight and the vision to picture America, a country which had just fought a war with England 30 years prior, to be a power, a nation, a HOME. Not just his home, but a home for all of those who were brave and a land which harbored freedom.

Yet, with all of this history about the poem and the recognition duly afforded Mr. Key, people still talk about changing our National Anthem. "America the Beautiful," "God Bless

America," and "This Land is Your Land" are all wonderful songs full of praise about our country, and well they should be because these songs were written by men who had seen America at a later stage than Mr. Key. Some people argue that Mr. Key's poem is old-fashioned, out of touch and that we need something with a little more "snazz" or a catchier tune. This is ridiculous. I do not see anything wrong with standing and singing the songs of Irving Berlin and company, and I am sure they intended them for that purpose, but to make one of them our National Anthem and sell out our "Star Spangled Banner?"

I may be old-fashioned, sentimental, or just stubborn, but when I see Old Glory crisply flapping in the wind, and when I stare at the the greatest flag ever to fly above a nation's capital, "This Land is Your Land" is not the tune I think of. I picture that battle which Mr. Key witnessed, and I try to remember that our anthem was formed from those humble beginnings and from those tough times.

Everything in life is not a catchy

tune or picturesque landscape of our nation; there is turmoil there and Mr. Key poem's makes sure we do not forget that. I believe that "America is beautiful," that "God should bless America" and that "this land was made for you and me," but I also believe that this is the land of the free, the home of the brave, and that we should LET THE GAMES BEGIN!!!! (Hard habit to break!) The "Star Spangled Banner" is not just a song, but a tribute to our flag. Thus, should we not preserve just a little respect for the flag in an era when people are allowed to burn it?

Our country is under siege by crime, racism and complacency; our flag is under siege by the freedoms for which it stands, and now our National Anthem is under siege because it does not inspire dancing. Save the rhetoric about getting bored with this song, because it was not written to entertain you, but it was written to make you remember that we all have something in common, and not just that we are all different!

Michael J. Monahan



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# SBA UPDATE

by

LARRY GREENBERG

I would like to start off by thanking everyone who helped out at Fallfest '90, which was a huge success. Special thanks to Eddie Shapiro, who hooked us up with the Chris Carter Band with Frankie Paris, who provided excellent entertainment throughout the afternoon. The T-shirts, were sold out in record time, and for those of you who were unable to get one, we've ordered 100 more. Due to their immense popularity, we strongly recommend that you stop by the SBA office and sign up to purchase a shirt (they sell for \$12.00). We have also located a bunch of T-shirts left over from Springfest '89, which you can purchase for just \$3.00. Get them while supplies last.

The Student Bar Association Executive Board would like to congratulate the new SBA delegation for the 1990-91 academic year. The first organizational meeting was held on September 26, when delegates were informed of their basic

responsibilities.

All students should be aware that the SBA office is now officially open, with delegates keeping regular office hours. SBA delegates who still need keys should stop by the office to pick one up from SBA Secretary Marcy Weinstein. Every SBA delegate should also sign up on the Delegate Bulletin Board to be a member of a committee.

Additionally, the **Budget Committee** meeting has been scheduled for **Monday, October 15, at 5:15 p.m.** Attendance is absolutely **mandatory** for every SBA delegate. The Executive Board has decided that the meeting will be open to all students. However, only delegates will be permitted to speak in order for the meeting to progress in an orderly fashion.

The following is a complete list of the 1990-91 Student Bar Association **Executive Board** and **Delegates**:

**President:** Larry Greenberg

**Evening Vice President:**

Dorothy Dolan

**Day Vice President:** Mike

Pepperman

**Secretary:** Marcy Weinstein

**Treasurer:** Ramon Reyes

**ABA/LSD Representative:**

Lawrence Schuckman

**Upper-Class Delegates:** Laura

Amos, Simon Bock, Dede Brown, Merilee Coen, Tom Davis, Deborah Dennenberg, David Frydman, Jessica Gladstone, Howard Graubard, Abraham Hoschander, Susan Jalowski, David Kaplan, Mark Levine, Degna Levister, Justin Lowenberger, Hemalee Patel, Michael Pöcchia, Kathy Schepker, Marni Schlissel, Michael Shanker, Thomas Small, Helene Werger, Jonathon Willmott.

**First-Year Delegates:** Ana-

Marie Galeano, Kim Gilman, Jennifer Naiburg, Rich Rubenstein, Pat Russo, Roberta Wallach.

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## ATTENTION

**On Wednesday, November 7, a concert of Chamber Music will be performed at 8:00 PM in the Moot Court room.**

**The program features Paul Green on Clarinet, Ilana Vered on piano, and Jeffrey Solon cello. Paul Green was a professor of Legal Writing and Research at Brooklyn Law School from 1985-1990.**

**The program will include works by Beethoven, Brahms, and Poulenc. Admission is \$5 for members of the Brooklyn Law School community and senior citizens; \$10 for everyone else.**



# PLACEMENT OFFICE NEWS

The flurry of on-campus interviewing currently in progress for second and third-year students inevitably creates the illusion that the only way to secure a summer or permanent legal position is by interviewing with employers early in the fall semester. Consequently, many of you who do not participate in the On-Campus Interview program may feel isolated and alienated from the recruiting process. This article is designed to alleviate your anxiety by giving you the complete story about legal employers' hiring practices. In addition, we want to assure you that the Office of Placement and Career Services does far more than just coordinate the On-Campus Interview program. This article will highlight the wide variety of programs we have planned for the upcoming months.

## Some Facts About Legal Hiring

Approximately 25% of the second and third-year classes as a whole obtain jobs through the On-Campus Interview program. Generally, the employers who participate in OCI are only those who are large enough and able to anticipate their hiring needs nine months or one year in advance, and can afford to run a recruiting program. The fact that most second and third-year students do indeed find jobs means that the employers who participate in OCI do not represent the entire universe of prime legal jobs. It is important to remember that most medium and small law firms, government agencies and public interest employers are not able to anticipate their hiring needs so far in advance and are therefore not prepared to interview students or make job offers until the spring. The majority of BLS students are successfully using strategies other than OCI to find employment, i.e., utilizing the Placement Office job books,

participating in job fairs and networking with potential employers. We encourage you to approach the job search with a positive attitude and to think in terms of finding a job that matches your interests and talents. We also encourage second and third-year students to make an appointment with either Karen Comstock, Jane Ezersky or Grace Glasser to discuss the job search strategies that are right for you. First-year students will receive a letter inviting you to the Placement Office after your first set of finals. For now, it is more important (and more practical) for first-years to concentrate on studying rather than searching for a summer job.

## Upcoming Programs

**The NAPIL/NALP Public Interest Career Fair:** The National Association for Public Interest Law and the National Association for Law Placement sponsors an annual public interest career fair and conference in Washington, D.C. This year's conference features over 110 employers and will take place on Friday, October 19. The list of participating employers is available in the Placement Office.

**Specialty Series:** The Placement Office sponsors several dinner forums each year in which Brooklyn alumni/ae and other practitioners discuss their particular practice area. This semester's first specialty series program will be held on Tuesday, October 23 from 6:00-8:00 p.m. and will focus on the practice of environmental law from a private and public perspective. Sign up in the Placement Office by Friday, October 19 if you want to attend.

## **Job Search Strategies for Second and Third-Year Students:**

On Monday, October 29 from 5:00 - 6:00 p.m. in room 304 at One Boerum Place, Grace Glasser, Jane

Ezersky and Karen Comstock will conduct a program designed to demystify the job search process. We'll discuss strategies for finding jobs in law firms of every size, public interest organizations and government agencies.

## **Sparer Public Interest Law Fellowship Information Session:**

Brooklyn Law School awards stipends for summer internships in public interest law to Brooklyn Law School students. Last year 15 BLS students were awarded Sparer Fellowships. There will be two information sessions on Wednesday, November 7 from 1:00 - 2:00 p.m. and 5:00 - 6:00 p.m. in the student lounge at which time applications will be available and past Sparer Fellowship recipients will discuss their experiences.

## Placement Office Resources

The Placement Office library contains extensive resources to help you research various areas of law in general and individual employers in particular. The most recent addition to our library is our videotape collection. It features a mock interview videotape of actual employers and BLS students so you can learn what to expect from an initial job interview before you actually go on one. It also contains recruitment videotapes on several employers, including a few law firms and The Legal Aid Society. We also tape most of our informational programs to enable you to benefit from the programs even if you are unable to attend in person. Contact the Placement Office to make arrangements to view these tapes.

In sum, the Placement Office is committed to helping all students secure satisfying legal employment. We hope you take advantage of all that we have to offer.



## Library Update

by Linda Holmes

### Home Access to Lexis and Westlaw for Students

Brooklyn Law School students may now access both Lexis and Westlaw at home. Lexis ID numbers and Westlaw passwords are available in Linda Holmes' office, Monday through Friday from 10:00a.m. - 12:00 p.m. and from 3:00 p.m. - 5:00 p.m. Also, Tuesday through Friday evenings and from 1:00 p.m. until 9:00 p.m. on Saturday, cards are available from Howard Brenner at the library circulation desk.

Once a student has obtained their Lexis ID and Westlaw password, he or she may access either system at home if the student has a computer, a modem, and the proper software. Westlaw will mail the student its software. In the future, Lexis will mail students copies of the software, but for now, students may borrow copies of their Lexis software for the IBM, Macintosh, or Apple computers. This software may be borrowed overnight from the library circulation desk. The only cost to the student will be for a local telephone call each time you access Lexis or Westlaw.

Both the Lexis and Westlaw offers are available only to second, third and fourth-year students. First-year students will be given Lexis and Westlaw numbers when they receive training in both systems later in the year.

### U.S. Law Week

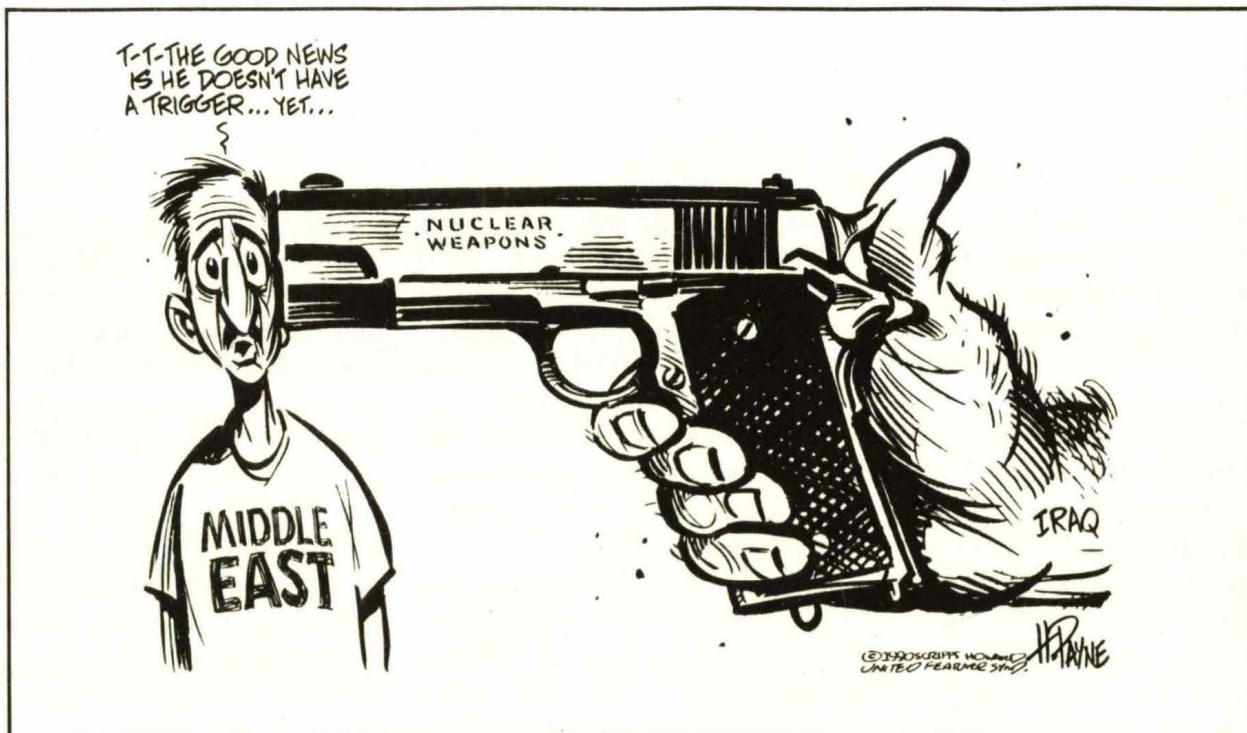
Student subscriptions are available again this year for *U.S. Law Week*. For those of you unfamiliar with this publication, it is a two-part weekly newsletter and case reporter. The first part reports significant decisions of state courts and lower federal courts, as well rulings concerning federal statutes of general interest and important federal agencies.

The second part reports U.S. Supreme Court decisions, usually within a week of the actual hand down. The Supreme Court section also contains a wealth of information about the Court, including: summaries of cases filed, a journal of proceedings, summaries of order, and arguments before the Court.

The cost to students is \$12.00 for the academic year. Forms are available at the circulation desk.

### Computers and Wordperfect

The library has added two new computers for word processing this academic year. They are located in the basement of the library and both contain Wordperfect. There is also a laser-jet printer available. You may sign up for computer usage at the circulation desk.





# The Club Scene

## Animal Rights Group

by Hayley Greenberg

I am the voice of the voiceless;  
 Through me the dumb shall speak,  
 Till the deaf world's ear be made to hear  
 The wrongs of the voiceless weak.  
 And I am my brother's keeper,  
 And I will fight his fight;  
 And speak the word for beast and bird  
 Till the world shall set things right.

-Ella Wheeler Wilcox, 1850-1919

While 800 million people face starvation and 40,000 children die each day from starvation, people continue their unnatural consumption of animals. In fact, nearly 1.5 million Americans are needlessly crippled or die each year due to their diet. It is amazing that in this day and age so many remain uninformed about the benefits of a vegetarian lifestyle.

A non-vegetarian diet can be harmful in several ways. The routine use of antibiotics in the meat industry has led to decreased resistance to infectious diseases. There have also been instances of abnormal sexual development in children caused by hormones given to farm animals.

The meat industry (a very influential political organization), however, continues to mislead and lie to the public. This is not surprising, given the combination of their power and the public's desire to shun the reality of meat eating. "...[t]hey would rather believe the comfortable lie that the beast on the table didn't suffer much, had been well looked after, and - the ultimate lie - went willingly to the oven," said Merritt Clifton, editor of *Animals' Agenda* magazine.

Indeed, the nutritional value of meat has been greatly exaggerated, as meat's highly proclaimed protein level is no better than that of soybeans, lentils, nuts, and seeds; BUT, it comes heavily laced with saturated fats.

Of all the reasons to switch to a vegetarian lifestyle, the most compelling of all is the torture and abuse inflicted upon farm animals. Animals raised for food account for 95% of the six billion sentient, warm-blooded animals that are abused and murdered each year. That comes out to 75 animals per average family.

There are common misconceptions among meat eaters that farm animals live a life of luxury and then are euthanized in a humane fashion. Nothing could be further

from the truth. Standard farm procedures include force-feeding, genetic manipulation and artificial insemination. Earnotching, tail-docking, debeaking, dehorning, branding, castration, and other painful mutilations are performed without anesthesia or surgical training.

In reality, the animals' slaughter usually brings welcome relief from the unceasing agony of crowding, mutilation, deprivation, and manhandling. The veal calf is taken from its mother at birth, chained by the neck without bedding, confined in such tiny quarters that it can not even turn around, fed a liquid diet deficient in iron for 16 weeks (to give it the pale white color meat eaters love), and then finally it is slaughtered. All done without it ever having seen the light of day.

The environmental destruction caused by meat eating is enormous. Of all the water used in the United States, more than half goes to meat production. In fact, American taxpayers, including vegetarians, like myself, are forced to subsidize meat eaters' habits. Moreover, if the meat industry's water usage was not subsidized by taxpayers, the price of a hamburger meat would be \$35.00 a pound.

With an ever increasing number of vegetarians it is now easier than ever to make the switch. There are many foods to eat other than boring, ordinary vegetables. There are pastas, beans, potatoes, salads, and mock meat, i.e. hamburgers, frankfurters, chicken, and more made without any animal products. There are also excellent books on the market suggesting meat alternatives: one of the best being *Diet For A New America* by John Robbins.

For additional information, contact:

**FARM ANIMAL REFORM MOVEMENT**

**P.O. BOX 70123**

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## CLS at BLS - The Christian Legal Society

by M.Z. Heller

The Brooklyn Law School chapter of the Christian Legal Society is a group of students integrating their faith with their call to the legal profession. Along with weekly Bible studies last year, CLS at BLS presented various guest speakers, assisted the Student Bar Association in the blood drive, and sponsored a "study break" during the Fall 1989 reading period, providing hot cider and refreshments to everyone in need of a few minutes away from their books. In addition, CLS presented videos on such topics as satanism in the rock music industry and a slide presentation of a tour through Israel. They also sponsored a guest speaker from Chosen People Ministries, Mr. Israel Cohen, who spoke on and demonstrated the

Passover Seder.

This year, CLS is already planning some very interesting events, including some panel discussions during the year. Topics such as Christianity within the criminal justice system, with guest speakers from the District Attorney's office and the police department are being organized. CLS is also attempting to bring in a team of prison ministry workers to share their experiences within the state prison system.

The weekly Bible studies and the "study break" will continue, as well as some excellent video presentations. As one of Brooklyn Law School's most active organizations, CLS welcomes everyone to their weekly meetings and special events. Look for flyers around the school and on the student organizations' bulletin board in the main lobby for further updates.

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## The Sports & Entertainment Law Society

by Inge Hanson

By themselves, the words "sports" and "entertainment" do not evoke visions of the law or of its practitioners. Yet, the entertainment and sports worlds are populated by lawyers. Legal documents define the rights a screenwriter holds to a screenplay. Lawyers negotiate contracts for athletes. The courts define the limits of a biographer's right to use writings by his subject. The role lawyers play in the sports and entertainment fields is broad and complex. It is, however, often difficult for law students to learn what sports and entertainment law really means and how to begin practicing in these areas after graduation.

The Brooklyn Law School Sports and Entertainment Law Society provides a forum where students can meet and question lawyers involved in publishing, sports, film, music and other fields. The society has organized several lectures and panels featuring lawyers who practice sports and entertainment law. These programs have provided students with the opportunity to question lawyers about their practice and to develop contacts in the field of their interest. Moreover, students have the opportunity to propose ideas for lectures or panels, and then invite potential participants to speak.

Last year, the society sponsored a number of successful programs. Speakers included sports lawyer Steve Kauffman, of the law firm Kauffman, Heck & Berenbaum, whose clients include Met's pitcher, Ron Darling, and pro-basketball players Jon Koncak, Eddie Lee Wilkins and Wayne "Tree" Rollins. For students interested in music law, the society invited Arthur Indursky to speak about his representation of clients such as Bruce Springsteen, Sting and CBS Records. The society also

organized a panel of lawyers who carried on a spirited debate on the pros and cons of music labeling laws. In addition, James Fox, Vice President and General Counsel of Harper Collins Publishing discussed legal issues that often confront lawyers involved in the field of publishing.

This semester, the society hopes to expand upon the program topics presented last year. Programs tentatively scheduled for this semester include a discussion with David Black, one of the writers and producers of this season's critically acclaimed television series *Law and Order*. This program will include screening an episode of *Law and Order* and a discussion of how legal issues are presented within the fictional context of a television show. Another program will feature Laura Handman of the firm Lankeau & Bickford, who will discuss the practice of libel law from her perspective as attorney for author Shana Alexander, who was sued for libel arising from the author's portrayal of the plaintiff in the bestseller, *Nutcracker*. In addition, Slade Metcalf, one of New York's foremost media lawyers, of the firm Squadron, Ellenoff, Plesent & Lehrer, will discuss the legal issues that arise in the course of representing clients such as Harper Collins Publishers, Fox Television and *New York Magazine*. The society also plans to organize a panel discussion on legal issues that have arisen out of recent attempts by the legislatures and the courts to censor the arts.

The success of the society depends on students creating, planning and putting on an event in an area that not only interests them but also attracts fellow students with similar interests. We need your help! If you want to plan a lecture or a panel discussion, or if you have connections with sports and entertainment lawyers, please contact the society by leaving your name, phone number and project suggestion in our mailbox at the SBA office.



## Amnesty International

by Mark Goodwin and Mark Muschenheim

The Amnesty International student chapter at BLS, formed last year, reconvened on September 26.

Amnesty International is a global human rights organization working for: 1) the release of all prisoners of conscience (those detained because of their political or religious beliefs, ethnic origin, sex, color or language, provided that they have not used or advocated the use of violence), 2) fair and prompt trials for political prisoners, and 3) an end to torture and executions in all cases. The BLS chapter is one of over 4,000 groups worldwide working for human rights. AI has over 700,000 members in 150 countries.

The BLS chapter has several plans for this year. A petition table will be set up on a monthly or bi-monthly basis to collect signatures on behalf of law students, lawyers and judges in order to aid political prisoners. For example, Students and faculty have had the opportunity to sign a petition requesting that sedition charges be dropped against Gibotu Imanyara. Mr. Imanyara, a Kenyan attorney, is the publisher of the *Nairobi Law Monthly*, which has recently printed articles on the multi-party democracy debate in Kenya. The publication was banned in late September, and possession of the paper is now illegal there. AI is urging that all charges against Mr. Imanyara be dropped, since Mr. Imanyara was peacefully exercising his basic right to freedom and expression. Students and faculty are urged to write politely-worded letters about Mr. Imanyara to:

Hon. Denis D. Afande  
Ambassador  
Embassy of Kenya  
2249 R Street, N.W.  
Washington, D.C. 20008

The chapter is also planning a presentation by lawyers involved in human rights work. Upper class students also have an opportunity to practice legal skills for AI by helping prepare *amicus curiae* briefs for political asylees, working on issues concerning the death penalty and working for the ratification by Congress of various human rights treaties. New students, with or without ideas on making the BLS chapter more effective, are always welcome.

Check the bulletin boards for further information regarding meetings and events.

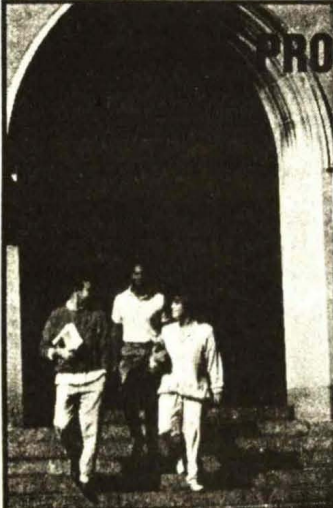
## Phi Delta Phi International Legal Fraternity

by Laurie Bigman

Phi Delta Phi has been a part of the Brooklyn Law School community since 1907. On April 24, 1990, 13 members were initiated into the society. We are actively seeking new student members: male and female, full-time and part-time, evening and day.

Some of the benefits of being a member include access to scholarships, low-interest loans, medical and life insurance, and, of course, networking with members of the Bar.

We encourage all interested students to come and find out about Phi Delta Phi on Tuesday, October 30, from 4:00 - 6:00 p.m. in the Student Lounge.




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# There Ought To Be A Law...

by Joe Accetta

A few days ago, the New York Court of Appeals upheld a state law allowing Staten Islanders to vote on a referendum to decide whether or not a commission for secession from New York City should be established. Only Staten Island residents will vote on this referendum, which states, "Shall a charter commission to provide for the separation of the borough of Staten Island from the city of New York be created?" Furthermore, if Staten Island residents do vote to create this commission, it will be composed only of Staten Island residents and legislators, who will draft a proposed charter and debate all relevant issues pertaining to the establishment of a separate city. This process would culminate in 1994, after all of the requisite legislative sessions and public hearings, barring any further legal action instituted by New York City.

This issue stems from last spring's United States Supreme Court decision, Morris v Board of Estimate (489 US 103), which struck down the former New York City Charter as unconstitutional because the Board of Estimate violated the "one person, one vote" principle deeply embedded in equal protection analysis. The now defunct Board of Estimate allowed for equal representation of all five boroughs of New York City by providing each of the five borough presidents with one vote on critical city matters such as the city budget, franchises and contract approval (powers now delegated to an expanded City Council), despite widely disproportionate population percentages between Staten Island (nearly 400,000 residents) and

Brooklyn and Queens (nearly 2,000,000 residents each). After this landmark decision, which led to the recent Charter revision, Staten Island legislators believed that their borough would, for all practical purposes, be silenced by a strict enforcement of the "one person-one vote" principle with the expansion of the City Council. Thus, the legislators introduced a secession bill, which the City of New York opposes as violating the "home rule" provision of the state constitution (Article IX) as well as the equal protection rights of the residents from the other boroughs, who would have no say in the question of secession under this bill and related referenda.

In response to the city's arguments, the Court of Appeals held that at this point in the secession process, the bill is not a "genuine" secession bill. The court also held that the city's claim that the bill "relates to property, affairs or government" of the city, requiring "home rule" consideration, is "wholly speculative" at this stage of the secession process. Moreover, the court dismissed the city's equal protection argument by describing the exclusive rights of Staten Island voters "to express their views as to whether, and how, they might wish to separate from New York City, while affording them no unilateral right to do so," as a "reasonable classification based on the distinct interest of that subdivision of the State."

What, then, are the implications for New Yorkers as a result of this decision?

As a lifelong Queens resident, I think I can speak accurately for many New Yorkers when I describe Staten

Island as the city's forgotten borough. It's unfortunate, but many people view Staten Island as a mere conduit in reaching New Jersey, as that place where we dump all of our garbage, or as the place to where that big banana-colored ferry (which we can all see from the Brooklyn Heights Promenade) travels for a mere fifty cents. In fact, many New Yorkers probably wouldn't flinch if Staten Island did, indeed, secede from the city anyway (especially since it cost \$5.00 to get there, via the majestic Verrazano-Narrows Bridge).

So, why should we give a damn about Staten Island seceding from the city? Well, let's begin with the loss of Staten Island's population (400,000), which is approximately 5% of the city's total population. This loss would translate into lost tax revenues, including city income and real estate taxes. These tax factors should not be taken lightly, given the decade-long erosion of the city's middle-class tax base in the 1980's and the fact that Staten Island contains almost 20% of the city's land area. Furthermore, many people consider Staten Island to be the city's most affluent borough, with scores of shopping malls and abundant residential housing. In short, this city cannot afford to lose the type of revenue that Staten Island generates for the rest of the city.

Staten Island also contains numerous city-financed public works, including more than 50 schools, 25 parks, and numerous libraries, firehouses, police stations. Also, the Fresh Kills garbage facility, which handles over 20,000 tons of garbage daily, provides the city with an invaluable and irreplaceable service.



These public works create many city jobs, which the city can ill afford to lose in the near future.

In addition, Staten Island provides this city with a quality of life element that is sorely lacking in her four sister boroughs. Its beaches and golf courses are a valuable source of recreation to many New Yorkers, not just to Staten Islanders. The borough also contains acres of wetlands that, unfortunately, only receive notoriety when there is an oil spill in the Arthur Kill between Staten Island and New Jersey.

I think a friend, a Staten Island resident, summed it up best when I recently asked him about life on Staten

Island: "Living in Staten Island is having the best of both worlds - we live in the city, close to Manhattan, and yet we're so isolated and so residential and family-oriented that it feels like we're a part of suburban New Jersey or Westchester county." I thought these were rather astute observations.

Upon reflection, if I was a Staten Islander, I'd realize that my borough contributes far more in assets and resources to the city than the other boroughs seem to recognize, and I'd probably vote for secession. But at a time where there is already enough division in this city between rich and poor, black and white, I'd hate to see

an actual physical division of the city.

This is certainly an issue that affects all New Yorkers, and it will be interesting to hear what the Court of Appeals will say as this issue develops in the next few years (and it will- you can count on that). What happens when the city drags the state into a long and costly court battle over what the city argues "relates to property, affairs or government?" Shouldn't all New Yorkers have a voice on this issue, since it affects all New Yorkers?

This is just some food for thought for when you step into the voting booth next month and see (or, for most of you, don't see) this important referendum issue on your ballot.

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# ANTHONY J. POCCHIA, BLS

by Joe Accetta

"We are a city in crisis," explained Anthony J. Pocchia, a Brooklyn Law School graduate (Evening Division - 1982), at a recent lecture when posing the hypothetical question "Why politics?" Pocchia, a candidate for the 14th District (comprised of Staten Island and the Brooklyn neighborhoods of Bay Ridge, Bensonhurst and Dyker Heights) addressed campaign issues, highlighted by the city's (and the nation's) drug problem, at the September 12 lecture, which was co-sponsored by the Student Bar Association, the Italian American Law Students Association, the Irish-American Law Students Association and the Young Democrats.

"Drugs are not merely a Mayor Dinkins problem," continued Pocchia, the Democratic, Liberal and Secession Party candidate for the 14th District seat, currently held by Susan Molinari. Pocchia calmly explained to the audience that the city's recent crime wave reflects an "overwhelming number of drug-related crimes" and he urged the audience that "the right thing to do today is to get involved and fight the war on drugs." Pocchia proposed several "weapons" he would employ in "waging the war on drugs," including education, where he would "stress to children and adults alike that drugs mean death," and treatment on demand, where "everyone should be entitled to treatment on demand. But if you commit a crime and then refuse treatment, you go to jail."

Pocchia, 45, was born in Brooklyn and has been a Richmond County

(Staten Island) resident for nearly 20 years. Pocchia said his interest in politics blossomed while serving for five years as the Washington liason for the NYNEX service company. NYNEX was created as part of the

**"...the right thing to do today is to get involved and fight the war on drugs."**

AT&T divestiture during the height of the Reagan administration's trend of deregulation, which Pocchia jokingly referred to as "the government's attempt to put lawyers out of work." Pocchia represented NYNEX before federal and state administrative, judicial, executive and legislative bodies, including the United States Congress, while in Washington.

In addition to telling the audience the "the drug battle is now in your camp," Pocchia, a veteran of the Air Force during the Vietnam era, also recommended to current students "not to start your own law firm unless you have an adequate client base," and he strongly suggested to students that they "work for a couple of years in an established firm to gain valuable

experience." Pocchia, who is married and has three children (the eldest, Michael, is currently a second-year student here at Brooklyn Law School), is a partner in the law firm of Natoli & Pocchia, which specializes in public utility law and includes offices in Manhattan, Southampton and on Staten Island.

Among the issues Pocchia hopes to address in office is the \$5.00 one-way (Staten Island-bound) toll on the Verrazano-Narrows Bridge, which, he explained, "amounts to an illegal tax levied by the Metropolitan Transit Authority, since only \$1.00 per trip is necessary to maintain the bridge, while the other \$4.00 goes into a pool of funds used on other mass transit projects." Pocchia has instituted and maintained a law suit on behalf of Staten Island residents, claiming that "such a 'tax' can only be levied by the state legislature." Pocchia said that the suit is currently on appeal before the Appellate Division, First Department.

Pocchia is also opposed to the recent New York City Charter revision, which eliminated the Board of Estimate, under which Staten Island, the least populous borough, had equal representation with Brooklyn and Queens, which both have nearly five times as many residents as Staten Island. Pocchia, as the Secession Party candidate, is a proponent of having Staten Island secede from New York City and form an independent city: a measure currently under review in the state courts [*Please see There Ought To Be A Law...*].



# '82, RUNS FOR CONGRESS

Other issues on Pocchia's local agenda include: the closing of Staten Island's Fresh Kills garbage dump and developing alternatives for the Navy's Homeport project, where ships carrying nuclear weapons would dock in Staten Island, if the Navy ultimately scraps the current site.

For further information concerning Pocchia's election campaign, which Pocchia proudly boasts is "supported solely by labor unions and kind individuals," please contact the Student Bar Association here at Brooklyn Law School, or contact:

Pocchia for Congress Committee  
106 Annadale Road  
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# THE COURT STREET KING

by

P.J. Brackley

(formerly of *Shakespeare & the Law*)

To the Reader:

I feel I have sufficiently exhumed Shakespeare's bones and shaken them irreverently about in past issues. Since I have rolled his grave more times than is conscionable, it's time to move on.

This is the first segment of a short story entitled, "The Court Street King," the story of one of Brooklyn's best trial lawyers.

King was no fool. As least not a court fool, as he raised his heaving, cotton-covered belly from the defense table to scrape for the first few words of what was to be his summation. Beneath his suit, tie, belt and shoes, he was putting on more weight. He liked to believe the added poundage accumulated with his acquittals or his experience, but the sauce stain hidden beneath his lucky tie was testimony to the source of his heft. Today, it was linguini with those damned canned clams, courtesy of the fee injected into his always-ailing bank account by the defendant seated at the covered table. Poor devil. But King was there to protect him from the snarling jaws of something - the government, the prosecution, some dragon or something, anything - "anything but himself" was King's favorite response.

As he slid around the table, he was free to open his mouth and do what countless other lawyers had done in this very same spot for the same cause - flap his gums for the benefit of a client. The paper clip he had manipulated throughout the trial, at this moment, resembled one of those ridiculously obtuse pieces of modern art, stuck in front of the courthouse

like a visitor from outer space. The paper clip in his hands was mercilessly twisted. It was a fitting symbol for what King did during the trial. He called his trial technique the "Twist."

King liked the idea of the "Twist." As a law student, he listened to poor Chubby Checker slide into rock obscurity while twisting around the dance floor. At trials, the prosecution tried to slide everything in straight, and he spent the rest of his time twisting it all. A straight line of questioning was a reed to be bent into a basket containing the defense case. The Twist. King used to daydream about a law school course in which a stuffy professor introduces a lecture on the techniques of cross examination as "Come on baby, let's do the Twist."

Anyway, all that was over and done with. King hoped every one of his points was floating around this jury's collective mind, waiting to spring to life again as he summed up. It is laughable. King had put the plumber on because the defendant had served a stint in a labor union. The young prosecutor never found out that the labor union had fired the defendant. Whether or not any of it made any difference, his experience required that it all get said. It's got to get said.

The time was coming for King to start his summation. He was just short of the jury box, and as their technicolor blotch neared, he raised his hand in that involuntary manner, as if to pull something from thin air. At that moment, he was a defense lawyer: a magician, a sage, an artist, and a lame boxer with a deadening right. Fighting for the right. The old woman from Bensonhurst on the jury

cupped a set of rosary beads beneath her powder blue purse. What can God do for this guy? But, then again, he imagined the thief on the cross next to Christ, who cupped the thief in his soul nonetheless, and dragged him into heaven upon the thief's confession. Should have put this guy and that guy on the stand. But she would never make the connection. She was probably thinking of her dilapidated neighborhood nun: anything but the lump of humanity handcuffed to his right.

The judge coughed, the prosecutor sucked his knuckle, and the paint was still peeling. King remembered it from his last trial in this room (an embezzlement charge). He remembered the paint and as he watched the yellow patch beneath the white wall, he became saddened. His life was peeling around him, the facts peeling away, and the truth was sliding off his lips. The world needs a fresh coat of white paint, he thought. The members of the jury roll off the filthy subway, blotched and dirty and peeling. They sit in the oaken box and their sympathy peels away like paint.

King turned towards the first row and glimpsed at a few young law students from the local factory. They sat, looking thin, cynical and happy as they smirked and dreamed of glass towers on Broadway, where a fine resume and an ass-kissing interview would get them more operas and box seats than King had seen in his whole exhausting life. The Big Firm. Firm about what? Certainly not about convictions, because if these students bought the dream, they would

(continued on page 30)



# NEW PROFESSORS AT BLS

## Professor Jacob Dolinger

by Karen Wong

Jacob Dolinger is a new, visiting professor from the State University of Rio de Janeiro in Brazil. He is currently teaching International Business Transactions and Comparative Law.

Professor Dolinger draws extensive experience from his education, teaching and practice as an attorney. He received his first law degree from the State University of Rio de Janeiro in 1958. After graduation, he remained in Rio to practice general law. Professor Dolinger could not stay away from academia, however, and returned to the State University to pursue further legal studies. In 1967, he received the equivalent to a Doctor of Laws for his thesis, "Women's Rights in the Brazilian Civil Code," the first of his many published works. In 1973, Professor Dolinger wrote another thesis, "Legal Aspects of International Monetary Fund Agreement," for which he became an associate professor at the State University of Rio. Six years later, he became a full professor when he successfully defended his thesis, "Public Policy in Private International Law." During these prolific years, Professor Dolinger taught courses in international law and maintained a general and international practice. His clients included American, European and large Brazilian companies.

Not only were his theses published in the Brazilian law journals, but his other articles were published in various international law journals, such as the *International Lawyer* and the *Texas International*

*Law Journal*. In December, the *American Journal of Comparative Law* will publish his article, "Influence of American Constitutional Law on the Brazilian Legal System."

Professor Dolinger enthusiastically anticipates the inaugural publishing of the *Brazilian Law Yearbook*, for which he is the Chairman of the Editorial Board. "In late 1988 and early 1989, my colleagues (law professors) and I got together and worked on this book. The motivation for this project is simply that no one has ever compiled an annual on Portuguese law," Professor Dolinger explained. The book will be published by Kluwer in March 1991.

In addition to writing and teaching in Brazil, Professor Dolinger has also lectured in the United States. In 1980, he visited this country as a guest of the United States government for a one-month tour of various American law schools arranged by the United States Communication Agency. During the tour, Professor Dolinger lectured on international and Brazilian law. The following year, in 1981, he returned to the United States as a visiting scholar at the University of Texas at Austin to lecture on the same topics.

His position here at Brooklyn Law School constitutes Professor Dolinger's third visit to the United States as an academic. In comparing Brooklyn Law School to the State University of Rio de Janeiro, he notes, "In Brazil, you can attend law school immediately after finishing high school." The Brazilian law curriculum includes a combination of undergraduate and law courses, such as Economics, Sociology and

Contracts, in their studies. The Brazilian law program takes five years to complete. He adds that at the State University at Rio, students can also participate in a clinical program, similar to that at Brooklyn Law School. Their clinics are set up as model law offices where students act as attorneys and usually provide legal services to the poor. Professor Dolinger is a firm believer in this realistic, practical approach as part of a legal education.

Not only does Professor Dolinger enjoy teaching at Brooklyn Law School, he also enjoys living here, especially right by the Promenade in Brooklyn Heights. He also likes it here because he attended high school in Williamsburg, Brooklyn, and he says that returning to Brooklyn has evoked fond childhood memories.

## Professor Paul Finkelman

by Daniel Tam

Professor Paul Finkelman, one of the new visiting professors here at BLS, may be familiar to many of you. He comes to Brooklyn Law School from SUNY-Binghamton, where he is a professor of legal history. He is teaching two courses this fall: American Legal History and a Constitutional Law seminar entitled Race, Racism, and History.

After receiving his B.A. from Syracuse University, Professor Finkelman went on to study at the University of Chicago where he was awarded a Masters degree and a Ph.D., both in Legal History. Later, he was awarded a one-year fellowship to study at Harvard Law School, where he taught a course in legal history.



Professor Finkelman has also taught at Washington University (St. Louis), the University of Texas and the University of Texas Law School.

Professor Finkelman described his Constitutional Law seminar as "more historical than most law courses." Professor Finkelman's students are treated to the experience of his extensive years of research on race and the law. Professor Finkelman has written three books and numerous articles on the law of slavery. He commented, "For most of this century, it (race) has been a key issue in constitutional law. Starting with the Constitutional Convention, the whole question of slavery is critical to the framing of the Constitution....If you think about the city we're living in, it's coming apart at the seams over questions of race. I'm not sure whether that's going overboard. But one of the things about being a historian is that you look at things over time and you may not get as excited as people who simply read the daily newspapers do," he continued.

Professor Finkelman has authored numerous articles, essays and books during his academic career, including, *An Imperfect Union: Slavery, Federalism, and Comity*, a book that discusses the conflicts of laws involving slavery. "What happens when a slaveowner comes to a free state like New York, bringing the slave with him, and the slave claims to be free under the laws of that free state? Which state's law do you apply? There are a whole series of cases on that point, including the Dred Scott case," said Professor Finkelman.

In addition, Professor Finkelman has written a casebook on slavery. He's also written *Slavery in the Courtroom*, for which he received the Joseph W. Andrews prize (Best Book of the Year) from the American Association of Law Libraries in 1986. He's currently working on an article entitled "James Madison and the

Adoption of the Bill of Rights: A Reluctant Paternity," to be published in the *Supreme Court Review* this spring. He will also co-author a casebook on legal history.

Professor Finkelman finds the Brooklyn area to be a refreshing change from the calmer pace in Binghamton, and is delighted to be teaching here.

## **Professor James J. Fishman**

by Geanine Towers-Dioso

Professor James J. Fishman, of Pace University Law School, has joined the Brooklyn Law School faculty as a visiting professor for the 1990-91 academic year. This fall, Professor Fishman is teaching day and night sections of Corporations. He will also be teaching Corporate Finance in the spring.

When asked what approach he takes to teaching Corporations, Professor Fishman said, "For many students, Corporations is like a foreign language. One of the things I try to do is to introduce new concepts in the most painless way possible. Later on in the semester, I tend to bring into the course some of the issues one reads about in the business section of the newspaper, such as insider trading and shareholder proposals."

Professor Fishman stressed the importance of maintaining comprehensive and competitive law school night programs, such as those available at BLS and Pace. According to Professor Fishman, students with too many outside responsibilities would be unable to attend school on a full-time basis without such programs, and thus, would be denied a legal education. "It is very common," Professor Fishman noted, "when schools try to gentrify, that they eliminate night programs. But in a city like New York, where so many students - especially good students

with diverse, fascinating backgrounds - are only able to attend school at night, night-program elimination does not make sense."

In addition to holding a Ph.D in Politics and a law degree from New York University, Professor Fishman holds a Masters degree in International Relations from the University of Pennsylvania, where he also received his undergraduate degree. Professor Fishman a tenured professor of law at Pace, where he has taught Contracts, Corporations, Partnerships, Corporate Finance, Law and the Visual Arts, Law and Education, Legal Method, Non-Profit Institutions and Remedies.

During his academic career, Professor Fishman has authored and co-authored several books and articles on varied subjects, including securities law, corporate directors' fiduciary duty, litigation on school desegregation, New York Civil Practice and law and the arts.

Professor Fishman began his legal career as a deputy assistant attorney general at the litigation bureau of the New York State Law Department. Prior to entering the legal profession, he was the Assistant to the Vice Chancellor for Student Affairs at New York University and a Politics instructor there.

Professor Fishman eagerly looks forward to teaching at BLS and finds the students here "refreshingly aggressive and interested in learning."

## **Professor Nan Hunter**

by Lori Gentile

Professor Nan Hunter is one of the new full-time faculty members at Brooklyn Law School.

Professor Hunter graduated from Northwestern University with a B.A. in Political Science. After graduation, she spent one year furthering her interest in community organization



by working at the Chicago Legal Aid Society.

After receiving her J.D. from Georgetown University, Prof. Hunter remained in Washington, D.C. and worked in private practice on various legal issues including employment discrimination, landlord and tenant, family and constitutional law.

Prior to joining the Brooklyn Law School faculty, she worked with the National Legal Staff of the American Civil Liberties Union (ACLU). As a staff attorney, she worked on cases throughout the country, including the well-known constitutional law case, City of Akron v. Akron Center For Reproductive Health (462 U.S. 416 [1983]), which challenged an ordinance that imposed various restraints on abortions. The provisions of the statute were deemed unconstitutional by the Supreme Court.

Professor Hunter believes Akron to be very significant to the abortion debate since it is the case which, in effect, "put teeth" into the law created by Roe v. Wade.

She later became the director of the AIDS and Civil Liberties and Lesbian and Gay Rights Projects. That position entailed litigating and formulating agency policies regarding AIDS-related legislation such as the Americans with Disabilities Act, which prohibits discrimination on the basis of any disability, including AIDS. In fact, cases litigated by the ACLU, such as School Board of Nassau County, FLA v. Arline (480 U.S. 273 [1987]), were instrumental in developing such legislation.

In the area of lesbian and gay rights, Professor Hunter has litigated Braschi v. Stahl Associates Co. (74 N.Y.2d 201 [1989]), which held that a homosexual couple was considered a "family" within the meaning of the state's rent control act.

Currently, Professor Hunter teaches Civil Procedure and has

interests in constitutional and health law. She is also working on various writing projects, including an analysis of the impact of AIDS on health law and first amendment issues.

## Professor Samuel Murumba

by Gary Quan

A transplanted "Aussie" from Uganda, Professor Samuel Murumba is one of the newest members of Brooklyn Law School's 1990-91 faculty. The professor's distinguished academic history includes earning his LL.B with honors from Makerere University in Uganda in 1975 and his Ph.D at Monash University in Australia in 1985, where he wrote his thesis, "The Concept of Human Rights in International Law."

In 1976, Harvard Law School had granted Professor Murumba a two-year scholarship. However, under Idi Amin's repressive regime, Professor Murumba's exit visa was denied. He proceeded to become the editor of the law journal, which criticized the government's human rights policies, and worked for a firm which represented dissidents, some of whom were executed in 1977. The lawyer, husband and father fled to Australia in 1977, where his wife and daughter joined him a few months later.

Professor Murumba has authored several substantial pieces, including a note entitled "Negligence and the Child en ventre sa mere," which appeared in the *Makerere Law Journal*, and a thesis entitled "The Concept of Human Rights in International Law," which one Princeton scholar has classified as the "most ambitious thesis he had ever read and, quite possibly, the single most impressive." Professor

Murumba's book, *Commercial Appropriations of Personality*, published in 1986, is the leading text on the subject in Australia and New Zealand, and he is the author of the chapter on intellectual property in *An Annual Survey of Australian Law*. His ongoing projects include *Laws of Australia*, three books on human rights, one on Australian property law and one on intellectual property in Australia. Professor Murumba is also a member of the Australia and International Congress of Legal Philosophy, the Industrial and Intellectual Property Society for Practitioners, and the Law Council of Australia.

The wiry, unassuming professor enjoys the arts, literature, classical guitar music, tennis, politics and films. Introduced by Professor Gerald McLaughlin to Brooklyn Law School, Professor Murumba views his experience here as an opportunity to broaden his horizons.

Commenting on the overwhelming hospitality of the BLS community, Professor Murumba "hopes he will not create an imposition on the students when he exhorts them to adopt a broader perspective of their own society, to seek a wider social role, to ask not how much money they can make, but how much they can give."

## Professor Spencer Weber Waller

by Laura Amos

New Assistant Professor Spencer Weber Waller, who claims his name would make a good law firm if you add an ampersand, comes to BLS after many years of practice in antitrust, international business and criminal law. After receiving a B.A. in Economics and Political Science from the University of Michigan,



Professor Waller attended Northwestern University Law School, where he was a research fellow for the Center for the Study of U.S. - Japan Relations. After graduating *cum laude* in 1982, he spent a year as a staff law clerk for the U.S. Court of Appeals for the Seventh Circuit. He then worked for the U.S. Department of Justice in the Antitrust and Criminal Division. Just prior to coming to BLS, Professor Waller was an associate for Freeborn & Peters in Chicago.

Professor Waller has just completed his first book, *International Trade and Antitrust Handbook* (Clark Boardman, 1990), in addition to being the author of numerous articles, papers and book reviews. From this, he has developed a strong personal view of how he will teach his courses. "I am delighted to be teaching both Antitrust and International Trade law because I view both as the study of competition," he gladly admits. "One is competition within the United States and the other is competition between national boundaries." He concludes that "in the end, the world economy is really the same thing- it is just about competition in international trade." Professor Waller is also a member of the Steering Committee for the Center for the Study of International Business Law at BLS.

Professor Waller feels that almost all students will benefit from his Antitrust course because "the study of competition is central to understanding how we have organized our economy. It is the endorsement of capitalism, but it also defines the outer boundary of what is permissible," he explains. Antitrust law tries to promote so many different goals that it's "not just for business students any more," he adds. An example is the large involvement of criminal prosecution in antitrust law.

The International Trade course will be important to all those interested

in business. The *Justitia*, Professor Waller insists. He believes that the free trade agreement with Canada provides a tremendous opportunity for corporate planning, trade and investment opportunities. With the development of Eastern European market economies and free trade agreements, he adds that there will be international ramifications to every business deal and complex litigation as the international trade arena expands. Therefore, Professor Waller feels that students studying any business-related field of law would benefit from his course in International Trade Law.

Professor Waller finds that BLS students participate a little more and are a little less shy than the students he taught as an adjunct professor at ITT-Chicago Kent College of Law, but he concedes that may be because we are New Yorkers. Currently a resident of Brooklyn, he enjoys big-city life and has seen most of the major attractions of his borough. He is investigating one neighborhood at a time, and is currently up to Carroll Gardens. He is a fanatical Chicago Cubs baseball fan, enjoys collecting antique prints, and is a published author of short stories.

## Professor Russell J. Weintraub

by Nina Farber

Professor Russell J. Weintraub is a visiting professor from the University of Texas at Austin School of Law. Originally from New York, he says he's happy to return to his "old stomping grounds." He enjoys traveling to other schools, and has taught every summer for the last several years at different schools abroad, including Oxford, Trinity College in Dublin and the Institute for International Comparative Law in Paris. This year, however, is the first

time in 10 years he has taught outside of the University of Texas during the academic year.

One of the courses Professor Weintraub is teaching this semester is International Litigation. Professor Weintraub, well-known for his participation in international lawsuits, including his defense of Premargo in the Bay of Campeche oil spill disaster litigation and his representation of the Arab-African Bank of Bahrain in its lawsuit against the BFCE (the French bank for international commerce) before the Chamber of Commerce in Paris. He was first asked to put together a course in International Litigation by Trinity College in Dublin. Since then, he has been developing the course, and will eventually publish his materials in casebook form.

His course focuses on the special problems of litigating a case that has international connections. For example, where significant events occur abroad or certain parties reside abroad, special issues may arise regarding service of process, discovery or extra-territorial application of United States laws. A major portion of his course also focuses on international arbitration. In addition, Professor Weintraub considers office planning a significant issue in international litigation, and he devotes a large part of class discussion to the planning of international transactions.

Professor Weintraub is also teaching Conflicts of Laws. A respected scholar in the area, he is the author of *Commentary of the Conflicts of Laws* and a co-author of *Cases and Materials on Conflicts of Laws*. Additionally, he has written numerous law review articles on the subject. He is currently at the center of a scholarly debate concerning the application of "interest analysis" in conflict of laws cases. Professor Weintraub advocates the adoption of



this approach under which courts, in making conflicts decisions, look at the policies underlying the respective states' laws and determine whether the policies of either state will be thwarted by application of the other state's laws.

One of Professor Weintraub's primary objectives in teaching conflicts laws is to make students aware that a crucial tactical decision in litigation is choosing where to bring suit. He strongly believes that knowledge of conflicts of laws rules is critical to this decision. Also, he emphasizes that where more than one state has contacts with a transaction, a lawyer needs to determine which state's laws are most favorable to her client and then she must figure out how to get those laws applied.

In addition to teaching Conflicts of Laws and International Litigation, Professor Weintraub has also taught Contracts and is a co-author of *Cases and Material on Contracts*, which he is currently revising. Professor Weintraub is now spending significant part of his time on contracts, and he has written a major article on *Texaco v. Pennzoil*, which will be published soon in "The Review of Litigation." In the article, he critiques the trial, and he concludes that the jury was not adequately prepared to pass on the issues in case.

Currently, Professor Weintraub is working on an empirical study of corporate contracts practices and policies. His study is based on questionnaires he sent to over 200 corporations. In his article, he tests his hypothesis on restructuring the law of contracts to better meet the needs of the commercial community, and he reports how that hypothesis has been strengthened or weakened by the results of his survey.

In addition to this article, Professor Weintraub intends to write several more articles on contract law in the next few years.

## Professor Leung Yee

by Clare Wee

This fall, the Brooklyn Law School community has the opportunity to welcome Professor Leung Yee, the school's first tenure-track Asian American professor, to the faculty. At a recent welcoming reception given by the Asian American Law Students Association, Professor Yee spoke frankly about sensitive issues, but peppered his speech with jokes and anecdotes. In particular, Professor Yee commented on racism and advised the Asian students to work with other groups to "dispel racism, instead of declaring that racism exists, but I can't do anything about it." He also stated - "Let us not isolate ourselves. . . there is no need for antagonistic attitudes towards the mainstream." Professor Yee urged students not to be guilty of racism themselves or to accept the stereotypical attitudes that Asians are not affected by racism.

When I arrived to interview Professor Yee, totally unannounced, he was equally friendly and approachable. He believes that professors should be "available" to students, and noted that at certain other law schools professors devote all their energy to publications and are often unavailable to students.

Professor Yee teaches Contracts and declared that he "loves it," adding, "First-year students are so enthusiastic and refreshing." In the Spring semester, he will teach a course on International Business Transactions which he is well-equipped to teach due to his extensive work experience in the international field. From 1986-1990, he headed McKenna & Co.'s China Practice Group in Hong Kong. He has also worked as an associate in New York, California and Hong Kong for Kaye, Scholer, Fierman, Hayes & Handler and Ware & Friedenrich.

When asked why he gave up the practice of law for teaching, he replied that he found teaching and research "enjoyable and liberating." For those students who are interested in Comparative Asian Law, Professor Yee stated that he will consider teaching such a course, but has "no definite plans" to do so.

Although new on the faculty, Professor Yee is no stranger to academic life. His varied educational experiences include majoring in History while at Oregon State University and, while completing his dissertation as a Ph.D. candidate in Psychology at the University of California at Davis, Professor Yee also attained a J.D. from Boalt Hall, the University of California at Berkeley. From this, it would seem that he had an "unbridled tendency toward masochism." But he warns students not to adopt such an attitude in law school, and he cautions against taking grades too seriously. His advice to students: "Ignore the pecking order. . . Remember that life is too short. . . Expand your horizons. . . See how the world can be encapsulated into the law books. . . without the pressure of billable hours."

Nevertheless, Professor Yee, himself, has been busy preparing for his classes. In his spare time, Professor Yee, hopes to take advantage of New York's cultural activities and to play some tennis.



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# A Visit to The Brooklyn Historical Society

by Jim Miller

As a student in Brooklyn Law School, I am well aware of our proximity to Manhattan and its many attractions. I am, however, less familiar with the borough of Brooklyn. In an effort to learn more about the place where I spend most of my waking hours, I took a short walk down to the Brooklyn Historical Society.

The Brooklyn Historical Society, established in 1863, resides in a large landmark building on the corner of Pierrepont and Clinton Streets. The Society houses a permanent exhibition entitled Brooklyn's History Museum as well as the Othmer Library, a research facility dedicated to the study of Brooklyn. The library, located upstairs, is a treasure-house of books and information on the borough. If you are not a scholar or a history buff, however, you will probably find the small, but crowded, museum downstairs to be more to your liking.

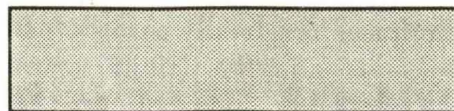
Unlike the majority of museums I have visited, Brooklyn's History Museum does not attempt to merely set out a chronological record of its subject. Rather, the museum attempts to answer several questions posed at the beginning of the exhibition: What makes Brooklyn special? What qualities make Brooklyn different from every other place? What makes Brooklyn Brooklyn? To explore these questions, the Museum features five topics universally associated with Brooklyn to paint a picture of the city and its people.

The first exhibit is entitled the Brooklyn Bridge, and gives a short history of the borough before dwelling on the construction and impact of the bridge. We are told that Native Americans lived in Brooklyn for centuries undisturbed, until the Dutch

arrived and established a town - Breucckelen- in 1646. The English then took complete control of the area in 1674, establishing King's County (present-day Brooklyn) in 1683. Brooklyn became a village in 1816, a city in 1834, and a borough of New York City in 1898. The exhibit explains that the opening of the bridge in 1883 was a major factor in Brooklyn's becoming a borough under the 1898 consolidation of Greater New York. Although most of



**What makes Brooklyn special? What qualities make Brooklyn different from every other place? What makes Brooklyn Brooklyn?**



us today take the bridge for granted, at the time it was built, it was considered a technological marvel: the largest suspension bridge ever constructed in that era. I found this exhibit to be fairly interesting, but it was probably my least favorite among the five in the Museum, as it had few artifacts and objects from the past.

The second exhibit in the Museum details the rise and fall of the Brooklyn Navy Yard and its role in the lives of the hundreds of thousands of Brooklynites it employed during 150 years of operation. The Navy Yard, originally called the New York Navy Yard when it was established in 1801 on 42 acres of East River shorefront, soon became popularly

known as the Brooklyn Yard, reflecting Brooklyn's emergence as an international port and a major industrial center. By 1920, the Yard employed tens of thousands of workers and handled more than 25% of the country's foreign commerce. According to the exhibit, these were the glory years of the Brooklyn Naval Yard, and small "sailortowns" grew up on the streets around the Yard to cater to the needs of the workers and their families. During this period, famous ships such as the *Maine*, the *Arizona*, and the *Missouri* were built in Brooklyn.

The third exhibit in the Museum centers on Coney Island, giving the history of that famous resort from its days as a summer camping site for Native Americans to its discovery by the Dutch, who named it Conye Eyland (Island of Rabbits), to its emergence by 1900 as the most famous amusement park in the world. This exhibit contains many pictures and memorabilia from the golden age of Coney Island, making it one of the most interesting exhibits in Brooklyn's History Museum.

The fourth exhibit is also interesting, as it concerns all the people - the famous and the forgotten - who have lived in Brooklyn over the centuries. This part is divided into three sections: one devoted to the various ethnic groups who have lived in the borough, another to Brooklyn's most famous residents, and the last to how Hollywood and television have portrayed Brooklyn and Brooklynites in the cinema and on the tube.

The fifth and last exhibit at the Museum - my personal favorite - concerns the fabled Boys of Summer, the old Brooklyn Dodgers, and tells the story of that great team from its founding in 1884, through the construction of Ebbets Field in 1913, and through the glory years of the 1940's and 50's before Walter O'Malley took the team west. Old





caps and uniforms, cards, and autographed bats and balls are on display. There is even the catcher's mitt that Mickey Owen used (or failed to use!) in missing a crucial third strike in the last game of the the 1941 World Series. All in all, I thought this was a great exhibit and a good way to end a short history of Brooklyn.

If anyone is interested in dropping by the Brooklyn Historical Society, the museum is open Tuesday-Sunday from 12:00 to 5:00 p.m.

The library is open Tuesday-Sunday from 10:00 a.m. to 4:45 p.m. Admission is \$2.50 for adults and \$1.00 for children under 12.

On Tuesdays, there is no admission charge.

## ARTS & ENTERTAINMENT

### *The Burden of Proof*

By Scott Turow

Reviewed by Nancy London

Scott Turow's latest novel, *The Burden of Proof*, depicts the life of Alejandro (Sandy) Stern, the defense attorney first encountered in Turow's bestseller, *Presumed Innocent*. Unfortunately, the book pales in comparison to Turow's earlier effort.

The book provides what appears to be a relatively accurate view of the inner workings of a United States Attorney's Office and the process of indicting someone for a major white-collar crime. Additionally, the reader is given an inside look at the dynamics of a zealous defense attorney's family. Despite this rare inside view, which is quite interesting, especially to someone preparing to enter the legal profession, the book is missing an essential element needed to truly captivate the reader.

The story begins as tragedy strikes the family of Sandy Stern. At the same time that Stern attempts to cope

with a severe personal tragedy, he is involved in a complex legal battle on behalf of his brother-in-law. Throughout Stern's solution of both emotional and legal problems, Turow, with great regularity, shows Stern to either be thinking about or involved in sexual activity. Although sex can add a certain amount of excitement to what might otherwise be an ordinary plot, too much sex can make an otherwise good story appear trashy. This is the case here, where the sexual overtones throughout the book do nothing to add to a plot that drags.

The book, in keeping with Turow's style, is written in the first person. As a result, Stern's character is developed with great depth while the other characters are developed only on the surface. While this might be Turow's attempt to highlight the fact that his main character is not really in touch with the people in his life, at times, it made the book hard to follow. There were also points in the story where it appeared to lose direction, as if the writer had set down

his pen and began anew with a different train of thought.

Despite the many flaws in Turow's latest work, it does have a number of good points, not the least of which is the fact that the novel does not portray the legal profession as glamorous and greedy. The novel refers to Stern's climb up the ladder of success, which began with his own struggle to finance law school. There is also a message in the book about the dire consequences for those who might be inclined to devote all of their time and energy to work and forget about other obligations, such as family.

These aspects of the book help to highlight the fact that there is a very good story behind the sex and poor character development. If the reader can set aside the expectations created by *Presumed Innocent* and actually has time during law school to read a long novel, then *The Burden of Proof* is worth considering. But if expectations are high, the result will only be disappointment.



## Stand-Up Tragedy at the Criterion Theater

by M.Z. Heller

It's two hours after returning from the Times Square area, and the electricity is still flowing inside me, as thoughts and emotions quickly race through my mind. No, I was not mugged on 42nd Street. Well, not really. Having just seen a preview of *Stand-Up Tragedy*, one of the best plays I've seen in a while, my heart feels like it's been roughed quite a bit.

The play takes place in a small Catholic school for troubled boys on the lower East Side. A new, well-meaning teacher, fresh out of Georgetown University, tries to correct the failures of the system despite some cynical co-workers. Does the plot

sound like an American version of *To Sir With Love*? Well maybe, but this one is well-written, exceptionally performed, and not only pierces the heart, but also punches you in the stomach.

The young teacher, Tom Griffin (Jack Coleman from *Dynasty*), tries to bring out the potential he sees in one of his failing students, Lee Cortez (Marcus Chong). In his efforts, he gets entangled in the lives of Lee's family and Lee's own identity struggle.

Mr. Coleman's performance is excellent, as is Charles Cioffi's as Father Ed Larkin, the school's headmaster. Dan Gerrity, one of the cynical, quick-witted teachers, adds some welcomed lighter moments, but the evening belongs to Marcus Chong. Without revealing too much, let's just

say his multi-faceted performance deserves accolades and may merit a Tony nomination.

The set, though sparse, creates just the right atmosphere for a run-down school, and the simple lighting scheme sets the appropriate tone. There are two choreographed rap numbers which help show the frustration of the students and the frustrating nature of the entire environment. The language may be a bit strong, but nothing I haven't already heard in the hallways at BLS! My only criticism was that for a few moments, I missed some of the dialogue, due to poor diction. Nevertheless, I left the theater thinking about all those kids who fall through the cracks of the system and that we all must, somehow, do something to make a difference.

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## Law And Order

by Inge Hanson

Imagine following a case from indictment to trial in one hour. This is the miracle that the new series *Law and Order* achieves each week - but then television never promised realism. *Law and Order* does offer a grittier vision of the law than the glamour features on *L.A. Law*. The series, created by Dick Wolf (who is also one of the show's producers), is essentially divided into two parts: the first half-hour trails two police investigators as they track down clues leading to the perpetrator of the crime; the second half-hour follows two assistant district attorneys as they prepare their case for trial.

The acting is impressive. Max Greevey, the gruff, rotund police investigator is played by George Dzundza while his young partner,

Mike Logan, is played by Christopher North. The two A.D.A.'s are played by Michael Moriarty as Ben Stone, and Richard Brooks as Paul Robinette. This "buddy" structure works well, as the characters are able to draw out the subject of every episode through banter, argument and, sometimes, fist fights.

Each episode begins with a teaser: a brief introductory scene which focuses on the crime site and what seems to be an obvious motive. As the show progresses, however, the police investigators and the viewer pick the leads that challenge the original *modus operandi*. By the time the case lands in court, the result that seemed obvious has been turned inside out. As David Black, one of the show's writers, explained, *Law and Order* attempts to obscure what appeared clear at the beginning of the episode with twist upon twist, leading to the climax that surprises both the characters and the audience.

*Law and Order* bases its scripts on controversial issues and events that reflect familiar news stories. For example, one episode concerns the shooting of two black youths on a subway by a female vigilante, another plot deals with the conflicts raised by the abortion issue in an episode that focuses on a death that occurs when an abortion clinic is bombed by an anti-choice organization. Mercy killing is also explored in an episode where the people who ask to die are AIDS victims who, ironically, meet their death at the hands of a man himself afflicted with the disease.

*Law and Order* is fast-paced and well-acted. Although the show has not yet matched *Hill Street Blues'* masterful combination of familiar characters with drama, humor, and suspense, the episodes show promise. The cops, A.D.A.'s and the rest of the staff are realistic and absorbing.

The show airs regularly on Tuesday evenings on NBC.



# Law Firms: Doing Business in the Twentieth Century

by Inge Hanson

Every fall, law students don neatly pressed interview suits (uniforms, really) and march into tiny rooms to face law firm inquisitors in the hopes of landing an associate position to practice law either for the summer or permanently. But law firms no longer simply practice the law. In fact, the legal profession has become big business, a change that practitioners have either grudgingly adopted or eagerly accepted. Two recent books examine how two completely different firms took on the business of law during the twentieth century.

***Shark Tank: Greed, Politics, and the Collapse of Finley Kumble, One of America's Largest Law Firms*** (St. Martin's Press), by Kim Isaac Eisler, provides a vivid example of law firms at their worst. Eisler, who chronicled the Finley Kumble breakup as a senior editor of *Legal Times*, traces the formation of the firm through its rapid growth (to second largest in the world) to its ultimate dissolution and bankruptcy in 1988. The law firm's attitude towards the legal profession is reflected by the "favorite saying" of name partner and founder Steve Kumble, who preached, "Praise the adversary. He is the catalyst by which you bill your client. Damn the client. He is your true enemy." Touting this philosophy, Finley Kumble broke the unwritten rule that law firms do not steal clients or partners from each other. Kumble wooed and won partners whose name carried clout and glitter, including Robert Wagner, Jr., former mayor of New York City, Hugh Carey, former New York governor, Paul Laxalt, friend to the Reagans, and former Senate Finance

Committee Chairman Russell Long.

In addition to breaking traditional rules, Kumble and his partners broke laws and violated the Canon of Ethics in their greedy rush to "bill, bill, bill." Eisler reports that early in the firm's career, partner Robert Samuel Persky was convicted for filing false statements with the Securities and Exchange Commission. Another partner, with close links to then D.C. Mayor Marion Barry, received the firm's congratulations for arranging a questionable payment which apparently resulted in the mayor's withdrawing his opposition to a banking bill unfavorable to a Finley Kumble client. ***Shark Tank*** is the perfect companion to any Legal Profession casebook; in almost every chapter, a Finley Kumble partner seems to twist or snap the Canon of Ethics.

As everyone who follows the legal press is aware, Finley Kumble's grab for business resulted in ruin. On February 1, 1988, the firm formally dissolved and went into bankruptcy, leaving an estimated \$83 million in debt. Steve Kumble's statement that "when we're the biggest, people will think we're the best" proved to be horribly inaccurate.

Eisler has produced an absorbing, cautionary tale about the practice of law run amuck. He has the ability to transform complex transactions and events into a compelling narrative peopled with distinct personalities. Reading ***Shark Tank*** is like watching a car crash - the reader is repulsed, yet fascinated.

***Turks and Brahmins: Upheaval at Milbank, Tweed, Wall Street's Gentlemen Take Off Their Gloves*** (Simon & Schuster), by Ellen Joan Pollock, details one law firm's attempt to throw off tradition and catch up to the business of law as practiced in the twentieth century. Unlike the Finley

Kumble partnership, the Milbank partners don't seem to believe that generating business requires behavior outside the bounds of the Canon of Ethics. Pollock, an editor at *The Wall Street Journal*, follows Milbank, Tweed's partners as they agonize over decisions such as whether to change their compensation package from "lockstep" (where partners are paid solely on the basis of seniority) to merit-based pay.

In addition to worrying about their personal income, the Milbank partners bicker about whether to actively seek new partners (and clients) from other firms or to continue promoting from within Milbank's ranks of associates. They struggle toward the realization that faithful clients, such as the Rockefellers and Chase Manhattan Bank, will no longer hire the firm without question. Nor will legal work flow in without efforts to drum up business. The "Milbankers'" concerns faintly mirror the Finley Kumble group's voracious appetite for fees, yet the partners in ***Turks and Brahmins*** come off as peevish rather than corrupt. The book's climax occurs when the partnership finally (after nearly 200 pages) decides to reject the traditional lockstep approach to compensation. The reader is left wondering, "Who really cares?" Pollock is a good writer, but her subject



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# Smoking, Tobacco Stocks and The Investor: Time to Butt Out?

by Eric Wollman

In June 1990, New York's City Council voted 33 to 0 to prevent tobacco companies from distributing free cigarettes to potential customers. In September, a Justinian reader wrote, "I have no desire to turn myself into a non-smoking pariah. All I want is a chance to breathe free...absent of headaches, sniffles and watery eyes." In May 1990, both Harvard University and the City University of New York decided to eliminate stocks of tobacco companies from their investment portfolios. With substantial scientific research that cigarette smoking can kill, smoking has rapidly become a hot issue on the nation's health agenda.

It has become an accepted practice for investors to consider supporting socially responsible objectives through their investment decisions. Such a socially progressive policy has been effectively used to divest American companies from South Africa.

In addition, there is support, through stock ownership and proxy power, for human rights campaigns in Northern Ireland (The MacBride Principles) and in the Soviet Union (The Slepak Principles). One indicia of the broad support this investment strategy enjoys is that over a dozen states have adopted MacBride legislation.

Also, institutional investors, such as public pension funds, generally invest the assets of their respective funds according to the so-called "prudent person" rule, where the investment officer determines the appropriate risk level and then seeks a competitive return adequate to such a risk. Thus, investment officers can - and do - make investments that have

socially desirable results.

It is time for both individual and institutional investors to borrow a tactic from the struggle against apartheid and apply a divestment strategy in the struggle for good health? Shareholders owning stock in tobacco companies are considering this issue, while activists, such as the Coalition for a Smoke Free City, are pursuing the divestment option.

Both medical and scientific evidence linking smoking to numerous serious health disorders is overwhelming. In fact, the federal government estimates that smoking-related diseases cause approximately 400,000 deaths in the United States each year.

Accordingly, shareholders in America's largest tobacco companies have begun to agitate for change through the use of proxy power.

## Who's Who In Tobacco?

There are six companies generally recognized as the nation's cigarette makers. They are (ticker symbol in parenthesis) American Brands (AMB), Loews Corp. (LTR), Philip Morris (MO), UST Inc. (UST), Brown & Williamson (subsidiary of B.A.T. Industries of London, traded in New York as BTI), and R.J. Reynolds (not publicly traded).

These companies sold 900 billion cigarettes in 1988, worth \$33 billion, and on September 13, 1990, Philip Morris and RJR Nabisco announced that they would sell 34 billion cigarettes to the Soviet Union to ease a worsening Soviet cigarette shortage.

Tobacco is critical to the overall profitability of these companies. Yet, shareholders have begun to use shareholder proposals as a strategy to expose tobacco companies' marketing practices and are exploring the use of activism as a mechanism to change corporate policies of the United States tobacco industry.

## The 1990 Proxy Season

The most direct way to educate shareholders and influence management's corporate policies is through shareholder proposals, which place management's policy on the record, since the company will include a statement of opposition in the proxy notice.

During the 1990 proxy season (generally the Spring months) shareholder activists filed a resolution at three major tobacco companies: American Brands, Loews Corp. and Philip Morris. The proposal requested that the companies cease production or marketing of tobacco products by December 31, 1999.

A second proposal was submitted to Philip Morris requesting the formation of a committee to study the impact of advertising in inducing minors to smoke and to recommend measures to ensure that minors are not targeted by the company's promotional efforts.

Sadly, these initiatives did not enjoy widespread support. At American Brands, for example, the first proposal received 3.7 % of shares voted, Loews Corp. 2.4%, and only 2.2% at Philip Morris. However, on the tobacco and minors proposal at Philip Morris, 3.5 % was garnered. Under the rules of the Securities and Exchange Commission (SEC), a proposal must receive at least 3% of the votes cast for and against in the first year it is submitted. Therefore, the proponents may resubmit the first proposal only at American Brands and also the tobacco and minors proposal at Philip Morris.

Dr. Gregory N. Connolly, an activist, framed the issue this way: "Our challenge is to make the people and groups who own the tobacco industry accountable for the harm that their products have on the world. If this can be done, then social responsibility may win over greed, and world health will be better because of it."

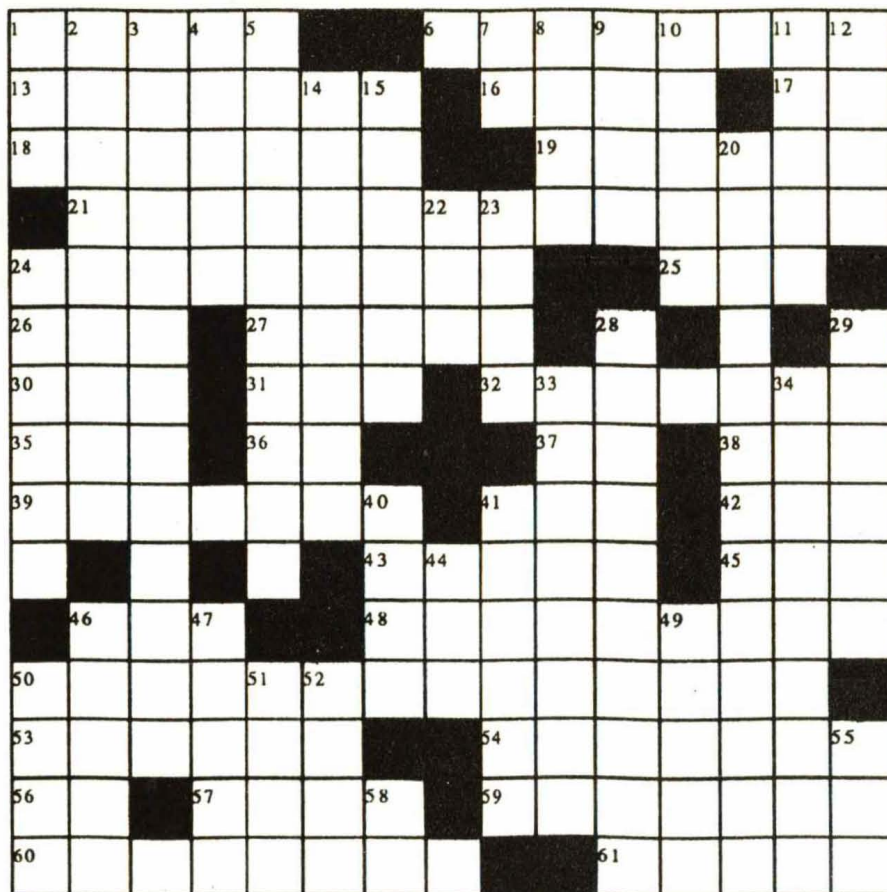


# CROSSWORD PUZZLE

THIS MONTH:

CROSS-EXAMINATION

by Marcus A. Spevak



## ACROSS

1. Type of boy Robert Chambers used to be.
6. ----- - Yale, not a lawsuit but instead a football game rivalry
13. One who holds the goods of another.
16. Beverage at O'Keefes, German Style (backwards)
17. Good, in Tokyo
18. A piece of clothing or writing.
19. To indecently \_\_\_\_\_ oneself is a misdemeanor (Backwards)
21. Famed Attorney
24. Right of way for a goose and his friend?
25. 2000 Pounds
26. Immigration org.
27. "Glad I met ya" Insurance company
30. What one must do for

his will to take effect.

- 31 Explosive
32. ----- -- court or absence
35. That, feminine singular in Spanish
36. Stephen King novel
37. Empire State, abbr.
38. Opp. of prefix
39. "Another Bear" in Spanish
41. Intellig. Barometers
42. Slt. \_\_\_\_\_ Marie
43. Amour, jumbled
- 45 Oregon Law Review, abbr.
46. A gardening tool, jumbled
48. Famed river bridge of film + famed Roger of Yankees
50. Henry Fonda, Lee J. Cobb, Joseph Sweeney Film Classic

53. Response to a complaint

54. See Crea, jumbled
56. Symbol for iron
57. Mayor Dinkins is an \_\_\_\_\_ of BLS
59. In \_\_\_\_\_; Behind payment (backwards)
60. Trajectory, course in Madrid
61. \_\_\_\_\_ turvy

## DOWN

1. Lawyer's org.
2. Fancy name for stealer
3. These are done to determine the state of titles
4. Assumed name
5. Copyright fun or amusement?
7. Latin's "in the year of the reign", abbr.

8. Clarinet necessity
9. Need this to travel to a foreign country or to charge dinner on
10. A woman could legally do this in U.S. after Roe v. Wade
11. Mason - \_\_\_\_\_ line
12. Plain \_\_\_\_\_ doctrine
14. Stuff that crime is made of
15. Mixed-up tenets
20. Formal title of Wyatt if he taught at BLS
22. Good media station to watch souter conf. hearings on
23. "And others" of law
24. Fonda played this famed plaintiff who won us guaranteed right of an attorney
28. Willie \_\_\_\_\_ of baseball fame + \_\_\_\_\_ Carter of political fame + \_\_\_\_\_ fish " Hunter of baseball fame.
29. These create powers of acceptance
33. The National \_\_\_\_\_
34. Popular people during exam period?
40. Jaws' cousin spelled with a "K" instead of "C"
41. God created man in his own \_\_\_\_\_
44. Possess
46. Possessor
47. Denver QB
49. AMORE out of order
50. \_\_\_\_\_ - Harley act of 1947 or first US president from Yale College
51. Otis makes this (abbr. and backwards)
- 52 \_\_\_\_\_ - all; panacea (backwards)
55. "Whatever you \_\_\_\_\_ may be used as evidence against you."
58. "Charlie on the --A"



## *To A Friend Who is Leaving*

*The hands weave  
Out and in linen, with nap  
And sheen the natty, knotty  
Fabric. I watch, impatient,  
The hands work  
The knitted brow,  
Grimace at the stitch in time,  
Saving you nine.*

*Hungry months ravage  
The quilted canvass. I am  
Impatient, the calander leaves fall  
Slowly. The hands weave  
Black cloth for grieving  
Widows of childhood and romance.  
White cloth for tables of fish and wine.  
White cloth for napkins for diapers for rags.  
White gossamer for a gentle, tea-stained veil.*

*Now, too rapidly,  
I watch, but cannot stop  
The hands work and weave  
Webbing string to string to string,  
Yards increasing fast. I am afraid.  
The fingers a blur; the needles like sparks:  
From the wheels of a train  
Travelling swiftly - one, two,  
Three thousand miles from my home.*

*(for Margaret Anne Vlymen)*

*Geanine Towers-Dioso*

## The Court Street King

(continued from page 18)

immediately fall headlong into the paper abyss. But it was the same in his day. Those lawyers in fine suits who were all smiles would never know what law was really about, sitting in those University clubs and negotiating settlements over a Martini at the 21 Club. Still, bills get paid a lot quicker under those circumstances, so let the kids earn the salaries. King thought of Kojak, out there in the mythical streets with that shining, bald head. Kojak would never sit through some interview, professing some interest in some stuffed shirt. King wanted the warmth of a scotch in his gut. Then he thought, maybe one young student might be a Scrooge-like shadow of himself, a hopeful who would rise from the frowzy arraignment rooms of the Legal Aid Society to stain a shirt with those damned canned clams. Let them go to the Firms; after all, one of them could swipe one of his potential clients.

If they go to the Firms, though, let them live uptown. Let them be wine and dined, so that they can make their gossip parents proud. They will dream of this Brooklyn battleground as they are exhausted from keeping up with the so - called "cut throat" competition of the Firm, the partners' demands, worrying about an offer, and not on the life story, blood, sweat, and guts of a human being. When King finishes this case, he will have more moments to ponder the irreducible truth of this reality. As his lovely benchmate in law school once said, "Logic is really beautiful." So was she.

He took a breath to churn those first words up from his soul. "Lord forgive them for they know not what they do." All of these thoughts eased their way into the opening line of the closing, "Ladies and Gentlemen of the Jury. . . ."

Until next time.



# INTER ALIA

By Lawrence Schuckman

**EXPANSION** - Last week, the administration approved, in principle, to the architectural design of the extension to the main law school building (at 250 Joralemon Street). The size of the main building will increase substantially, with the building extending to the Municipal Building on one side and toward Joralemon Street on the other. Groundbreaking is planned for the spring of 1991, and the administration hopes that construction will proceed soon thereafter.

Although many of the details have yet to be finalized, I can tell you that a number of changes will occur in the school's current layout. For instance, the student lounge will return to its original location on the left side of the first floor. Also, the cafeteria will be moved to the fourth floor to make room for a dramatically enlarged library, which will occupy parts of the basement and rise to the third floor, providing not only more space for books but also for a much larger computer area. In addition, the Moot Court room will either be moved or significantly remodeled. Finally, the new wing will include terraces so that students may have a better view of beautiful Downtown Brooklyn.

My suggestion to the administration would be to bring all the student organizations (Law Review, Journal, Moot Court, SBA & *The Justinian*) back together on one floor in order to reestablish effective communications among all students.

**MOVIN' ON** - Are you with me? Congratulations to Professor Gerald T. McLaughlin, currently Associate Dean for Development at BLS, who will be leaving us at the end of this semester to become the new Dean at

Loyola Law School in California. *The Justinian* wishes Professor McLaughlin the best of luck in adjusting to the Los Angeles lifestyle. I guess Commercial Sales just won't be the same.

**LOCKERS** - Thanks to those students who helped June Seddo and Student Services by donating their unused lockers students who needed one. If you didn't know you had a locker and want to know which one is yours, check the bulletin board on the third floor.

**LEXIS ID'S** - Roberta Thomas has asked me to remind all upperclass students to **PICK UP YOUR LEXIS ID NUMBERS!** Without your personal ID number, it is now impossible for you to use the library Lexis terminals. Ask for your ID number at the library reference desk - you have until the end of the month.

**MPRE EXAMS** - A reminder to all graduating students who plan on taking the MPRE exam this semester: the deadline for sending your application and \$25.00 fee is October 19th, unless you want to pay a late fee. Additionally, I hear the exam will follow the current multiple-choice format they have used in the past, at least for this fall's exam.

**A STAR IS BORN?** - For those of you lucky enough to be living in an area wired for cable television, there is a new show this fall on the Family Channel, *Big Brother Jake*. Of note is one of the children in the cast, played by Josiah Trager, son of our very own Dean David Trager. Maybe we can get Josiah to play his dad in this year's Second Circus Revue.

**YEARBOOK NEWS** - Join the Yearbook staff! We're looking for any students, particularly those

graduating this year, who want to help create this year's BLS yearbook. We need you now! So, whether your interest is in layout, photography, or modeling, please leave your name and number at the Office of Student Services on the third floor at One Boerum Place, or ask June Seddo or Irene Chang for further details. All students take note: yearbook photos will be taken November 5 - 9.

**GRIPE OF THE MONTH** - Last Sunday, two students were locked in the One Boerum Place building in the early evening. Not knowing when the guard would come back, the students attempted to leave by the emergency fire exit, only to find the door locked! The administration assures me that the building will not have a fire, and, while I believe them, it would still be nice to have operable fire exits. The buzzer system currently used, even when it does sound, will not work if there is ever a fire. Additionally, the buzzer system operates only when there is a security guard at the front desk at 250 Joralemon Street.

I am sympathetic to Roger Brennan and the administration in trying to prevent theft across the street. However, as long as there are student organizations at One Boerum Place, they need adequate safety avenues. A guard needs to be at the front desk at One Boerum Place at all times, or at least from 7:00 a.m. to 12:00 p.m.



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# WHAT HAPPENED IN

The Justitia, Vol. 1990 (1990), Iss. 4, Art. 1

# 1964?

- ❖ The Beatles made their first appearance on the Ed Sullivan Show.
- ❖ Rev. Martin Luther King, Jr. won the Nobel Peace Prize.
- ❖ "My Fair Lady" won the Oscar for Best Picture.
- ❖ The U.S. Supreme Court ruled that Congressional Districts should be roughly equal in distribution.
- ❖ SMH began preparing students for Bar Examinations.

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