

# The Justinian

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## The Justinian

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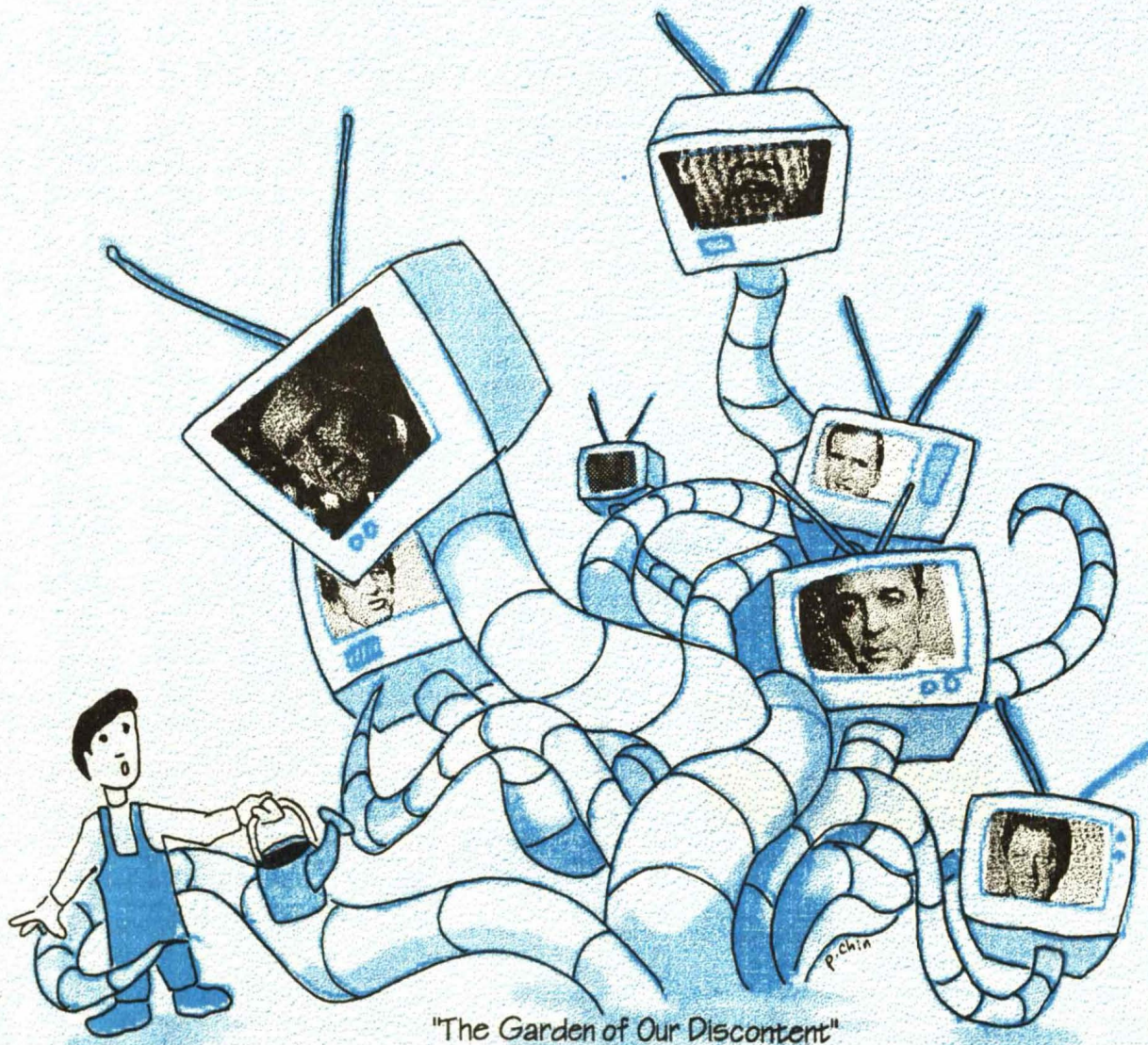
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# *The Justinian*

Founded in 1931 • A Forum for the Brooklyn Law School Community

March 1992 • Volume 61 • Number 4



"The Garden of Our Discontent"

**Perspectives: Of the Press and the Presidency**  
**Reasonable Man/Woman: The Perfect Presidential Candidate**  
**Pathways to the Judiciary**  
**... and More!**



# THE JUSTINIAN

## BROOKLYN LAW SCHOOL

Vol. 28, No. 4

MAY 21, 1968

BROOKLYN, NEW YORK



### Professor Glasser

## two lives in being plus twenty-one years

by Donald S. Hecht

Among the students of Brooklyn Law School there are few things more readily agreed upon than their esteem for the professional competence of Professor Israel Leo Glasser. It is presumptuous for students to try to evaluate their teachers and any attempt will necessarily contain a built in error that cannot be avoided. Despite the awareness of this burden, it is still the contention of the students that



Professor Israel Leo Glasser

it would take at least "two lives plus twenty-one years" to distill the knowledge of the law that is exhibited by Professor Glasser.

Professor Glasser entered Brooklyn Law School in February 1943. His initial encounter with the school lasted only a semester, for in June of that year he entered the Army. He was assigned to a self-propelled anti-aircraft unit and saw combat in the European theatre. For his heroic deeds in the Battle of the Bulge, he was awarded the Bronze Star. After the conflict in Europe was over, he took advantage of a special program which enabled him to enroll in the law school of the University of Birmingham in

England. After completing a semester there, he was discharged from the Army and returned to Brooklyn Law School.

As a student, Professor Glasser became the Editor-in-Chief of the first post-war Law Review. He graduated *magna cum laude* in 1948 and was the valedictorian at his graduation. Professor Glasser was also the recipient of the Class of 1911 Award and the Matheson Prize.

Upon graduation, Professor Glasser had planned to make his mark as a trial lawyer. "Teaching was the farthest thing from my mind," he said. However, when offered a one year teaching fellowship at Brooklyn Law School, he accepted and that one year has now become twenty.

Professor Glasser's first teaching assignment was Conflict of Laws. Since then he has taught Taxation, Torts, Real Property I and II, Trust and Wills in addition to seminars on Land Use Planning and Estate Planning. When asked what course he most enjoyed teaching, he replied that he enjoyed them all but felt most at home in the courses in Property. He stated that the discipline inherent in the study of the law of Property was intellectually appealing to him. He also enjoys teaching and studying the Law of Torts because it gives him the opportunity to explore more concretely the relationship between the individual and society.

Professor Glasser was a Research Counsel to the Commission on Estates whose work culminated in the enactment of the Estates, Powers and Trusts Law and the Surrogate's Court Procedure Act. He prepared the commentaries for articles six and ten of the EPTL for McKinney's. He was the con-

sultant on legal words for Funk and Wagnall's Standard College Dictionary. He has authored the Annual Survey of Trusts and Torts for the Syracuse Law Institute on Real Property, Mortgages, Trusts, Wills and Torts. He has lectured frequently to Bar Associations throughout the state and conducted a seminar for Surrogates under the auspices of the Judicial Conference.

Professor Glasser is married and lives with his wife and four children aged twelve, ten, eight and five, in Neponsit, N.Y.

When asked to make a general comment on the student body, he replied that he was saddened by the lack of opportunity for more intimate relationships and dialogues with the students which is attributable in great measure to the unavoidable size of the classes. He felt that closer inter-personal relationships would make possible the exchange of ideas which is so essential for growth and would afford him greater opportunity to touch the mind of the student which he regards as his greatest responsibility. Professor Glasser commented too that he hoped he was mistaken in his belief that in the main, the full-time student did not reflect enough about the function of law or about the operation of legal principles in a modern setting but spent too much time reading law mechanically. He also hoped that he was mistaken in his belief that not enough time was spent in reading collaterally in the literature of the law and in good literature generally, which he regards as vital to the development of the truly good lawyer. "In the final analysis", he said, "the man who is educated at all, is to a large extent self-educated".

— Donald S. Hecht

**Judge Glasser is now presiding over the John Gotti trial.**



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- 2 Years Ago - Two Lives in Being Plus Twenty-One Years
- 4 Editor's Corner
- 5 Letters to the Editor
- 6 Newsflash
- 8 The Reasonable Man/The Reasonable Woman - The Perfect Presidential Candidate
- 14 SBA Election Rules
- 16 Pathways to the Judiciary
- 17 Best Brief Prize
- 22 Perspectives - ...Of the Press and the Presidency
- 26 Amnesty International
- 27 Recycling at BLS
- 28 ARG Salutes Black History Month
- 30 Eating in Brooklyn
- 31 From Lake Placid to Albertville... Golden Memories
- 34 Third Floor Follies
- 37 Quiz Answers
- 38 Word Find
- 39 Poetry



Art for art's sake has once again become art for the politician's sake. Republican contender Pat Buchanan has been running a commercial depicting the National Endowment for the Arts as an organization funding obscene art. Buchanan focuses on the Maplethorpe controversy and recent lawsuits by controversial performance artist, such as Karen Finley, without mentioning that the NEA also funds such mainstream museums as the Metropolitan Museum of Art and the Museum of Modern Art among others.

Buchanan's ad campaign is directed at those members of the public, who, like Buchanan, fail to look beyond the work to discern the artist's message. To Buchanan, appreciation of art is visceral and two-dimensional; disturbing and controversial is bad, clothed and pretty is good--and therefore deserving of government funds.

Luckily, Pat Buchanan underestimates the thinking public, as the jury in Cincinnati has shown. In an age where news is dispatched in 60-second sound bites and the best that popular American culture has to offer is a talking television dragon and British-Broadway musicals, this same public must not be content to allow its politicians to further starve them intellectually.

It is shameful that the NEA is being used as a political tool in this presidential election. It is also ironic that Pat Buchanan is using the issue of government against George Bush, a president who, with his predecessor, is responsible for perhaps the most stifling of artistic expression since the McCarthy era. Ask any twenty people what art is and you will get twenty different answers because, if anything, art is about the ability to see the world differently. But according to Pat Buchanan, a man who has adopted the Tomahawk Chop, as a campaign slogan, our differences must not be tolerated.





In the recent winter publication of *The Justinian*, an unsigned letter to the editor was published. This unsigned letter was essentially an attack on Professor Hauptman because he "discriminates" against students with academic backgrounds in accounting. Apparently, the professor has a policy of not letting such people take his "Accounting for Lawyers class. This is a two credit class designed to give students unfamiliar with accounting some industry background.

The publishing of that letter demonstrates several things. It shows the author has no clue as to what discrimination is and by his or her loose use of the word dilutes it of its meaning. It also shows that the author is a gutless coward by not signing his/her name. Most importantly, however, it shows the poor judgment and lack of professionalism which plagues *The Justinian*. No self-respecting publication ever publishes anonymous letters. If someone doesn't want to give his/her name, what he/she has is not worth printing. I sincerely hope that *The Justinian* has not become a sounding board for childish, gutless, personal attack instead of a legitimate student newspaper.

James Broderick  
Class of 1992

P.S. Your rather lame editors claiming that due to publication deadlines, a response by Profes-

sor Hauptman could not be obtained, was unfortunately typical. Such unfairness has become a matter of course for your publication.

## [Editor's Reply

*James, please grow up. Thank You.]*

AF

## OBSESSED BY ANIMAL RIGHTS

Are the majority of students at BLS obsessed by the animal rights movement? Each month, well meaning scriveners of the Animal Rights Group tackle humankind's purported mistreatment of the non-human animal world with passion and vigor; signs are posted throughout the school promoting the next anti-fur rally or protest against vivisection. Not unlike Oliver Stone, they tend to blend fact and fantasy, giving our furry friends human traits, attitudes, and emotions. WEBSTER'S NEW WORLD DICTIONARY (2d College Edition), Simon and Schuster, defines "anthropomorphism" as the attributing of human shape or characteristics to... animal...", and the word anthropopathy as "the attributing of human feelings and passions to animal, etc." What better words could be applied to the ARG column in the last edition of this publication that made reference to a chimp in the following context "Dad is out working," Dad being the paterfamilias of a

chimpanzee family. (shades of "Father Knows Best").

Thoughtful Americans have long supported fair, ethical and humane treatment for animals. Organizations like the ASPCA and the Humane Society of the U.S. are long-term, well respected fixtures on the American scene. However, the concept of animal rights, first floated in Britain (a nation that has yet to fully develop civil liberties for people) flies in the face of reason and logic. Animals have only the rights we bestow on them. My beagle gets the best love and affection, food and veterinary care that any one could provide. Yet, I will not let her drive my car, register to vote or attend school. At the age of 10, she still is illiterate, and as a sort of protest, I suppose, never speaks to me.

In a world without people, animals would live and die through natural selection and the survival of the fittest. We, as a caring society, should be vigilant that animals are not mistreated or abused. But what of other lands and cultures where dogs and cats are routinely consumed? Are we prepared to impose our values on them? In our own society, we should rely on humane law enforcement and enhanced legal sanctions to fulfill our caring agenda. But, the declaration that animals have rights distracts us from our efforts on behalf of those in our nation who truly have rights and are not enjoying them.

People can remake the world. For example, since the



early 1960's, beginning with the "Ban the Bomb" movement, millions of Americans, Europeans and Japanese have been touched by or have been active in what was once called the "Peace Movement". Now, thirty years later, bit by bit, the world is becoming free of the threat of a thermonuclear exchange between superpowers. America is not at war, and we creep ever closer to making the country truly domestically tranquil. There is much work to be done, here in Brooklyn and throughout the land. Given the problems in our midst and the limited resources available, animal rights, as an organized movement, should be retired to the attic of well-meaning ideas along with the Flat Earth Society and the Temperance League. There's a lot of work to be done, so lets get on with it.

Sincerely,  
Eric Wollman,  
Class of 1993.



**Has No Rights**

# NEWSFLASH

*The Justinian* is happy to report on the success of the following Moot Court teams:

## Constitutional Law Moot Court Team

**William B. Spong, Jr. Moot Court  
Tournament**

**Idette Grabois  
Jennifer Naiburg  
Ilyssa Rothman**

**First Place (Overall Competition)  
Best Brief**

**Faculty Coach: Paul Finkelman**

---

**F. Lee Bailey Team  
F. Lee Bailey Moot Court  
Competition**

**Kelly Carr  
Anthony Zepf**

**Best Brief**



Brooklyn Law Students for the Public Interest  
presents:

# **AUCTION**

## **a go-go**

**THURSDAY, MARCH 19, 1992**  
**5-8 PM**

**THIRD FLOOR LOUNGE**

Food Beer Music

Bring your checkbook!

Goods to be auctioned include:  
tickets to theater and sporting events,  
lunch with your favorite professor and  
weekend at the beach.



New and  
Improved for  
1992

Less Filling

Tastes  
Great



The  
Perfect  
Candidate

P.C.

## What I Want for President

by Peter Sullivan

The primary season is upon us and it is the season of the underdog. On the Democratic side, the former Senator from Massachusetts, Paul Tsongas, has run slightly ahead of the Rhodes Scholar, cute, electable governor from the state of Arkansas, Bill Clinton. On the G.O.P. side, sometimes controversial conservative Pat Buchanan has pushed President Bush to consider a more conservative approach once again. For the first time in years, it seems that the Republicans are more further off center while the Democrats have seized the middle ground.

This is also the season of campaign rhetoric, or bull shit, if you were from my old neighborhood. The promises and platforms are abounding and so I took the opportunity to jot down those

ideas that appealed most to me. Those that I did not hear I made up — maybe I should run?

First of all, I want a President who has an understanding of the role of the United States in the changing world order — what Bush calls “the vision thing”. Bush has shown himself to be an excellent crisis manager in foreign policy, but more in the way of negotiation is needed to ensure stability in the wake of the Soviet collapse. For example, a comprehensive plan must be developed to convert the vast Soviet military complex into a civilian oriented system. This is NOT foreign aid, rather it is central to maintaining nuclear stability in a world filled with dictators groping to get their hands on nuclear weapons. In this respect, a few thousand unemployed Soviet scientists could do a

(TRM Continued on page 10)



# My "Perfect" Presidential Candidate

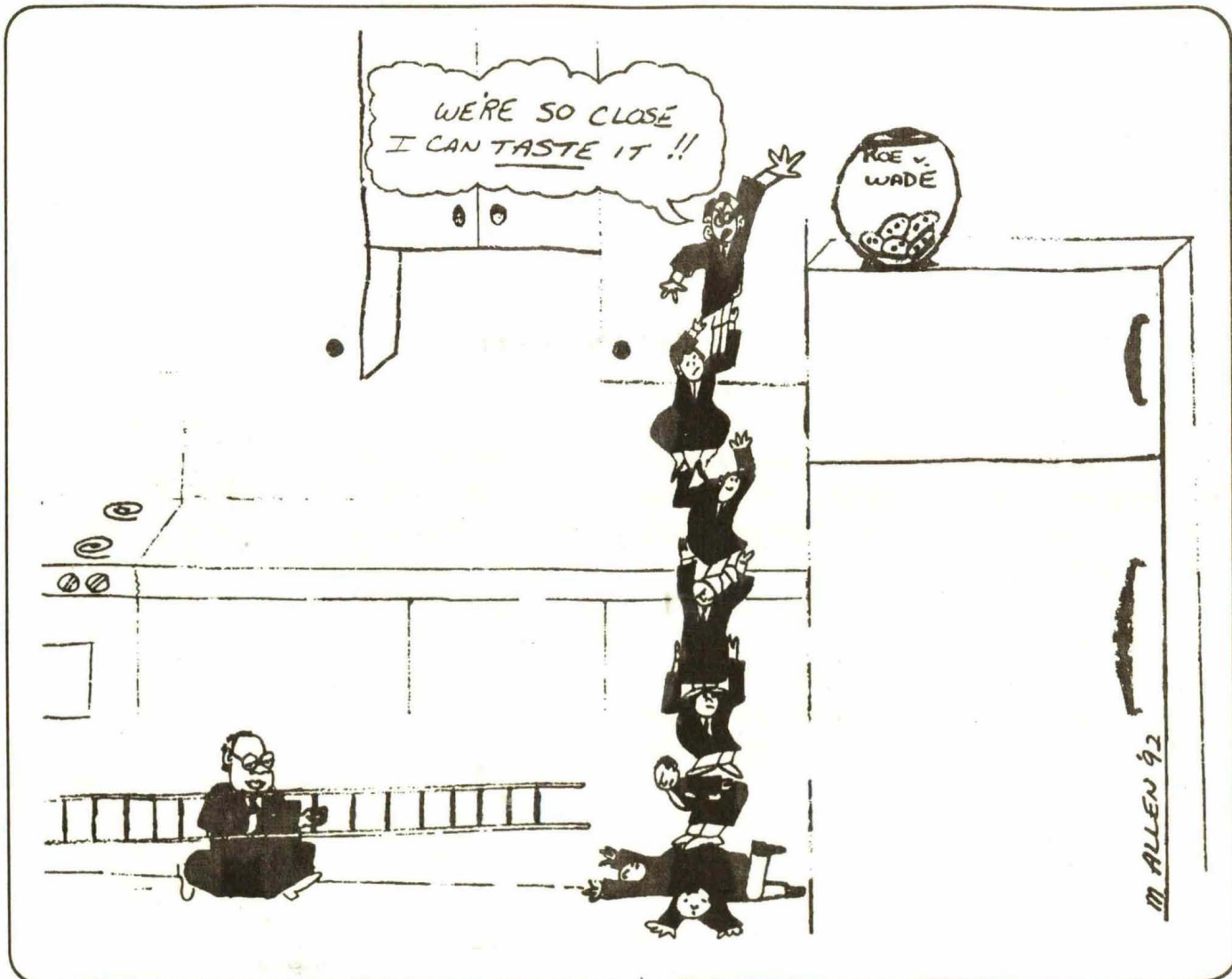
by Jennifer Sesler

My "Perfect" Presidential Candidate: I have spent a great deal of time thinking, watching the primaries, and outlining in preparation of actually writing this article. The hardest obstacle to overcome, besides procrastination, was the notion that any candidate could be "perfect" or that I could create this candidate on paper. Therefore, before I introduce my ideal candidate, I want to make the disclaimer that all candidates for political office are human beings, with all the failings and trap-pings that come along with walking erect (No offense Bill). Those who communicate effectively (and perhaps have a little acting experience) have a political edge that does not come across on paper. In addition, having money, either directly or indi-

rectly (remember all those first-year lectures on networking?) plays an important, and sometimes vital, role. So, keeping all this in mind, my candidate is photogenic, articulate, wealthy and well-connected. Now, on to the more relevant(?) issues.

"No new taxes." This seems to be a phrase that is able to get almost anyone elected. What surprises me is not that a politician will say that to get elected, but rather that we believe him and are shocked and upset when taxes are increased. The real issue is not that the federal government needs more tax dollars, instead it is that the federal government needs to reallocate existing revenues and prevent corruption from claiming these funds.

(TRW Continued on page 11)





lot of damage.

Second, my President would have a concomitant understanding of the Government's power, or lack of it, to substantially change the economic fortunes of the country. Nothing in this country spurs activity like dropping the interest rate on borrowing. While I am not sure about a reduction in the capital gains tax, indexing the gains to inflation will favor long term investment, which is sorely needed in this country. The indexing idea is one that is well received on both sides of the aisle, and will probably be a hot topic during the election.

Along these lines, my President would also force American business to shoulder the blame regarding our misfortunes. Instead of knocking on Japan's door with those carpetbagging goofs from the "Big Three," my President would knock on Detroit's door with the CEOs of companies like Toy-R-Us and Haagen-Daz, two companies that have succeeded in the Japanese market, and tell them to take notes. At least put the steering wheels on the right side, for goodness sake. Talk about American arrogance!

Third, my President would be tough on crime ... ALL crime. In addition to the present civil forfeiture bill that allows the government to seize property that was purchased with proceeds or used in connection with drug trafficking, my President would demand that Congress pass a bill that allows for the same forfeiture for crimes such as securities, insurance, and bank fraud. According to present estimates, the good people of the United States will be picking up a \$500 billion tab for the Savings and Loan crisis that made people like Charles Keating rich. I'm sure we can pay some of this off with the property these fat cat crooks bought with our money.

Fourth, I want a President who would reshape the way this country redistributes wealth through the tax system. My President would push for a needs test on social security and Medicare to remove those elderly people who make a very comfortable living from their personal retirement funds. The social security fund is overfunded now, thanks largely to the earnings of the "baby boomers" but now they are forty-something and nearing

retirement. Experts have predicted that, without reform, that fund will be completely exhausted by the time the average-aged law student reaches retirement. As an additional measure, my President would look long and hard at the Florio plan for capping welfare payments and promoting reintroduction into the workforce. His is a bold initiative to break the cycle of poverty in New Jersey and is being reviewed by numerous states at this time.

Lastly, but not least, my President would nominate judges to the Supreme Court who were people of integrity and intelligence. No more stealth candidates for my President—the most telling scar of the Bork fiasco. Ask yourself who you would rather see on the bench: Kennedy, Scalia, Souter, and Thomas; or Bork, Kears, Easterbrook, and Posner (to name but a few of the judges more qualified than the sitting quartet). My President would make the first move toward normalizing the confirmation process by appointing true legal scholars whose track records exude the jurisprudential quality that the Supreme Court should command.

Now for some things I don't want. I don't want a President who can't keep his pants zippered or her skirt unhitched long enough to understand that some people link extra-marital philandering with an inability to be trusted.

I don't want a President with plastic hair who talks about "electability" instead of ideas. I like a President with a five o'clock shadow and an off the rack wardrobe.

I definitely do NOT want a President that does not understand why flippantly calling the Governor of the State of New York a "mafioso" is an egregious insult to all 50 million Americans, including me, of Italian heritage who do not want to be automatically grouped with criminals. Disgrazziato!

Looking back, I seem to want a lot. Much more than a politician can offer. I seem to be more of a Tsongas supporter — and definitely not a Clinton person. Whoever I support, it won't mean anything if I don't fill out that voter registration card. Make sure you vote.



between the two individuals who share the job the work will always be done. In-house daycare allows many parents to return to work where they are more productive. It can also give them the opportunity to visit their children during the day. Parents will know where their children are and that a substantial portion of their paycheck is not going to daycare - something that usually deters parents from working, if they have that option. In addition, small businesses would be encouraged and aided by these programs. Any benefits that help small businesses, help everyone. (How many GM plant closings were there this month?)

Another of these vital issues is a plan for National Health Insurance. It is a disgrace that there are people in this country who cannot afford even the most minimal health care. My candidate is not advocating a plan for socialized medicine, only a plan where individuals whose jobs do not offer health insurance or who do not work (that is an issue I will address shortly) can contribute in some way to a health plan that would enable them to receive necessary medical care. As for those in our



# BUSH MEMORIAL



country who do not work (and I am distinguishing them from those who cannot work) my candidate supports some type of incentive program to help people to get jobs and get off public assistance. However, that incentive program does not include time limits that would force someone off public assistance if they cannot find a job. Instead, the program should be structured so that the federal government acts as either an employer or as employment counselor that help people find work. As any good candidate will tell you, a candidate is only as good as the people working with him/her. Therefore, it is not necessary that my candidate outline the perfect solution for developing a program that would achieve the results described above, but you can be sure he/she will find the right people who can.

My candidate also supports the policy that no, or only emergency, aid should be given to foreign countries until the United States has solved its own problems of homelessness, inadequate social security benefits, poverty and lack of medical care, lack of food, the list could continue for pages. My candidate is sympathetic to the plight of poverty in other parts of the world, but cannot justify sending three billion dollars to Russia, when people are living on grates on the streets and children are starving in our own country.

My candidate supports a woman's right to choice. He/she will not veto a law that codifies *Roe v. Wade* nor will he/she nominate a Justice who would not support this right should it come before the Supreme Court. Speaking of Supreme Court nominations, my candidate also believes that the integrity of the Supreme Court has been substantailly compromised by the recent mediocre appointments. As a result, my candidate believes that those nominated to the Supreme Court should be people with an abundnace of "experience" and the drive for intellectual excellence.

My candidate does not support capital punishment. The death penalty has proven not to be an effective deterrent, and the money spent on appeals is greater than what it would cost the government to incarcerate the criminal for life.

My candidate supports and encourages educational programs that provide low interest and

long term student loans, and that money should be routed to law enforcement programs targeting the crack down on drugs. This is not to say that my candidate supports the recent Supreme Court trend curbing the protection of individual civil liberties in their purported attempt to be tough on crime. In fact, my candidate would be distressed to watch the Supreme Court cite cases that have been explicitly overruled and which deny the fundamental first amendment protections in their fervor to rewrite the constitution in the name of political conservatism.

My candidate is an ideal. He/she does not exist and I could go on for pages and pages with my candidate's view on every political issue. None of the candidates currently running support all of my ideals, or at least they are too busy campaigning to have told us. Therefore, my ideal candidate is simply one who supports people over bureaucracy and military machines. Some might say that what candidates do in their private lives indicates their ability to lead a nation (a man who cheats on his wife would cheat on his country). I disagree and to those who believe a candidate's personal life is more important than their political convictions I merely ask: What do you find more morally reprehensible: a man who cheats on his wife or a person who allows people to starve while we create weapons that can destroy the world?

# Vote!

(We Mean it!)



# **PHONATHON**

***If you are enthusiastic about helping your law school, please join the BLS phonathon.***

***We will be reaching out to our alumni to solicit their charitable giving to the Law School's Annual Fund. The funds generated by this phonathon are for the continuing successful operation of Brooklyn Law School.***

***If you are a student or a recent graduate and can be available for at least one session during the weeks of March 16 and March 30, 1992, we will pay you \$10 per hour for your time. Dinner and refreshments will be provided.***

The phonathon sessions will take place from 3 to 6 pm on the following afternoons:

Tuesday, March 17

Thursday, April 2\*

Tuesday, March 31

Friday, April 3 (2 to 5 pm)

And on the following evenings from 6 to 9 pm:

Tuesday, March 17

Tuesday, March 31

Wednesday, March 18

Wednesday, April 1

Thursday, March 19

Thursday, April 2\*

**Register with the Alumni Office on the second floor in One Boerum Place during business hours. You may call us at (718) 780-7966 for more information.**

\*On Thursday, April 2nd, classes will follow a Friday schedule.



# **STUDENT BAR ASSOCIATION ELECTIONS: NOTICE AND RULES**

The Student Bar Association is the liaison between the student body and the faculty, administration and staff of BLS; and between the student body and the community at large. Every spring, elections are held to fill the positions of the SBA. The election process is done in a two-step format. First, elections are held for the Executive Board, consisting of the President, Day Vice President, Evening Vice President, the Treasurer, the Secretary and Bar Association Reps. (SBA constitution, Art. IV, Sect. 4), - Two weeks later, elections will be held for the House of Delegates. The House of Delegates election will consist of the 26 class representatives. (SBA const. Art. IV, Section 2). We strongly encourage BLS students to run for office. Please read the following rules that will govern the 1992 Elections, as promulgated by the SBA Elections Committee.

## **I. THE CALENDAR**

- A. Nominations for executive offices will open March 15 and close on April 4th.
- B. Elections for executive offices will be held on April 8 and April 9th.
- C. Nominations for all 2nd, 3rd and 4th year delegates will open on April 10 and close on April 17th.
- D. Elections for all 2nd, 3rd, and 4th year delegates and runoffs, if needed, will be held on April 22 and April 23rd.

## **II. THE NOMINATING PROCESS**

Nominations must be made in writing, stating the candidates name, position sought and a telephone number where the candidate reached by the Elections Committee, if necessary. The SBA constitution provides that any student can run for any office, except, only members of the Day Division may run and vote for the Day Vice President, only members of the Evening Division may run and vote for the Evening Vice President, and only students enrolled in the appropriate class and division may run and vote for the Art. X, Secs. 4,5,6).

The following offices will appear on the April 8 and 9 ballot:

President, Evening Vice President, Day Vice President, Treasurer,  
Secretary, ABA Representative and NYS Bar Ass'n representative  
(Art. X, Sec. 1).

The following offices will appear on the April 22 and 23 ballot:

4th Year Delegate, 6 day, 2 evening  
3rd Year Delegate, 6 day, 2 evening  
2nd Year Delegate, 6 day, 2 evening

Nominations for executive offices will open March 15 and close April 4th. Nominations for Delegate will open April 10 and close April 17th.



### III. ELECTION DAYS

et al.: The Justinian

1. Elections days are April 8 and April 9, and April 22 and April 23.
2. Polls will be open from NOON until 9 p.m. on all Election Days.
3. Only BLS students with current school ID will be permitted to vote after initialing their names on the official enrollment printout provided by BLS. **NO ONE WILL BE ALLOWED TO VOTE WITHOUT VALID ID.**
4. The Polling Place and locked ballot box will be located in the lobby of 250 Joralemon St. and will be staffed by SBA Inspectors of Election.
5. All Inspectors will display an Identification affixed to their outermost garment.
6. No member of the Election Committee may be a candidate or work in the campaign of any candidate (Art. X, Sec. 9).

### IV. RULES CONCERNING ELECTIONEERING

1. No electioneering will be done within a 50 foot Zone of the Polling Place. However, this rule is not meant to prohibit a candidate from:

- a. casting her/his own ballot;
- b. going to or from class, the library, the cafeteria or lockers.

Candidates may not conduct any form of electioneering while in the Zone, under these exceptions.

#### 2. POSTERS

Posters may go up upon written submission of a statement of candidacy (nomination) to the Elections Committee, in locations generally accessible to students and as permitted by the School.

Posters hung before a statement of candidacy is submitted are subject to removal by the BLS custodial staff and or the Committee.

Posters will be removed by the candidates, their supporters and/or this Committee after the polls close.

Unauthorized removal or tampering with Posters will subject the violator to the Election Committee disciplinary process.

#### 3. LITERATURE

Candidates are encouraged to circulate material that provides information regarding their candidacy. Distribution may begin as soon as the candidate has filed a statement of candidacy to the Election Committee.

### V. TABULATION OF BALLOTS

Ballots will be counted in the SBA office. Candidates may have one poll watcher observe the counting of ballots. Election for members of the Executive Board and Bar Reprs. shall be by a plurality of the valid votes cast, and if is less than 40% or a tie, there shall be a run-off (Art. X, Sec. 13).

**RESPECTFULLY SUBMITTED,**

Eric Wollman, Jocelyn Kuba and Kathy Schepker  
Commissioners of Elections  
February, 1992





## PATHWAYS TO THE JUDICIARY

by Karen Comstock, Public Interest Coordinator

As you look down the long road of your legal career stretching ahead of you and you contemplate your choices, do you ever imagine yourself wearing judicial robes? If you are thinking that the judiciary is a long shot for you, it may surprise you to know that most of the judges who spoke at the Specialty Series "Pathways to the Judiciary" co-sponsored by the Office of Placement and Career Services and the Legal Association of Women on February 12 felt exactly the same way. Only one of the four distinguished speakers began her career with the desire to ascend to the bench. The four judges on the panel sit in four very different courts, but the one thing they all have in common is the fact that none of them set out upon graduation from law school with a specific career path in mind. What they did do was follow their interests, trust their instincts and work hard. As one speaker put it, "If you are good, you will get there. Do what suits you and interests you; don't worry about a particular path or plan."

While this advice may not answer the immediate question "What step should I take next?", it should reassure you that virtually no job choice is per se an irreversible mistake. The development

of your career is much like your development as a human being: it is an evolutionary process. Each experience enhances and changes you and helps clarify your perspective on how you want to move forward. Timing and circumstances are not insignificant factors in this whole process.

The four judges who participated in the program were The Honorable Dorothy Eisenberg, BLS '50, United States Bankruptcy Court, The Honorable Dorothy Chin Brandt, BLS '74, New York City Civil Court, The Honorable Virginia E. Yancey, BLS '76, Kings County Family Court and The Honorable Rosalyn Richter, BLS '79, New York City Criminal Court.

Judge Eisenberg's first big challenge in the development of her career came at the very beginning; she had to convince her parents to let her enroll in law school. Luckily, she received a scholarship to Brooklyn Law, which provided her with a pretty persuasive argument. After graduation, Judge Eisenberg worked in a small law firm for a few years and then took a long hiatus to raise her four children. Upon returning to the work force, she started out working part time, but soon found that the court calendars were not very flex-



ible, and returned to full time practice. In 1970 she applied for a job with a small law firm; this was a time when bankruptcy was not a very active practice area, and she hadn't even taken a bankruptcy course in law school. After gaining ten years of bankruptcy experience and liking it, she applied, unsuccessfully, for a judgeship with the Bankruptcy Court. Realizing that she needed to make herself known in the legal community, she became involved in the Bar Association and played an active role on various committees. After a period of time she applied to the Court again, went through the committee screening process and was appointed to the bench.

Judge Yancey had considerable experience with Brooklyn Family Court as a probation officer from 1967-1976 and knew upon entering Brooklyn Law school that she wanted to be a Family Court Judge. Upon graduation from BLS she opened her own family law practice on Montague Street where she remained for ten years. Knowing that many qualified lawyers desire to become judges, she gave serious thought to steps she should take to put herself in a position to be appointed to Family Court. She realized that she needed a nexus not only to Family Court but to government as well. She became active in many Bar Associations and Committees, and then a crucial break came when she was asked by then Justice Milton Mollen to head up the new Law Guardian Program for the Appellate Division Second Department. This ex-

perience set her apart from other candidates and after a few years she was appointed to the bench by then Mayor Koch. She feels that Justice Mollen's considerable support, as well as her talent and experience, were the key factors in getting her successfully through the Mayor's Judicial Screening Committee.

Judge Richter always viewed the judiciary as a far too establishment and traditional job for her. Her desire upon graduating from Brooklyn Law was to become a public interest lawyer doing social change litigation. She found that her career path was affected, as we all can understand, by who offered her jobs, and the first person to do so was another BLS graduate, Carol Lefcourt. The two worked together doing matrimonial and pro bono litigation until Ms. Lefcourt closed the firm to go into government. At this point Judge Richter pursued her desire to work with a public interest organization and became the Executive Director of Lambda Legal Defense and Education Fund, a lesbian and gay rights organization. She left Lambda after three years, sent out a number of resumes and took the first job she got which was at the Brooklyn District Attorney's Office in 1983. Over the next few years she developed a love of criminal law. She also became an adjunct legal writing instructor at BLS at night. Soon she contemplated moving to the bench, and like the other panel members, became very active in the Bar Association. Noting that being a judge is not something you really get

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to try out first to see if you like it, she decided to become an Administrative Law Judge, despite some warnings that ALJ's are looked down upon by State Court Judges. She disregarded this observation by looking at the reality that two of the ALJ's from her office eventually moved to state court, and actually found that once she was going through the screening process for the Criminal Court bench, her ALJ experience was one of her biggest assets. The election of a Mayor with whom she shared many goals was the fortuitous circumstance that hastened her move to the bench. Judge Richter moved quickly through the screening process and became perhaps the first openly gay and visibly disabled judge appointed to the bench in the City's history.

Judge Brandt's decision to move to the judiciary came after a varied background in academia and large and small firm practice. Being the only panel member elected to the bench, she gave a detailed description of the judicial electoral process. She is a judge in the New York City Civil Court, elected out of Manhattan. To be a judge in the municipal court system, you must run a campaign much like any political candidate, except that you must run based upon your credentials rather than your stand on particular issues. Her process began by being evaluated by the Democratic panel in Manhattan. The panel decided she was qualified, and subsequently she and two other candi-

dates were voted out of the panel, meaning that the Democratic party in a particular borough chooses three candidates to run for one position. In order to get her name on the ballot, she had to amass 5,000 good (unchallenged) petition signatures from registered Democrats. The next step involved harnessing political support in Manhattan, by visiting political clubs, speaking at community meetings and generally making as many contacts as possible. Her first try for office fell short by 138 votes. The next year she decided to run again and came in first in a four way race. Her election in 1987 had historical significance, as she was the first Asian-American elected to any office in New York City. Of important note also is the fact that currently only 15% of the judges in the state are women, and only 15% are minorities.

Each of the speakers had an interesting story to tell. The Office of Placement and Career Services' Specialty Series events provide an important educational function no matter what stage of career development you may currently be in. Hearing practicing attorneys and judges telling the stories of their professional and personal development puts a human face on otherwise theoretical experiences. Make it a point to attend our programs throughout the semester. If you miss a program you haven't missed out on the benefit; we videotape each Specialty Series program, so stop by our office and peruse our videotape library.

## NY Blood Service + SBA

Special Thanks to all those BLS Students, Faculty and Staff that donated blood on January 27, 1992. We helped to save at least 60 lives!

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Please try to give at the next  
SBA Blood Drive.

Place: Third floor student lounge

Time: First week of May

"We Thank Vampire Jenn for her 'bloody' good show"...Eric



et al.: The Justinian

# Best Brief Prize

Dean Trager and Professor Walter would like to congratulate the following students who, in 1990-91, were nominated by the faculty for the Joan Offner Touval Memorial Scholarship. The scholarship is awarded annually to the student who has submitted the Best Brief in the First Year Moot Court Program. Professors Cary, Dietz, Falk, Fleisher, Teitcher, and Zeigler chose the six semi-finalists. From this group Professor Walter selected the Best Brief.

## Best Brief

Denise Bricker

## Semi-Finalists

Scott Feuer  
Brian Frawley  
Howard Fulfrost  
Todd Krichmar  
Tatiana Macedo  
Steven Schultz

## Honorable Mention

Dominique Brady  
Bruce Byrnes  
Steven Cramer  
Stephanie Foster  
Patrick Gennardo  
Idette Grabois  
Robert Halpern  
Jessica Hausknecht  
Greg Heald  
Andrea Hecht  
Susan Karlovich  
Michael Katz  
Joshua Kiernan  
Nina Kim

Stephen King  
Constantine Kokkoris  
Laura Lehman  
Jeffrey Levine  
Annmarie Lombino  
Richard Luftig  
Jonathan Nelson  
Patricia Roberts  
Linda Sanislow  
Morgan Shulman  
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Jun Wang  
Edwin Wintle  
Amy Zelanko



Justinian Vol. 1992 [1992] Iss. 1 Art.  
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*Safeguarding Reproductive  
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**Speakers:**

David Garrow, author of *Bearing the Cross*, a Pulitzer Prize winning biography of Martin Luther King, Jr., now at work on a history of the abortion rights movement.

Lynn Paltrow, staff attorney with the ACLU Reproductive Freedom Project and one of the attorneys litigating *Casey v. Planned Parenthood* now awaiting argument before the United States Supreme Court.

Dorothy E. Roberts, professor of law at Rutgers and author of *"The Future of Reproductive Choice for Poor Women and Women of Color,"* 12 Women's Rts. L. Rep. 59 (1990).

Date: March 11, 1992  
Time: 1:30 PM.  
Place: Moot Court Room



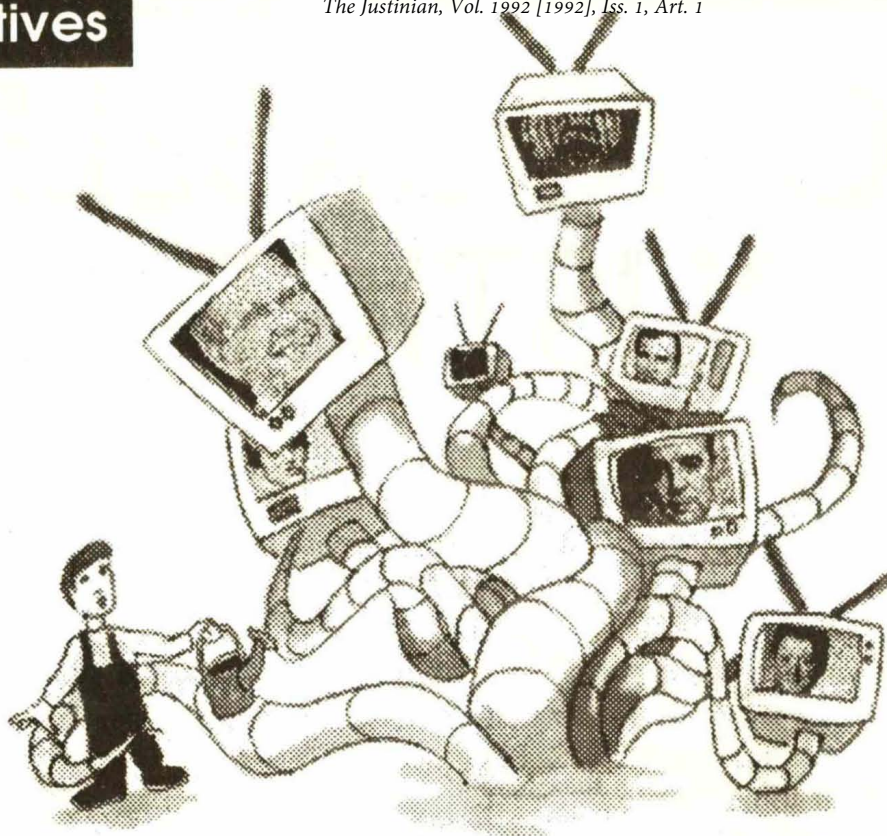
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## ...Of The Press and The Presidency

by Austrack Fong

The free press has long been considered to be the fourth estate of government. Eminent scholars and Supreme Court Justices have constantly validated this perception of the press. See generally "*Or Of The Press*" 26 Hastings L.J. 631 (1975), for Justice Stewart's insightful analysis of the press' special First Amendment protections. The press serves as the public's "watchdog" over government; by exposing official corruption and wrongdoing at all levels of government through its investigative practices and informing the public of the issues which carry the greatest import of the day. Accepting the fact that the press has a specialized charge to uphold, one cannot help but wonder if it does not have a concomitant duty to act responsibly. Many are disturbed by what is perceived as the press' illegitimate, if not arrogant, usurpation of power and its perceived unaccountability.

This problem is most clearly illuminated when discussing the press' coverage of politics,

particularly presidential campaigns. Since the press serves to inform the citizenry on the qualifications and viewpoints of politicians, investigative reporting which adds to our collective knowledge of these individuals is generally considered as useful, regardless of the nature of the information received. But when the information is of a private and personal nature—sexual affairs, marital practices and positions on the draft—and its subsequent use by the press unfair, should the press be in anyway "cajoled" to exercise good judgement in its reportage? And if it were to be "cajoled" by whom? Answer to these questions do not spring forth with any great alacrity and this is understandable.

Acknowledging the fact that the press may, if it chooses, greatly affect the course of government and political elections, we must also accept that the press need not be bound by this potential since the press, like any other enterprise, has the right, if not the economic need, to generate profits.



This need often necessitates that the scripting of headlines and coverage of stories be of a sensationalistic nature. One cannot, therefore, condemn a newspaper for attempting to maximize its profits. However, recognition of this observation justifiably calls into question the propriety of giving the press its broad and mostly unregulated power.

Granted, one can safely say that tabloid newspapers such as *The National Enquirer*, *The Star* and *The New York Post*, (and, okay, maybe *The Justinian* also) with their brand of "yellow" journalism, pose no real danger of misleading the general public since it appears that most readers realize that these newspapers publish information with a greater emphasis on entertainment than on serious investigative reporting. It is when the more widely respected newspapers such as *The New York Times* also engage in such "yellow" journalism that potentially grave problems may arise.

Specifically, it is disturbing to see the press' recent penchant for discarding their own high journalistic standards: witness the William Kennedy Smith trial coverage fiasco, in which *The Times* chose not only to reveal the name of the rape victim but also went out of its way to provide a detailed dossier of her allegedly sordid past. With regards to the coverage of the 1992 presidential campaign, it seems that the mainstream press has again failed in its fiduciary duty to inform the public as to the important issues of the day and the manner in which those who would deem themselves fit to lead, will confront and resolve the real problems facing the nation: the economy--national debt, trade imbalance, decaying manufacturing infrastructure, the fact that we have shifted from a manufacturing-based economy to a service oriented economy, ranging from "fast foods" to "fat lawyers"; national health care; crime; education; and homelessness.

A vivid example of the press' disregard of their own standards can be seen in the coverage of Bill Clinton's draft record. The information contained in a leaked private letter written by the 23-year-old Clinton to an Army Colonel, in which he painstakingly attempted to explain his reasons for choosing to enter the draft even though he strongly opposed the Vietnam War, was continually used

selectively and pejoratively against the governor. The letter, in the hands of unscrupulous editors, fueled the mealstorm which totally engulfed his New Hampshire campaign. Even *The New York Times*, which printed Clinton's letter in full, had a headline which inaccurately, if not misleadingly, reported the draft situation. The headline read something along the lines of "Clinton thanks army general for getting him out of the draft," leaving one with the impression that he really did dodge the Vietnam War. A careful reading of Clinton's letter revealed an insightful and introspective individual who, as millions of other Americans, struggled to resolve the contradiction of war and patriotism which all conscientious objectors faced; choosing in the end to enter the draft, albeit not enthusiastically. It is this type of reporting which is misleading and, therefore, dangerous for it is often taken out of context and accepted as the complete truth of the story.

Sadly, it appears that the press has chosen to become addicted to soundbites and catchy slogans, instead of fully and fairly investigating the people and issues which they report. What we receive are rampant exposes on the prurient nature of politics: evidenced by the mainstream press quick acceptance, at face-value, of Gennifer Flowers', an Arkansas state employee and cabaret singer, unverified allegation of a torrid 12-year love affair with Arkansas' Governor Bill Clinton, published in *The Star*. The media emphasis, and perhaps our own voyeuristic interest, forced the focus of debate and discourse to center, rightly or wrongly, on the marital fidelity of Governor Clinton, with questions as blunt as "did you ever have sexual relations with Gennifer Flowers?" to "can you deny that you have never had an extra-marital affair?" Governor Clinton's response to these allegation was to generally, not categorically, deny them. Chief among his replies was that having already admitted to suffering marital discord in the past, not uncommon in most American marriages, he had regained the faith and support of his wife, and that he would comment no further on the situation, believing that the American public did not require nor demand a more thorough answer from him. Governor Clinton argued that a zone of marital privacy should be



respected by the press. It cannot be denied that his argument struck a resonant cord with the electorate. While it is difficult to pinpoint the extent to which a public figure can reasonably be expected to lead a private life, it is clear that such invasions or incursions into the private lives of politicians, as Governor Clinton has suffered, could and often do, dissuade the best and the brightest of our citizens from even considering careers in public service.

Unimpeded by these concerns the press' seek-and-destroy mission trudged on for some two weeks, subsiding only when their credibility and prestige were cast into doubt; following Ms. Flowers shameful performance at an hastily assembled *Star* press conference, designed to capitalize on the media frenzy surrounding the spectacle. Among the items revealed was that Ms. Flowers had clandestinely recorded conversations with the governor during the previous year. The taped dialogue between them appeared to be almost crafted by the editors of *The Star*, in that Ms. Flowers appeared to be asking many "leading" questions in the hope that the governor would say something which was damaging. The surrounding circumstances around Ms. Flowers' story created an unmistakable aura of illegality: an illicit entrapment; the protagonist, Ms. Flowers, behaved like a "classic" opportunist. The mainstream press feeling their goodwill among the populace waning became sufficiently chastened that they decided to drop the story.

This, however, was an unfortunate act by the press since Governor Clinton had put his character in issue by challenging that of the accuser. The press should have continued to follow up on the story to discover where the truth lies. It, however, should not constantly hound the candidate everywhere and bluntly ask questions such as "are you an adulterer?" The press should investigate, independently, the truth of the allegations and should real evidence exist, then and only, then confront the candidate. To do less is to be unfair, not only to Governor Clinton but to the American public.

The real question to be asked is: How does the press influence the veracity and quality of political speech in an election year? Since the

majority of Americans get almost all their information from the press, especially the electronic news media, i.e. television, the press' influence on our collective understanding of the election process cannot be underestimated. Television news has a huge impact upon on the way we perceive the candidates. The medium caters image and style over substance and intellect. It is the candidate who is most charismatic, comfortable, and articulate—capable of synopsisizing complex ideas and issues into quick 8-second sound bites, who will receive the press' favorable coverage: despite the fact that the issue and the candidates legitimately deserve more attention. Acknowledging, the press' vast influence, one cannot help but be taken aback by the fact that the quantity and quality of news coverage which an information-starved public will receive is in the hands of a few select editors, and in the case of network news, an even fewer number of producers.

In addition to this distressing situation is the changing nature of the press; namely, the fact that many daily newspapers in major cities are disappearing, never to return again. This dearth of competing newspapers diminishes the diversity of opinion, cherished or at the extreme tolerated, by the public at large. In its stead we have an emergence of monopolistic corporate control of the mass media. Imperiling the press' "editorial autonomy" established by the Supreme Court's decision in *Miami Herald Publishing Co. v. Tornillo*, 418 U. S. 241 (1974). The "editorial autonomy" or "discretion" doctrine stands for the proposition that choices made in terms of what to print and what not to print, made by the newspaper editors or television news producer, should remain inviolate from government regulations, if not censorship. The corporate ownership of the mass media endangers the press' objectivity and "editorial autonomy" because they can control the content and substance of stories and editorials written. One can argue that the editors are still free to print what they wish, to counter the argument of corporate control. This argument fails, however, because the "rogue" editors can be summarily discharged from their position. Therefore, corporate owners—mainly members of the elite ruling class—are shaping the



face of the news for all of us, possibly to further their own ends. Is this the best method of safeguarding the concept of an informed citizenry? I think not.

Clearly, the news industry is driven by economics: a condition often in direct conflict with the requirements of effective investigative reporting. The mainstream press frequently attempts to reassure us that they will uphold their duty of monitoring the democracy by asking us to "trust" them to do the right thing. Mindful of their economic crutch and unaccountability, I advocate that we need not trust them nor take them at their word. What the American public needs is a national news or informational service, a true fourth establishment of government. For this plan to be viable, it must be both non-political and economically independent; free from the demands of the market. The news must be provided to all free of charge. Government funding would, therefore, be necessary. Although this would cost money and resources, the price is not great when balanced with the goal of an informed citizenry.

The biggest stumbling-block to the

program's success would be a breach of its independence by the political parties. As with the current debate over the National Endowment of the Arts (NEA), this type of national press would encounter problems over content. In theory, a national press would serve the entire country, by presenting a wide range of views. But in practice, the controlling party in Congress, which appropriates funds would have "control"—would this press truly be free from the "politics" of its sponsors. Hopefully, there exist enough good men of conscience in our government to realize the importance of this issue. Actually, it seems that Public Television, with news shows such as *The MacNeill/Lehrer News Hour*, has achieved many of the goals that a national press would serve, independent and objective news coverage. The problem with PBS is that it lacks the funding and resources to effectively tackle the job.

The viability of a national press may be questionable but is undeniable that something needs to be done because in the current state of affairs, we cannot and should not trust the press to guide us in our political debates.



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# AMNESTY INTERNATIONAL CLUB ACTIVITY UPDATE

By Joseph Bondy

After the first meeting of the BLS chapter of Amnesty International this term, we are pleased to announce that our membership has doubled. Furthermore, we have decided to have our first annual human rights symposium/ keg party—complete with guest speakers, beer, soda, and super special homecooked food. Don't miss it as it's bound to be an enlightening event. The tentative date is one week after our return from spring break—date to be confirmed by student services.

Our first collection of petition signatures this term was also very successful, as we collected over two hundred petition signatures on behalf of Lawyers Ernesto Rolando Corzantes Cruz and Jose Lopez Mendoza, who are currently receiving death threats for their investigation into the killing of well known anthropologist Myrna Mack, in Guatemala City, Guatemala. Ms. Mack had researched and documented the harsh conditions of one million indigenous Guatemalans displaced by the country's civil war and, often, by Army policies. Evidence brought before the court by Mr. Mendoza, one of the prosecutors, suggests the involvement of the Guatemalan Security Force and former members of the presidential high command in Ms. Mack's murder. We also collected petition signatures on behalf of two Tunisian Lawyers, Mohammed Nouri and Hamadi Jebali, who were imprisoned for having articles published in a newspaper which had been outlawed by the government. Their articles criticized Tunisia's military court system, which violates important principles of international law by allowing secret trials and preventing defendants from retaining their own counsel. The BLS Amnesty chapter, when finished collecting signatures on these parties' behalf, will send them to their respective embassies to show our discontent with these tactics of oppression. Hopefully, enough support will be shown for these

individuals to catalyze their release and stop the death threats.

Over two years ago, in December of 1990, the BLS Amnesty chapter, as part of a collective international effort for the Lawyer's Committee for Human Rights, collected near 200 petition signatures (including Dean Trager's!) calling for the release of the Deputy Director of the Sudanese Bar, Mr. Sadiq El-Shami, and "served" them on the Ministry of Justice in Khartoum, Sudan. Mr El-Shami had been imprisoned along with 25 other Sudanese lawyers after the successful military coup of Lieutenant-General Omar Hassan al-Bashir. Almost all of these attorneys were imprisoned as a result of their support for the previous constitution, and for their commitment to protecting human rights. None of them were charged, however, nor did they receive a trial. This behavior was a direct violation of Article 9 of the International Covenant on Civil and Political Rights, to which Sudan is a signatory. Article 9 provides that anyone arrested "shall be informed of any charges against him" and allowed a "trial within a reasonable time."

Perhaps in response to the world criticism of his government's behavior, late in 1991, Lt. Gen al-Bashir released 25 of the 26 lawyers whom he had imprisoned, including Sadiq El-Shami. Unfortunately, however, this release was not without conditions as most of those released still remain under house arrest, their every movement controlled. While we are pleased with the release from prison of Mr. El-Shami and his colleagues, we would like to see Sudan's lifting of their house arrests and full compliance with the mandates of the International Covenant on Civil and Political Rights, which also provides for the right to "liberty of movement".

The country of Cameroon has fallen under BLS Amnesty's scrutiny as well. In late 1990



Cameroon passed legislation which allows for violations of basic human rights, such as administrative detention without charge or trial, imprisonment for unlawful assembly or criticism of the government and its institutions, and unfair political trials. Although Cameroon is a member of both the United Nations International Covenant on Civil and Political Rights and the African Charter on Human and Peoples Rights, articles 9 and 6 of which protect any human being from arbitrary detention, and articles 14 and 7 of which preserve the right to a fair trial, they have flagrantly disregarded their commitment to these covenants. Over the past year and currently, people are being detained for exercising their rights of freedom of expression, association, and assembly, and are being denied fair trials. This practice must stop, and Cameroon should live up to the standards which it promised by signing of the international covenants.

If these practices upset you too, then you could write a politely worded letter of discontent to the following dignitaries of Guatemala, Tunisia, Sudan and/ or Cameroon:

S.E. Jorge Serrano Elfas  
 Presidente de la Republica de Guatemala  
 Palacio Nacional  
 Guatemala City  
 Guatemala

President Zine El Abidine Ben Ali  
 President of the Republic of Tunisia  
 Palais Presidentiel  
 Carthage/ Tunis  
 Tunisia

Mrhassan Isma'il al-Balil  
 Minister of Justice and Attorney General  
 Ministry of Justice  
 Khartoum, Sudan

Son Excellence Monsieur Paul Biya  
 President de la Republique  
 Palais de la Presidence  
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## Recycling... Coming Soon at BLS

First the bad news: New York's landfills are filling up at alarming rates and the City is not doing its fair share of recycling.

The good news: Brooklyn Law School is going to become part of the solution, changing its bad habit of throwing away tons of recyclable paper.

More bad news (at least for those people who think leaving empty cans on top of classroom garbage cans accomplishes anything): A recycling program will work only through a conscious effort by all BLS students and faculty.

Within the next few weeks, bins will be placed in various places throughout the school for the collection of white and colored school and office related paper. For those that cannot wait that long, there is such a bin in the SBA office. A recycling company has offered to collect our paper for free and if the school makes it profitable for them, they will start to make it profitable for the school. More information will be provided when everything is finalized.

All that is asked, but at the same time, really expected, given our environmental situation, is to take the extra few steps past the garbage can and put it in the recycling one—Lexis, Westlaw paper, notebook paper and flyers, and other "junk" paper. Just about all paper except newspaper will be taken.

Paper recycling will start soon — watch for it.

**by Stephen J. Berk**



# The A.R.G. Salutes Black History Month!

by Johnny Fernandez

Dr. Martin Luther King, Jr. said it best when he said, "Injustice anywhere is a threat to justice everywhere." Mahatma Gandhi also said, "NO culture can live if it attempts to be exclusive." In order to be exclusive there must be an exclusion. There must be someone not allowed what another is allowed based on some predetermined criteria. This structure of exclusion is what this country is based on, what Native Americans, African Americans, Latinos, Asians and others have dealt with for hundreds of years in this, the "land of the free and the home of the brave." Just ask an African descendant in this country about freedom and a Native American descendant about bravery. Black history month is an attempt to bring awareness of a culture long ignored to its descendants alive today and to others who never were aware that a culture for these people even existed. Shouldn't every month be black history month? Shouldn't this be a year-round quest for knowledge and understanding? What about Native Americans—aren't we all living on the stolen soil that the Native Americans held stewardship over long before Columbus and his fellow "discoverers" landed and "settled" this great land? Don't they deserve to have their own month, a period in which we can all learn of their great culture? And Latinos and Asians...you get the picture. Multiculturalism is what is supposedly sought with these "special months." True multiculturalism, however, is not the "heroes and holiday" approach as I have heard mainstream America's current approach called. The "heroes and holidays" approach reinforces the idea that African Americans, Native Americans, Hispanic Americans, or Asian Americans are not true Americans, are but fringe oddities excluded from the mainstream of "real Americans."

This structure of exclusion is built on this idea that if one's skin color is not right ("white") (s)he does not deserve to be included in the moral

circle of concern of the mainstream. There have been other criteria used to exclude others from the moral circle of caring, compassion, and respect—criteria such as skin color, sex, religion, sexual preference, age and others. How long ago was it that women were not allowed to vote—even if they did possess the "proper" skin color? Now, however, we look back on the debates about whether women, Africans, or Native Americans have souls, can reason or feel pain as incredible—and incredibly unenlightened. This structure of exclusion depends on everyone accepting the idea that they can and should determine who can and should be included in our moral circle—deserving of our caring, compassion and respect. That once the determination is made then the excluded living being is fair game to all types of atrocities because "after all...they're only \_\_\_\_\_." This is the type of thinking that allowed Africans to be caught in nets, packed into cargo ships so tight that only one in ten survived the journey to a foreign land, and branded with hot irons without concern because "after all...they were only blacks, 'darkies.' or 'niggers.'" In this month dedicated to remembering blacks great history the atrocity of this horror seems no less unbelievable because it was many years ago. Just as the Jews speak of the Holocaust and determine never to forget it and vow that it will never happen again, the African descendants of the

American slave practice rightfully determine never to forget it and never let it happen again. In this determination, however, is planted the seed of exclusionary practice. Do we vow to never let it happen again to us—or to never let it happen again? Do we allow others to be excluded from our moral circle because we are now included inside and care only that we stay in the circle? Do we now even participate in the exclusion-savoring this new power to exclude? It is a God-like power to determine



who is worthy of care and concern, to determine who lives and dies. After all...they're only \_\_\_\_\_, right?" "They're only \_\_\_\_\_," we've all said it, we've all done something and offered that as the reason why it was not just okay, but why it was proper? Why? Because society has determined that the victim of our action was not part of our moral circle, therefore not worthy of concern.

One of the great participants in and leaders of the civil rights movement, Dick Gregory, in observing the similarities between the human and non-human animal victim's plight, and the need for nonviolence in all of one's dealings said, "Animals and humans suffer and die alike. Violence causes the same pain, the same spilling of blood, the same stench of death, the same arrogant, cruel, and brutal taking of life." He came to the conclusion that "...the killing of animals for food [is] both immoral and unnatural" and consequently became a vegetarian in 1965 and is still one today.

The horror stories of today's victims, those not included in our moral circle of concern today are frighteningly like those of yesterday's victims: forcibly driven from their homeland...killed with poisons, guns, traps hacked into pieces...throats slashed with friends and family forced to watch...cut up and experimented on in the name of research...killed for their beautiful skin...enslaved...and more. Why is it tolerated in our "enlightened," "compassionate," and "morally superior" society of today? Because..."after all...they're only animals" and we need to eat, we need to stay warm, and we need to advance science right? Well, no one would argue that experimentation on human beings would be far more relevant to human beings than rat or mouse experiments but we do not consider doing it because we have caring, concern, and respect for individual human beings' rights (except the Tuskegee syphilis experiments, of course, but they were "only niggers" the doctors reasoned) because human beings of all types are (supposedly) included in the circle of moral concern of the mainstream today. But what about tomorrow? Will the mainstream decide that people from, say, Haiti are people but are not worthy of being Americans and can be rounded up, put behind bars and cast off like garbage? Oh no,

et al.: The Justinian

not here, where the Statue of Liberty invites the "huddled masses yearning to be free" into the "land of the free." Mahatma Gandhi, a man who knew about progress and the power of truth and justice said, "The greatness of a nation and its moral progress can be judged by the way its animals are treated." How great are we who can allow, encourage, and participate in slavery, torture, and killing of any of God and Mother Nature's living creatures?

"Injustice anywhere is a threat to justice everywhere," said Dr. King. If slavery, killing, and exploitation sound like injustice to you then you are a rare and wonderful soul with a great opportunity: live as cruelty-free as possible, and a lot is possible. It is a known medical fact that humans do not need to eat any animal products or meat to survive or to thrive, we have evolved out of the caves and the need to wear dead animals for warmth, and we do not advance human medical knowledge by cutting up and experimenting on cats, dogs, rats, mice and the like. They may be "only animals" but they are deserving of concern, compassion, and respect despite what society at large now believes. Remember, society is constantly changing what it believes is right, it always has in the past and it will in the future. Leonardo Da Vinci (1425-1519) said, "The time will come when men such as I will look upon the murder of animals as they now look upon the murder of human beings." The animal rights movement is being called the ultimate civil rights movement, and more and more people are understanding its importance and are doing something about it in their lives. The next century looks like it will be the time for the words of King, Gandhi, and Da Vinci to ring true because we are the masters of our own fate and "you are the one who can stretch your own horizon...."

If you'd like to stretch your own horizon beyond the textbooks, beyond the hornbooks, and beyond society's present day thinking we invite you to come to an Animal Rights Group meeting or event, designed to be of interest to everyone. You can also leave a message for me in our mailbox in the SBA office (in the cafeteria) if you have a specific question or comment about this article or this subject. Thanks for your time. PEACE.



# ON THE TRAIL OF WINE, WOMEN AND SONG ~ EATING IN BROOKLYN

BY JOSEPH BONDY

When I first moved over the bridge out of Manhattan, early in my first term at BLS, I had several apprehensions. Being a lover of fine wine, women, and song, I feared that I would find none of these in Brooklyn. I am happy to report that at worst, I've found some great spots to eat. Two of my favorites are Cafe on Clinton and The Atlantic Cafe. In preparation for an objective evaluation, I have eaten at both restaurants often and extensively.

Cafe on Clinton is three blocks south of Atlantic on Clinton Street. It is a very small, intimate restaurant with a rustic yet elegant atmosphere. The menu is not very large but offers a substantial variety of nouveau American dishes which are consistently good. I especially recommend the Chicken Frangelico, a dish of chicken cutlets encrusted with crushed hazelnuts served in a creamy dijon sauce. Also excellent is the Steak Au Poivre, a large shell steak covered with peppercorns, served in a brandy cream sauce. For appetizers, try the Nine Green Salad, an interesting mix of greens served with raspberry vinaigrette dressing, or the fragrant Escargots, which are served sizzling hot in pesto butter. Desserts are delectable as well. Stars among the sweets are the Profiteroles, two pastry shells sandwiching vanilla ice cream and covered with chocolate sauce. Finally, try the "kindest" lime pie north of the border, with a soft graham cracker shell and layers of tart lime and cream cheese cake.

Specials vary nightly, Tuesday being Lobster Night and Wednesday being Steak Night. There is a decent, moderately priced selection of wines, such as Kendall-Jackson Vintner's Reserve Chardonnay 1987 and Chateau Montelena Cabernet Sauvignon 1983. Entrees range in price from \$10.00 to \$16.00. Service is excellent, and the wait staff is

very friendly and attentive. Occasionally there is a wait for tables, especially during dinner hours. On weekends they offer excellent brunch all day.

At 145 Atlantic Avenue between Clinton and Henry there is The Atlantic Cafe, a great spot for home cooked food. Breakfast, served until 11, is always good. Try the Spanish omelette, oatmeal served with fresh fruit, French toast, and excellent espresso. For lunch and dinner, there are great Italian heroes such as the pesto, chicken cutlet, and roast pepper hero, and the mozzarella, tomato, and basil hero. The Atlantic Cafe also offers a complete vegetarian lunch and dinner menu which is great. Dishes include soups, grains, beans, pastas, salads, and vegetables.

The service is always super friendly, as proprietor Sal likes to get to know his regulars. The decor is simple but homey, and the service is impeccable. Should you be too busy to sit and eat, The Atlantic Cafe delivers.

These are my picks for food, hopefully you'll enjoy them. In the meantime, there's a few things I still haven't found. Asta...



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## From Lake Placid to Albertville ... Golden Memories

by Joe Accetta

It was a warm day for the third week of February, this sunny Saturday afternoon. Pucks, disguised as rolls of black electric tape, thundered against the wooden boards in this outdoor asphalt paradise known as the College Point Sports Association Complex. Practice was in full swing for Rick King's 13 and 14 year-old roller hockey recruits, but King stole a few minutes to reminisce with one of his old charges. Just like in the days he was my coach, he read in my eyes what we were about to discuss.

"No gold this time," lamented King, now nearing 50, as he glided across the rink and joined me at the visitors' bench. "But we gave 'em one hell of a run." King was referring to this year's Team USA ice hockey squad, eliminated the day before from gold medal contention by the Unified Team (formerly the Soviet Union), the eventual gold medalists. Sure, there wasn't any medal this

year, as Team USA succumbed to Team Czechoslovakia later this afternoon and finished fourth in the ice hockey tournament at Albertville. But for nearly two weeks, this team turned back the clock to Lake Placid, 1980, where Team USA stunned the world by defeating the heavily-favored Soviet Union team en route to winning the gold medal. As for me, these last two weeks conjured up some poignant memories and gave me the chance to be 14 again.

"It was different this time," mused King, momentarily lapsing into another place, another time. "That team snuck up on everybody and gained momentum early on." He was right. In 1980, Team USA entered the Olympic tournament with low expectations for any medal from much of the media and the ice hockey world. But a 2-2 tie against Sweden on opening night, gained in the last 27 seconds of the game, followed by a 7-2 blowout



over Czechoslovakia - two teams heavily favored over Team USA before that tournament began - caught the country by storm and propelled the Americans to three more victories over Norway, Rumania and West Germany: teams considered inferior to the Americans. There was goaltender Jim Craig turning away shot after shot while nameless, faceless wingers and defensemen gradually became more familiar with each passing victory. There were the "Marks Brothers" - Pavelich and Johnson, and Neil Broten producing goals and assists in front of defensive stalwarts Bill Baker, Ken Morrow and Mike Ramsay: all of whom moved on to successful careers in the NHL. But the heart and soul of the team was captain Mike Eruzione, who constantly urged his more-skilled teammates to grind, chase and wear down their opponents. Unbelievably, at the end of divisional play, the Americans' record stood at 4 wins, 0 losses and 1 tie, which was good enough for a medal round date with the heavily-favored Soviet Union, who had crushed their opposition in gaining five consecutive victories during their divisional competition.

"Boy, that was some set up. Good versus evil, red, white and blue versus that damn hammer and sickle. The college kids versus the professionals. I still don't believe it," laughed King. Yes, sir, those were difficult times. This country was in the midst of double-digit unemployment. The Soviets had rolled into Afghanistan in 1979, our hostages were still captive in Iran, and President Carter had already announced a United States-led boycott of

the 1980 Summer Olympic Games held in Moscow. In an effort to stimulate the collective spirit of the country, the media built the game up as a battle of Democracy versus Communism. Moreover, the Soviet players were professionals, while the Americans sent college-level players instead of American-born players from the NHL: certainly, a mismatch on paper.

As for me, I remember that the game was actually an afternoon contest but ABC would televise it in primetime. I spent the entire afternoon avoiding television and radios so that I wouldn't

actually hear the final result. Having succeeded in that quest, I became glued to the television in witnessing this tightly contested game, with the Soviets clinging to a 2-1 lead in the waning seconds of the second period. Suddenly, Mark Johnson scored a disputed goal as time expired, tying the game at 2-2 and sending



the crowd at the Olympic Fieldhouse into a frenzy. Although the Soviets took a 3-2 lead midway through the final period, the Americans poured on the pressure and gained a 4-3 lead with little more than four minutes remaining in the contest. Fittingly, the lead goal was scored by Eruzione. Then, it was a matter of Craig holding off furious pressure from the Soviets to secure this incredible 4-3 upset.

I can remember watching Coach Herb Brooks glance at the scoreboard, which read: USA 4 . URS 3 (URS was the official Olympic acronym for the Soviet Union), before departing for the dressing room. It was Brooks' classy gesture of allowing his players to celebrate their moment with



the crowd and the nation. People pumped their fists and chanted: "USA, USA, USA," and American flags flapped proudly everywhere. People sang "God Bless America" and "The Star Spangled Banner." We beat *them*. We beat the *Russians*. The gold medal came two days later on Sunday February 24 in a 4-2 come from behind victory over Finland, but that didn't seem to matter. For all practical purposes, the gold medal was secured on that wonderful Friday afternoon.

There will always be three lingering images from those three days: the sight of the defeated Soviets slumped in front of their bench watching in disbelief as the Americans celebrated their victory, goaltender Jim Craig, draped with an American flag, scanning the stands for his father during the post-game mayhem, and Captain Mike Eruzione exhorting all of his teammates to join him on the podium to receive their gold medals after the victory over Finland. To answer a question posed by ABC's Al Michaels as the final seconds of the Soviet game elapsed, Yes, we *did* believe in miracles.

"Looks like the boards need repairing," I pointed out to Rick as I noticed some holes developing in the far corner of the rink, which was just a patch of weeds in 1980. In fact, we used to play our home games over in Whitestone, a two-mile skate away from here. But something wonderful happened after that gold medal. Suddenly, instead of a few roller hockey die-hards (for ice is expensive and rare in Queens) struggling to field one team, the schoolyards, parking lots and streets exploded with the sounds of skates, sticks and pucks. Where College Point once barely fielded one team in each division, two and three teams now began to compete with players to spare. The 1980 gold medal fallout generated enough interest and money to produce this rink by 1984. Unfortunately, this old player never had the honor of playing here competitively, as it was completed for the season after I outgrew the age limit for the regular league.

"Yes, this time around, it wasn't the same. There was no enmity, no 'us' against 'them.' But we gave 'em a hell of a run," boasted King about this year's Team USA-Unified Team showdown. He was right. It was difficult to consider the former

et al.: The Justinian


Soviet players the "enemy" anymore, now that the so-called "evil empire" has ceased to be a geopolitical entity. Nevertheless, it was no surprise when the former Soviet team outclassed Team USA in every aspect of the game. Yet, the game remained tied 2-2 after two periods because Team USA goal tender Ray LeBlanc was magnificent, as his sparkling play had overshadowed the skills deficiencies of Team USA for almost two weeks. Finally, the bubble burst, and the Unified Team broke through and scored a 5-2 victory over the Americans before defeating Team Canada for the gold medal - their eighth in the last ten Winter Olympics.

In reality, the Unified Team was worthily praised for their wonderful skill and technical brilliance in playing the brand of team hockey that makes them the best team in the world. As for Team USA, they departed Albertville without a medal, but left lasting impressions of grit, effort and determination in earning the respect of their peers - the ultimate goal in the true spirit of the Olympic Games.

"All right you guys, ten laps and let's wrap it up," barked King after blowing his ever-present whistle (Man, I hated hearing that whistle when I was playing for Rick King!). He turned to me and sighed, "I've got a good group here, but they need to be pushed around before they wake up." Well, they huffed and puffed their way around the perimeter of the rink, each controlling a puck while skating. They had a big game of their own to prepare for.

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# Third Floor Follies



Alternative Career Plans?

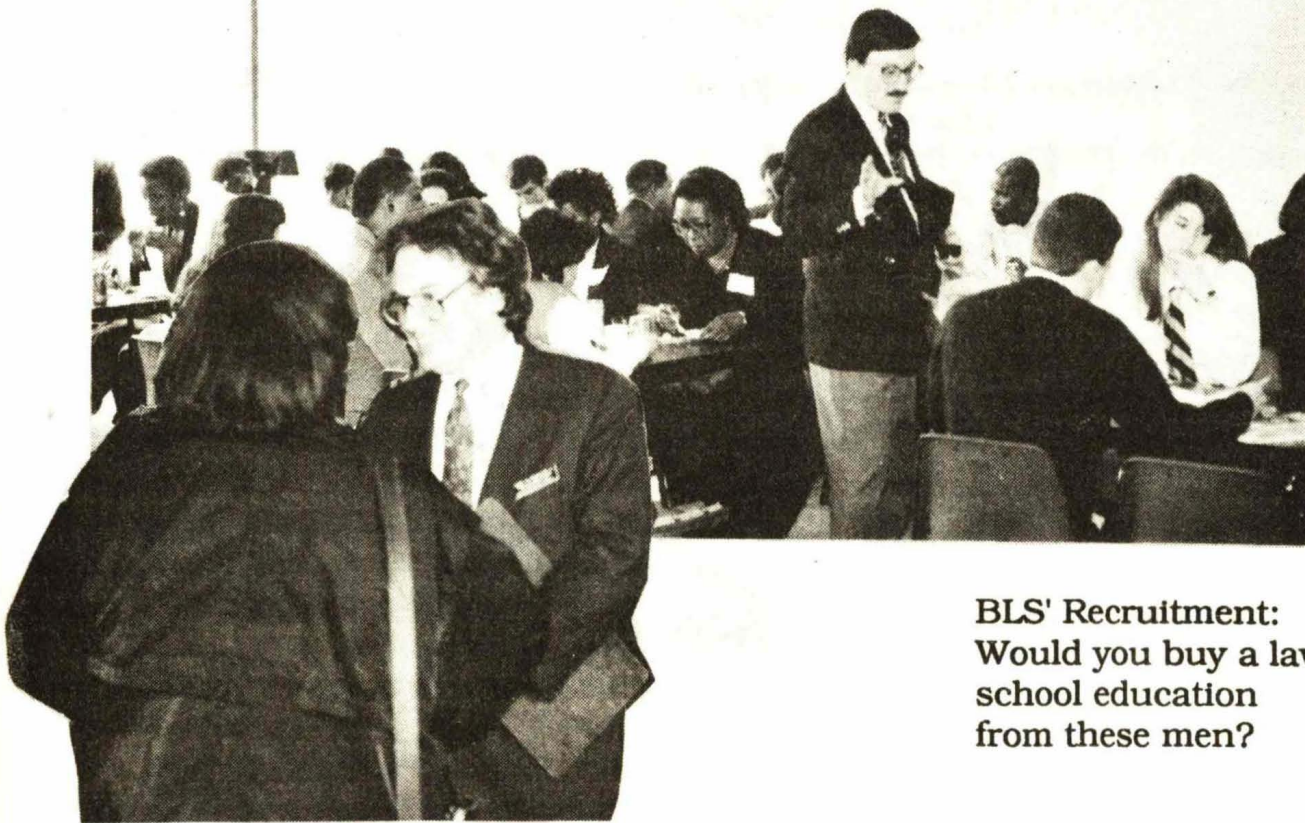


Pathways to the Judiciary: The Honorable Dorothy Chin Brandt at a recent BLS Event.



The Honorable Bruce Wright reading poetry at BALSA's KWANZAA celebration.





**BLS' Recruitment:**  
Would you buy a law  
school education  
from these men?



**AALSA: Stanley Mark, Asian American Legal Defense and Education Fund, spoke on the 50th Anniversary of Pearl Harbor and Japanese Internment.**



# NOMINATIONS FOR S.B.A. ELECTIONS (EXECUTIVE BOARD) 1992~1993

## NOMINATION PERIOD

OPENS  
MARCH 15th

CLOSES  
APRIL 4th

## POSITIONS AVAILABLE

SBA PRESIDENT  
DAY - V.P.  
SECRETARY

TREASURER  
EVE - V.P.  
ABA - REP

NYS BAR ASSOC REP

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ENVELOPE ATTACHED TO THE SBA OFFICE DOOR.

A COMPLETE SET OF ELECTION RULES APPEAR IN THE MARCH  
**Justinian** AND WILL BE PROVIDED TO EVERY CANDIDATE,  
UPON FILING.

Eric Wollman, Commissioner of Elections, March 13, 1992



# ANSWERS TO LAST MONTH'S NEW LEADERS SELF-ADMINISTERED QUIZ

by Eric Wollman, class of 1993

1. Flanders Field was the site of a major battle during WW I. Subsequently, the subject of a poem.
2. The USS Maine was sunk by a bomb explosion, and its loss led, in part, to the Spanish-American War.
3. Interborough Rapid Transit, Brooklyn-Manhattan Transit, and Independent.
4. The Outback is in Australia.
5. It is generally accepted that the British built the first concentration camps, in South Africa, during the Boer War. (The Brits also instructed Native Americans to take scalps in the French and Indian War. Clever chaps.)
6. The US took the land for the Naval Base in Cuba after the Spanish-American War and despite President Castro's demands, won't give it up.
7. The top secret US effort to develop the atomic bomb.
8. The Loyalists were loyal to King George during the American Revolution. Many fled to Canada.
9. The Republicans fought for the Republic of Spain against Franco, the Fascists and the Monarchy.
10. The Lincoln Brigade were American volunteers who fought against the Fascists.
11. The USSR was the first to launch what was then called "an artificial moon" ..Sputnik.
12. The Draft Riots took place during the Civil War in New York City. Thousands were killed until Pres. Lincoln sent in troops to restore order.
13. In 1945, a US Army Air Force plane became the only airplane to slam into the building where King Kong was shot in 1933, the Empire State Building.
14. The US sent troops to stop Lenin's revolution.
15. British Commonwealth troops, many Australian, were slaughtered by the well dug-in Turkish Army, WWI.
16. Captain Boycott was a landlord and collector of rents for the British landowners in Ireland. A rent strike gave birth to the term "boycott".
17. Joseph Smith was lynched by irate Illinois citizenry as he and his followers were heading west.
18. The Scotsboro Boys were African Americans wrongly accused of a crime, facing execution.
19. On Dec. 20, 1941, Colin P. Kelly and his bomber crew sank a Japanese warship. Shortly thereafter, the plane was mortally crippled. Kelly ordered his crew to bail out and he crashed with the plane. This act of bravery, coming only 13 days after Pearl Harbor, made Kelly a national hero.
20. Gold was discovered, leading to the California Gold Rush of 1849.
21. Secretary of State Seward's decision leading to the US purchase of Alaska from Tsarist Russia.
22. Gen. Billy Mitchell believed that bombs dropped from airplanes could sink battleships. The Army court-martialed him for promoting such a stupid concept.
23. US military forces, mainly Marines, occupying Central American states introduced the National Pastime.
24. The OSS, which operated during WWII, is now the CIA.
25. Joe Hill was a labor activist executed by the State of Utah.
26. Sacco and Vanzetti were anarchists executed in Massachusetts.
27. Ethel and Julius Rosenberg were convicted of giving plans for the atomic bomb to the Soviet Union. They were executed by the US government. Recently opened files by the KGB shows no mention of them and many believe they were framed.
28. Sen. Joe (Tailgunner Joe) McCarthy believed that Communists had infiltrated every level of American government.
29. Sen. Eugene (Gene) McCarthy was a candidate for President and an outspoken opponent of the Vietnam War.
30. Charley McCarthy is Murphy Brown's older brother.
31. Watergate is an apartment/office complex in Washington, DC. The site of the infamous break-in, attempted burglary and subsequent cover-up by Tricky and his cronies.
32. Boss Tweed never held publicly elected office, but through control of the Party leadership, he controlled municipal government.
33. Nikita Khrushchev told the United States that "we (the Soviets) will bury you."
34. Nathan Hale was a school teacher who spied for the Revolutionaries during the War of Independence. He was caught by the British and hanged. His last words were "I regret that I have but one life to give for my country." A statue in his honor is at City Hall, near Broadway.
35. See "Monty Python and the Holy Grail" to find out.



T P S B E D T I M E E S  
E O R H O L M E S L P T  
S L E U W E D R D A O R  
S I E N O E L A D S L I  
T C H C U R R E N T I C  
I E C H O C O L A T E T  
N O N U J U M P I N G J  
G E M O A O E J R O R E  
G O D E W M O O N E A R  
N A A I S O R K R L N N  
I K H A R R Y E K E T I  
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H P E A N R P M A N R O  
C A A I D E M Q S K A N  
I R S H Y T A L E E T N  
M E T J O A X R A Y S I

12. "Don't Stand So Close To Me,"  
Song By The \_\_\_\_\_ (6)

13. \_\_\_\_\_ Code (4)

14. \_\_\_\_\_ Supper (4)

15. The \_\_\_\_\_ Also Rises (3)

16. \_\_\_\_\_, Italy (4)

17. Mexican \_\_\_\_\_ Beans (7)

18. \_\_\_\_\_ To My Heart (3)

19. \_\_\_\_\_ And Prejudice, By  
Jane Austen (5)

20. Mad \_\_\_\_\_ (Mel Gibson Role) (3)

21. Superman's Vision (4)

22. \_\_\_\_\_ See,  
\_\_\_\_\_ Do (6)

23. When You Wish Upon A  
\_\_\_\_\_ (4)

24. Actor Cary \_\_\_\_\_ (5)

25. \_\_\_\_\_ Liability (6)

26. Much \_\_\_\_\_ About Nothing (3)

27. \_\_\_\_\_ Warbucks  
(5)

28. Harmless \_\_\_\_\_ (5)

29. \_\_\_\_\_, Shark Movie (4)

30. Early Morning Grass Moisture (3)

31. \_\_\_\_\_ Of Mercy (5)

32. \_\_\_\_\_, The Friendly Ghost  
(6)

33. Masking \_\_\_\_\_ (4)

34. Walking On \_\_\_\_\_ (3)

35. King \_\_\_\_\_, By Shakespeare (4)

36. A \_\_\_\_\_ Bride (4)

37. A \_\_\_\_\_ Affair (6)

38. Oliver Wendell \_\_\_\_\_ (6)

39. Bread Or Woman (6)

1. \_\_\_\_\_ Connick, Jr. (5)

2. \_\_\_\_\_ Storm Rising By Tom  
Clancy (3)

3. NY Governor Mario Cuomo (5)

4. The Cat In The Hat By Doctor  
\_\_\_\_\_ (5)

5. \_\_\_\_\_ Chip  
Cookies (8)

6. \_\_\_\_\_ Fong, Editor-In-

Chief Of Justinian (8)

7. \_\_\_\_\_ Thursday Night  
Sitcom, NBC (6)

8. The Hand That Rocked The  
\_\_\_\_\_ (6)

9. Jane \_\_\_\_\_, By Charlotte Bronte  
(4)

10. Mass \_\_\_\_\_ Law (5)

11. Beauty And The \_\_\_\_\_ (5)



40. \_\_\_\_\_ Of Franken-  
stein (5)
41. \_\_\_\_\_ For Bonzo  
(6)
42. \_\_\_\_\_ Koufax,  
Old-Time Dodger (5)
43. Snow White,  
\_\_\_\_\_ Red (4)
44. ...The Cow Jumped  
Over The \_\_\_\_\_ (4)
45. \_\_\_\_\_ Staub,  
Former New York Met(5)
46. Catcher In The \_\_\_\_\_,  
By J.D. Salinger (3)
47. Played A \_\_\_\_\_ (5)
48. Presumed  
\_\_\_\_\_ (8)
49. Sam \_\_\_\_\_, From The  
Maltese Falcon (5)
50. All Creatures Great And  
\_\_\_\_\_ (5)
- et al.: The Justinian  
51. Charlotte's \_\_\_\_\_ (3)
52. A \_\_\_\_\_ Of Two  
Cities, By Charles Dickens  
(4)
53. Samuel Clemens, Aka  
Mark \_\_\_\_\_ (5)
54. George Herbert Walker  
\_\_\_\_\_ (4)
55. \_\_\_\_\_ And  
Dagger (5)
56. \_\_\_\_\_ And Water  
(3)
57. The Unbearable  
Lightness Of  
\_\_\_\_\_, (5)
58. \_\_\_\_\_ Of The  
D'urbervilles, By Thomas  
Hardy (4)
59. \_\_\_\_\_  
Douglas, Actor In Fatal  
Attraction (7)
60. Soul Cages Singer (5)

Greetings from the world of legal reason  
Where we debate and quarrel throughout each season

We twist and turn and tangle the laws,  
while striving to expose our adversary's flaws.  
We must decisively defeat the opposition  
in order to protect our client's position.

A lawyer's life is often hectic,  
and trials especially can be quite frantic.  
Late papers to file, subpoenas to serve.  
Your only witness just lost his nerve.  
You've misplaced your records, your client is late.  
The judge is scowling and getting irate.

There's little room for weak rebuttals  
as judge and jury attune to your recitals.  
One wrong word - you're client's dead  
Attorney's malpractice now hangs over your head.

Yet there are advantages to the profession -  
After all, trials are humankind's obsession.  
People overlook your faults and vice,  
in return for counsel and legal advice.

Your spouse hesitates to contemplate divorce,  
Knowing you're equipped with legal force,  
and your doctor now handles you with greater care.  
Let him be negligent, if he dare!

Terry Gerstner  
Class of 1992



The Justinian, Vol. 1992 [1992], Iss. 1, Art. 1

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