

The Justinian

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The Justinian

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The Justinian

Founded in 1931 • A Forum for the Brooklyn Law School Community
November 1993 • Volume 63 • Number 1



Pre-rennovation



Post Rennovation

opening statement

On behalf of *The Justinian*, I would like to welcome the first year and upper class students. By now you have (or you should have) acclimated yourselves to the rigors of law school. Incidentally, you may be wondering why it has taken so long for the first issue of *The Justinian* to arrive. The short answer is that forces beyond our control conspired against the issue's expedient production and publication (more about this later). Before senility sets in, I would like to acknowledge the heroic efforts of the previous editorial collective for their exceptional work and offer my gratitude for their continued support: Thanks, Guys.

Returning to the question of why this issue has taken so long to be unveiled, I can only relate the facts and events that are known to me. As of last semester, *The Justinian* was informed to pack up its computers and file cabinets because its homebase was scheduled to be demolished. We returned in September to

find that the completion of the much anticipated "New Addition" was more fantasy than fact: ergo, no new office in the foreseeable future. However, thanks to Jerry Sorkin and his assistants, Louis and Frank, we are now working out of our old office, room 307, 250 Joralemon. The facilities, which have also contributed to the delay in publication, are sparse, but we are optimistic of relocating before the new year?!?

Some of you may have noticed that some information contained within this issue has been previously published in *The JustInfo*, a subsidiary of *The Justinian*, ably produced and edited by Eric "The One Date Wonder" Schwartzman. We hope that this info is both helpful and useful.

It has come to my attention that there may be some who believe the articles contained in *The UnJustinian* (published last spring) were written by regular contributors to *The Justinian*. I would like to take this opportunity to dispel this rumor. *The UnJustinian* was the sole work of a brilliant humorist. It was a parody of *The Justinian* and was meant to be taken in that light. For those without a sense of humor, I do not recommend you read *The UnJustinian*.

This confusion, however, has alarmed those residing on the ninth floor. All issues are now subject to the review (for libel) by a member of the faculty. First Amendment issue? Perhaps.

Finally, I would like to conclude this article by reminding all that *The Justinian* is the community forum of Brooklyn Law School. It is our duty and responsibility to address your concerns and needs in a manner that most efficiently informs and empowers you, the student body, to "engage the wheels of change." We also serve to promote discussion of and reporting on subjects outside law school life. To this end, we actively seek contributions in the forms of articles or letters to the editors. The ultimate success of *The Justinian* lies with the degree and energy of your participation. *The Justinian* has always served as the nerve center of the law school community, let us all take the opportunity to maintain that tradition.

Thanks,
NJU



Editor-in-Chief

Nell J. Uy

Managing Editor

Joan Marie Fasanelle

Executive Editor

Renée Muir

Layout Editor

Scott Dunham

Special Contributors

Prof. Spencer Weber Waller

Prof. Anthony Sebok

Columnist at Large

Joseph Bondy

Staff

John Baxter, Lisa Brauner, Michael V. Gazza,
Daniel Getz, Jason Goldfarb, Michael A. King,
Lew Lieberman, Adam Stillman

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Brooklyn Law School
250 Joralemon Street
Room 307
Brooklyn, N.Y. 11201
(718) 780 - 7986

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the fact that after complaining no one takes the time to make any suggestions. It is criticism with out any constructive input.

Now I realize that *The Justinian* could stand to benefit from some new ideas, but the editors and staff can not do it all alone. These individuals, (myself included) whether the student body realizes it or not, work very hard to put out *your* student paper several times through out the year. For example, just because finals are approaching, does not mean that a "Holiday Edition" of *The Justinian* will not go out.

I stress that it is *your* paper. It should be a vehicle through which student opinions and concerns are voiced. Many other law schools use their paper in this very way. If there is a topic which really hits home for the student body *The Justinian* is where it should be vocalized. I implore each of you to use this voice, whether it be to "let off steam," vent a gripe, inform fellow students of an upcoming event, to address the law school's administration or faculty concerning an issue, or to advertise for one of our student body organizations. Whatever it is, *use* the paper.

We, the editors and staff, are committed to working to achieve these goals for *The Justinian*. We want *The Justinian* to live up to its potential. Again, I must remind each of you we can not do this alone, we need your help. If you have suggestions or would like to see specific changes made, let us know. Stop into *The Justinian* office (third floor of the law school building) or drop us a note. If no one is in the office slip the note under the door, or better yet come back so we can talk. If you are interested in submitting an article or doing some other kind of work, let us know - your participation is always welcome.

Well, I look forward to meeting or hearing from you. Welcome back or just plain welcome for our new First Year students and good luck with the school year ahead.

Well, here we are. Back from the summer break. We are well into the Fall semester and before we know it, it will be Thanksgiving break and time to start outlining. Ah, so what else is new? Let us see. We have the publication of this year's first edition of *The Justinian*. Now do not worry I am not about to get into some lengthy debate about a current issue or some legal controversy (after all this is the Editor's Corner, not *The Reasonable Woman* - I leave that to someone else's competent hands). What I am interested in discussing may seem much more mundane, but it is important for each of us as students of Brooklyn Law.

I want to talk about *our* school paper, yes that is right, the one and only *Justinian*. We are starting a new school year and there is a brand new group of editors and staff members working on *The Justinian*. It is a time for new beginnings, not that I mean to disregard the hard work and accomplishments of past *Justinian* staffs, but nonetheless this is our time. It is the opportune moment to make changes and work towards improvements.

I have heard all too often over the past two years complaints from fellow students and friends about this paper. It seems that some are just not pleased with *The Justinian*. Some of the remarks that have been made are: "Who reads this paper?"; "The articles just do not keep my interest."; or "What is in the paper for me, the student?". These comments I believe echo many students' attitudes towards the paper. The comments do not bother

New
from
barbri

**ATTENTION
FIRST-YEAR
STUDENTS**

REGISTER FOR BAR/BRI WITH

NO \$ DOWN

AND RECEIVE:

- ☛ THE "LOCKED IN" CURRENT DISCOUNTED TUITION
- +
- ☛ ACCESS TO ALL FIRST-YEAR REVIEW LECTURES,
INCLUDING ARTHUR MILLER'S CIVIL PROCEDURE
LECTURE
- +
- ☛ THE BAR/BRI FIRST-YEAR CIVIL PROCEDURE OUTLINE
FOR THOSE WHO ATTEND THE CIVIL PROCEDURE
LECTURE
- +
- ☛ THE SECURITY OF KNOWING YOU HAVE ENROLLED IN
THE NATION'S LARGEST AND MOST PERSONALIZED BAR
REVIEW COURSE

PLEASE
NOTE:

TO PRESERVE THE "LOCKED IN" DISCOUNTED TUITION, YOU MUST
PAY A \$75 REGISTRATION FEE TOWARD YOUR BAR REVIEW
COURSE BY SEPTEMBER OF YOUR SECOND YEAR OF LAW SCHOOL.

OR

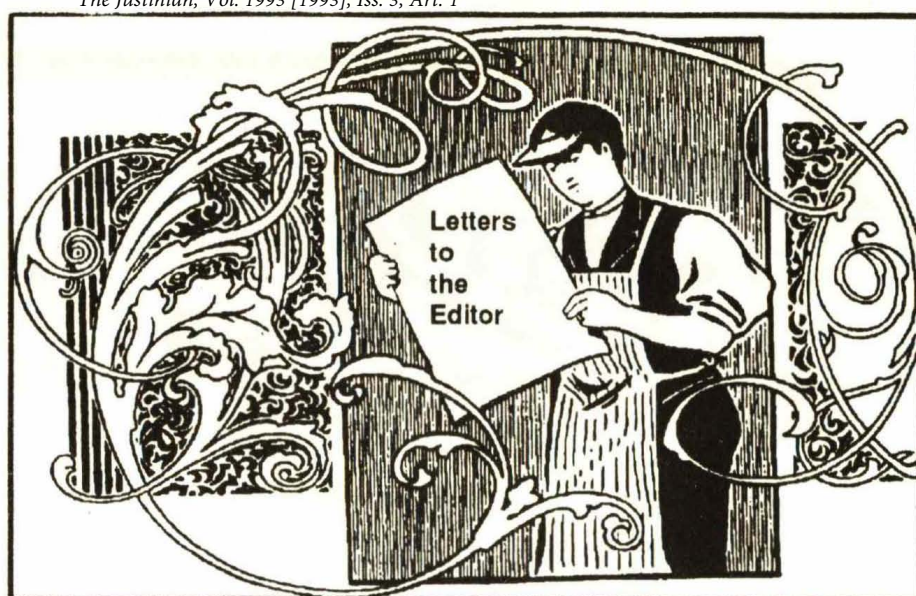
YOU MAY PAY YOUR \$75 REGISTRATION FEE NOW AND ALSO
RECEIVE YOUR BAR/BRI FIRST YEAR REVIEW BOOK!

Dear Editor,

This letter is to applaud the efforts of Catherine Andrew, David Stoll and Benjamin Deutsch for their "Letter to the Brooklyn Law School Community" regarding Prof. Gunther's faculty seminar. As if writing, printing and distributing this letter was not bold enough, once Dean Trager responded to this complaint, they took additional time to write a rebuttal. Their initiative certainly deserves praise, regardless of whatever stance a reader adopts on the issue.

What I believe is an additional subject to be discussed is the lack of response these students received from the administration when first presented with this issue. In their complaint, the students mentioned a letter they sent to the Administration, and although the students listed their phone numbers, they received no response. Only after a full week had passed did these students resort to printing this letter. Why did the school fail to address this issue and allow it to become what it is today? A phone call, a letter, or another form of response would have demonstrated to these students that their concerns were taken seriously and might have averted this incident. Only after they openly criticized the school for its actions did Dean Trager respond in an open letter.

Furthermore, Dean Trager's response does not address the issue of accountability. Although the students' letter discussed the situation with Prof. Gunther, the tone of the letter



implies and the final paragraph expressly requests accountability for the administration's actions. Dean Trager's response reviews the number of students that are taught by Prof. Gunther's Civil Liberties Class, but does not mention the accountability process, either for this incident or ones which may occur in the future. Whether this was a harmless oversight or a deliberate omission, the question of accountability still remains in the minds of many students. Many students are left wondering whether the administration responds to the student body or if our requests fall upon deaf ears.

Alone, this incident might go unnoticed, but combined with other recent examples, it marks a dangerous trend showing the administration's lack of interest towards the students' concerns. As an example I use the administration's response to my letter in last year's Justinian (December 1992, Volume 62, number 3), which addressed the issue of selective registration in Judge Jack Weinstein's Mass Torts

class. In short, only selected students were invited to register for this class, excluding the majority of the student body from this rare opportunity. Associate Dean Wexler expressed to me the restricted admission procedures were due to time constraints placed on her because of the late notice provided. While conceding this fact, should this situation have arisen again, the letter presented ways in which the administration could have informed the entire Brooklyn Law School to such an availability.

After the Justinian's publication there were indications the administration was responding to the requests by the student body. During the spring semester, Associate Dean Gora issued a memo to the entire Law School community demonstrating that if there were openings for the Spring section of Mass Torts, the class would be opened to the remainder of the Brooklyn Law School community. Despite this progress, I was disappointed when I returned from my summer vacation to find an

identical situation had arisen. This fall, Judge Weinstein offered another class which was open to Brooklyn Law School Students and yet the administration again only invited a select few to register for the class.

I do not wish to revisit old issues. Although I am alarmed by the re-emergence of the selective invitation process for certain classes, it is the administration's disregard for the student body's requests which should be addressed immediately. What must students do to get responses to our questions and our problems? The current open-door policy apparently is not adequate to solve many important issues. Will questions or issues posed to an administrator be pushed aside when a student leaves their office? Must students publish and distribute their complaints to the entire school before the administration will take notice and respond? The answer lies in the hands of Dean Trager and the rest of the administration.

In addition to past problems, a question exists whether or not the students must take the initiative before the administration will recognize a problem exists (at least to the students). Ignoring the immediate problems which face our community will neither make them disappear, nor shield the students from them. To illustrate my point, I raise the issue of the construction which is currently underway at our facility. The present situation is not the fault of the administration and I do not place blame on Dean Trager or any other person on the

school faculty for the unreasonable delay. However, the students are very upset over the present dilemma and we were not receiving any information from the administration whether or not progress is being made. While notices are now posted around the school, these were long overdue. As a member of the Student Bar Association, we are constantly plagued with student requests for information regarding construction updates. We have none. Surely the administration has to know students are concerned with the new facility. With a makeshift library, an overcrowded cafeteria, no student lounge, and constant problems facing us daily from a lack of proper academic facilities, students are worried and the administration's silence only exacerbates the problem.

Currently because of the meager response by the administration to student pleas for assistance there is a feeling of contempt and disregard for the administration among some students, however, this impression may be inappropriate. I am consistently told how the alumni highly tout Dean Trager for the advancements he has made for this facility, and how the law school has ascended in prominence in recent years. If true, Dean Trager should be praised for the improvements he has made for Brooklyn Law School, however, as students when all we see is the thunderclouds of ignorance and rejection, it is very difficult to face the future and anticipate rainbows as we continue our

journey to complete our education.

Adam Stillman '94

To the Editor

WAKE UP CALL - I would like to comment on some activities perpetrated by members of the BLS student body (all-inclusive). These "activities" demonstrate a disturbing *lack of etiquette* and a *failure of common courtesy* that should not be found in a professional graduate school. The following list will mention only a small number of these transgressions of professional behavior (please forgive the graphic language):

NOT FLUSHING TOILETS AFTER USE (Men)

NOT PICKING UP ONE'S OWN GARBAGE IN THE CAFETERIA AFTER EATING

WRITING RUDE COMMENTS ON ORGANIZATION FLYERS

CLOSING BOOKS AND FLIPPING PAGES A FEW MINUTES BEFORE CLASS ENDS AND WHILE THE PROFESSOR IS STILL LECTURING

There seems to be a lack of understanding among the student body (first, second AND third year students) that we are now in a professional graduate school and that we should behave accordingly.

HELLO! We are no longer in college. This is not to say we cannot have fun or act playfully. Rather, it means that we should be considering our own behavior in light of the level of education and professionalism we have achieved. And please flush the toilet.

Signed me:

Disgusted and Annoyed

STRUCTURE OF THE SBA

The student body is represented by class representatives that sit on the SBA House of Delegates and members of the SBA Executive Board, all of whom are elected on an annual basis. The full-time Day Division is entitled to 6 reps from each year for a total of 18 representatives. The part-time Day Division is entitled to one delegate. The Evening Division is entitled to two representatives from each year for a total of eight reps. There are six positions on the SBA Executive Board: President, Day Vice President, Evening Vice President, Treasurer, Secretary, and the First Year Representative to the Executive Board.

No elected officer or representative of the SBA receives any form of compensation for their efforts on behalf of the students like yourself who go to class and in some cases work full-time or part-time. The SBA needs your help to make it an effective organization in order to meet the needs of the student body. All delegate assembly meetings of the SBA are open to all BLS students as is membership on SBA committees. If any person or organization wishes to address the entire Delegate Assembly, they should contact one of the executive officers or leave a note of explanation as to the issue they wish to present in the SBA office (Back of Cafeteria). It is asked that such a request be made out

approximately one week in advance of the meeting so that it can be placed on the agenda.

All SBA groups and activities are funded by the student activity fee that every BLS student pays each semester. At \$15 per student per semester that works out roughly to a yearly budget of approximately \$43,000. Early in the fall semester of each year these funds are allocated among the student groups. It is the responsibility of the SBA House of Delegates to pass the yearly budget allocations.

The SBA acting as a group itself co-sponsors food and clothing drives, various speaker events, mid-semester parties, coffee nights, and throws the annual Fallfest and Springfest events.

The following are the standing SBA student committees: (a) Student Evaluation, (b) Curriculum, (c) Budget, (d) Student Affairs, (e) Elections, (f) Food, and (g) Social. Any student wishing to join an SBA committee should contact the SBA office.



SBA INFO AND GROUP SECTION

How to Form Your Own Group

Are you into Advertising Law? Are you a devoted Beatles fan? Do you feel strongly about saving the South American Sea Monkey? If you are interested in any one of these topics, or any other topic not covered by an existing campus organization, you may want to form your own group.

It is easy to form a SBA group at BLS if you follow SBA's guidelines. You can have a group for just about anything, no one ever said all that law students are allowed to do is study law. You can get members for your group by posting (SBA approved) posters on the posterboards in the stairwells and on the basement level.

Once you have your group together, the first step in becoming an SBA recognized or funded group will be to draw up a set of by-laws or a constitution. Any of the SBA executive board members or SBA delegates will be happy to help out. Stop by the SBA office in the back of the cafeteria to get yourself started.

Your constitution must include:

- >> the name of your organization,
- >> the group's purpose,
- >> a list of members and officers,
- >> the form of government
- >> provision for meetings — provided that the group will meet at least twice per semester,
- >> the definition of a quorum,
- >> provision for impeachment of officers,
- >> provision for amendments,
- >> provision for ratification,

Once this is done, one of your group officers must submit the completed constitution to the SBA president.


How to Join A Group

If you want to join a group or want to find out more about a group, watch for flyers posted around school or watch for articles in *The Justinian*. Most groups will advertise the times and locations of their meetings.

At the beginning of each Fall semester the SBA, in connection with the Office of Admissions and Student Services, sponsors an "Activities Day" to showcase each of the SBA groups, the various law reviews and journals, the Moot Court Society, and the fellowship programs. Each group should be able to answer any questions posed once you walk up to their table and ask. The date and time of the "Activities Day" is usually announced and posted around the school.

If you do not get involved from day one do not feel you are closed out from joining that year. Most organizations will gladly accept new members at any time during the year. Stop by the SBA office and the student delegates should be able to give you the name and phone number of each group's contact person. The SBA office is in the back of the cafeteria and our phone number is (718) 780 - 7962.

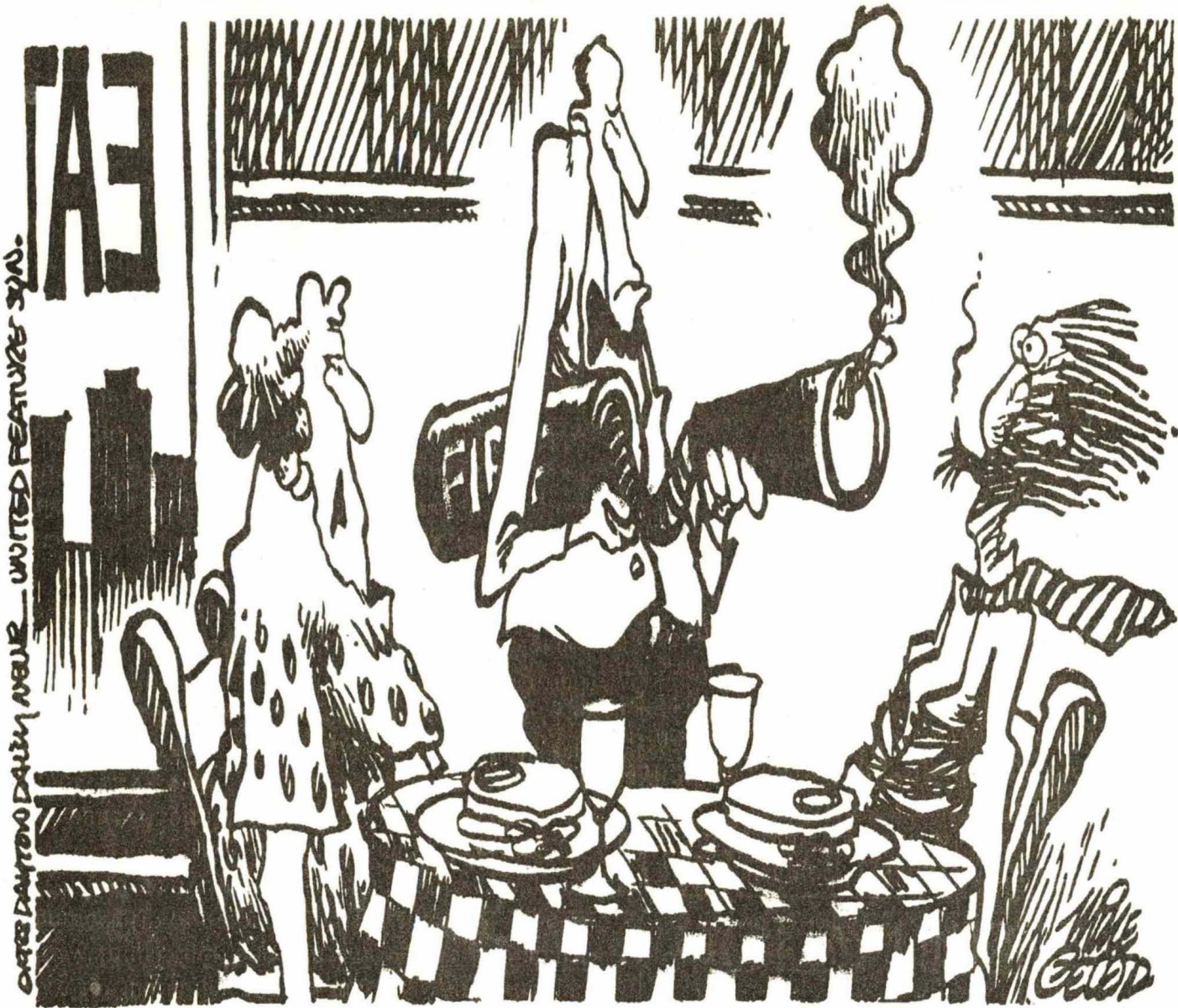
THE PASSWORD:
BARBRI



1500 Broadway
New York, N.Y. 10036
(212) 719-0200 (800) 472-8899
(201) 623-3363 (203) 724-3910
FAX: (212) 719-1421

20 Park Plaza, Suite 931
Boston, MA 02116
(617) 695-9955 (800) 866-7277
FAX: (617) 695-9386

NO SMOKING POLICY



HERB... I THINK THEY'RE SERIOUS ABOUT THIS NEW YORK SMOKING BAN.

Here's bad news for you folks from Marlboro Country but good news for you cigarette-haters. The law school has installed a no-smoking policy in classrooms, hallways, stairwells, most of the third floor lounge, most of the cafeteria, and the Library.

A pretty exhaustive list. But there's some hope for you nicotine-addicts. Smoking is allowed in a portion of the third floor lounge and in the back of the cafeteria.

But BEWARE: where the law school has decreed no smoking, there is no smoking - cigarettes, pipes or cigars. Violators may be prosecuted. (Beware! Rumor has it the City without warning sends smoking inspectors who will issue smoking tickets that come with fines!)

POINTS OF INEBRIATION

et al.: The Justinian

If interested in forgetting about law school for a few hours, let us recommend a few of the local watering holes:

1. **Montague Street Saloon**, Montague Street between Henry and Hicks Street. The "Saloon" is a favorite hangout, especially on Tuesday, \$1 Heineken Nights. The Saloon has also been known for celebrating Mexican Night on Wednesdays with 2 for 1 Margaritas. The Saloon features a full menu with appetizers, burgers, salads and interesting entrees. Occasionally, the Saloon will feature live entertainment in addition to the bar TV.

2. **O'Keefe's**, Court Street between Joralemon and Livingston Streets. This bar is such a BLS institution that it is rumored that BLS actually paid for the upstairs addition to the bar as an additional investment. O'Keefe's has a full menu in addition to the ever popular pinball machine and CD jukebox. Live bands occasionally play at the bar and the upstairs has been rented out for parties on occasion.

3. **Cousins**, corner of Amity and Court Streets. Cousins has something special for every day of the

week. On Wednesday through Saturday the bar offers live entertainment. Usually they serve up contemporary jazz but keep a watch out for rock bands and even some reggae. On Saturday and Sunday, Cousins has been known to offer brunch complete with a piano player (call first to confirm). Cousins also has a full menu.

4. **Peter's Ale House**, Atlantic Avenue between Henry and Hicks Streets. Pete's Ale House has a full menu as well as an extensive exotic beer list. Occasionally, they offer live entertainment but it is not necessary for a good time. Just ask some of the Third Year members of the Law Review or Journal, as many have enjoyed a party or two had at the Ale House.

5. **Peter Hillary's**, Montague Street between Court and Clinton Streets. Peter Hillary's is a bit more pricey than some of the other local fare but the food and atmosphere are great. It is a favorite of the local hoi-palloi. If stopping in for lunch during the week be prepared to see a lot of suits. They offer a full menu and upstairs seating.

6. **Brooklyn Sports Page Saloon**, Court Street, between Pacific and Amity Streets. The Sports Page has four large television and two satellite dishes for your sports pleasures. While they offer no specific sports night, you can be sure that for special sports events, this is the place to be.

O'KEEFE'S

Monday Night Football

15¢ Wings

75¢ Drafts

BAR & RESTAURANT

62 Court Street, Brooklyn, N.Y.

8-11 pm

Tuesday

\$5 Bucket of Rocks

Ladies Drink Free!

8-11 pm

Wednesday

\$1 Vodka & Tequila Shots

15¢ Wings

\$1 Killians Red

Kill-A-Keg

8-? pm

Thursday

All U can Drink Draft Beer - \$5

75¢ Hot Dogs

8-11pm

Friday

\$5 - small pitcher of Beer & Pizza

8-11pm

COURTS

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Because of its proximity to the state and federal courts, BLS is one of the best situated law schools in the country. Incoming students are well-advised to avail themselves of the plethora of courts found immediately adjacent to the school. Each excursion is sure to be a pleasant and welcome change from the artificiality of the classroom.

Directly across the street from 250 Joralemon is the Supreme Court campus, centered around the old Brooklyn City Hall, now known as Borough Hall. The new Supreme Court building houses the Civil and Criminal Terms and the Surrogate Court. A quick glance at Criminal Term provides one with an interesting lesson about the difference between theory and reality. While you are in this building you may want to note that this is where records of all past and pending cases are kept. Not too long from now, when you are doing leg-work for an attorney, these facilities will become almost a second home.

Beyond the Post Office is the Federal Courthouse for the Eastern District of New York. This is the trial court (court of first hearing) for federal cases arising from violations of federal statutes, diversity cases, and constitutional claims. This court serves Kings, Queens, Richmond, Nassau and Suffolk counties. The Federal Bankruptcy Court for the Eastern district of New York is located on Clinton Street, between Remsen and Montague Street.

A block west of Court Street on Monroe Place and Pierrepont Street is the New York State Appellate Division for the Second Department, which encompasses Kings, Queens, Nassau, Suffolk, Richmond, Orange, Rockland, Dutchess, Putnam, and Westchester counties.

The Landlord-Tenant and Small Claims courts can be found at 141 Livingston Street. Both should be considered worthwhile entertainment if only for their shock value. The Matrimonial Part of the New York State Supreme Court may be found on the 19th floor of 111 Livingston Street.

The Family Court, located on Adams street, deals with juveniles in trouble (JD's PINS), divorces, protective orders for battered wives, and any other family-related dispute.

Another part of your legal education is to be found at 120 Schermerhorn Street, the site of the

Kings County Criminal Court building and lock-up. Behind the Criminal Court is the Brooklyn House of Detention, located on Atlantic Avenue.

Finally, directly to the left of the school as you stand facing the Supreme Court is the Municipal Building, which houses police probation, the Kings County District Attorney's Office, the Brooklyn Mediation Center, the marriage license bureau, a small post office and all Kings County Property records.

THE BANKS

The fact that many law students are insolvent would seem to make it unnecessary to devote very much space to a discussion of banks, institutions primarily concerned with the saving and borrowing of money. However, law students have a special appeal to banks, and bank personnel will often go out of their way catering to the needs of students in hope that today's student customer will continue to do tomorrow's law practice business with the same bank.

All of the major New York banks have branch offices in the vicinity of the school. There are also several smaller banks which add a personal touch to the same quality service. Because of this it is difficult to say which bank is best, or most convenient, or friendliest. It is hoped that you make the right choice based on careful comparison and your own personal taste.

All of the banks in the area feature the usual saving, checking, credit card, and loans plans. In addition, several banks offer special services to law students. For example, students can apply for free checking without the usual minimum balance requirement. A savings or checking account also permits the free use of the bank's cash machine. Also, bank charge cards can be obtained if the student has regular summer employment or has secured a permanent job.

The large number of banks in the relatively small area around school has forced many banks to remain open until early evening in order to remain competitive. Some banks even offer Saturday hours. These factors should also be considered in selecting a bank.

BLS LOCAL BUSINESS DIRECTORY

THIS LIST IS NOT COMPLETE NOR IS IT MEANT TO BE, IT IS MERELY A SAMPLING OF BUSINESS ALONG THE MAJOR STREETS SURROUNDING BLS AND THE NEIGHBORHOODS ITS STUDENTS LIVE AND WORK IN. WE APOLOGIZE FOR ANY MISTAKES OR OMISSIONS. ALL PHONE NUMBERS AND ADDRESSES WERE CORRECT AT PRINTING.

BAGELS

Heavenly Bagel

80 Court St. 858-3600

BANKS

Atlantic Liberty Savings

186 Montague St. 855-3555

Chase Manhattan Bank.

16 Court St. 852-3900

Citibank

181 Montague St. 627-3999

Crossland Savings

211 Montague St. 522-0030

European American Bank

189 Montague St. 522-3374

Manufacturers Hanovers

177 Montague St. 330-1308

Marine Midland Bank

188 Montague St. 834-4800

National Westminster Bank USA

205 Montague St. 643-2770

BOOKSTORES

BookCourt

163 Court St. 875-3677

Waldenbooks

120 Montague St. 858-2958

BAKERIES

Galileo Bake Shoppe

105 Court St. 488-9504

Court Pastry

298 Court St. 875-4820

BARS / RESTAURANTS

Cousins

160 Court St. 596-3514

J.B. Callahan's

163 Remsen St. 625-2010

Montague St. Saloon

122 Montague St. 522-6770

Peter Hilary's

174 Montague St. 875-7900

Slades

107 Montague St. 858-1200

CAR SERVICES

Promenade Car Service

858-6666

CLEANERS

D&J Cleaners

107 Clinton St. 858-3657

Golden Hanger Cleaners

130 Montague St. 488-7909

Heights Cleaners

137 Montague St. 834-0137

King Dry Cleaning

168 Court St. 858-5692

Noble Cleaners

284 Court St. 237-0093

The Clean Center

246 Court St. 643-9300

CLOTHING STORES

Floriana Fine Shoes

121-127 Montague 797-9212

GAP

125 Montague St. 797-3542

Takes Two to Tango

145 Montague St. 625-7518

COPY CENTERS

Brooklyn Progress

193 Joralemon St. 875-0696

C-2 Copy Center
 90 Livingston St. 797-9700
 On the Job Printing
 161 Remsen St. 834-8111
 Remsen Disc Books
 175 Remsen St. 522-2356
 SST Copy
 41 Schermerhorn St. 797-1209

DELI / SALAD BARS

Evergreen Deli
 93 Court St. 797-9864
 Jacks Kosher Delicatessen
 116 Court St. 875-0225
 One Way Deli
 26 Court St. 797-1393
 Oriol Deli
 112 Court St. 858-9121

DINERS

Grand Canyon
 141 Montague St. 797-1402
 Happy Days Diner
 148 Montague St. 875-8361

DRUGSTORES/PHARMACIES

Cobble Court Pharmacy
 162 Court St. 625-2101
 Kleinman Spector Pharmacy
 109 Montague St. 875-4393
 Medical Hall Pharmacy
 32 Court St. 855-3980
 Pathmark Drugs
 168-170 Montague 522-2991
 Super Savers
 128 Montague St. 875-SAVE

EYEGLASSES

Heights Vision Center
 127 Montague St. 852-1149

FAST FOOD

Buddy's Burrito & Taco Bar
 260 Court St. 488-8695
BURGER KING
 Fulton Mall

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HOTBIRD

1800HOTBIRD

Everything Yogurt
 166 Montague St. 596-2500
 McDonalds
 Court St. (Betw. Liv. & Scherm.)
 Wendy's
 Fulton Mall

FOOD - SPECIALTY STORES

Perelandra Natural food Center
 175 Remsen St. 855-6068

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 308 Court St. 625-2475
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Wm. H. Van Vleck

116 Montague St. 625-5444

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200 Court St. 624-0711

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VISION****General Vision & Dental**

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Cobble Hill Cinema

265 Court St. 596-9113

PIZZA

et al.: The Justinian

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Heights Pizza

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My Little Pizzeria

114 Court St. 643-6120

Nick & Joe's Pizzeria

86 Court St. 875-1287

Pizza Court (KOSHER)

52 Court St. 237-0226

Randazzo's Pizza

196 Henry St. 237-9498

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105 Court St. 852-7590

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Armando's Rest

143 Montague St. 624-7167

Brooklyn Heights Rest.

180 Montague St. 855-6242

Chang's

101 Montague St. 237-9796

China Chili Restaurant

110 Montague St. 858-3335

Da Fat Long Line Rest.

286 Court St. 237-2332

FujiSan

130 Montague St. 858-8077

Great Wall Restaurant

205 Court St. 858-1975

Health Kix Cafe

143 Court St. 624-0004

India House (Pakistani)

139 Court St.

852-3486

Inaka Japanese Restaurant

158 Court St.

797-2889

La Traviata

139 Montague St.

858-4100

Lassen & Hennings

114 Montague St.

522-5464

Leaf & Bean

136 Montague St.

855-7978

Lichee Nut Chinese

162 Montague St.

522-5565

Moroccan Star

205 Atlantic St.

643-0800

Mr. Souvlaki

147 Montague St.

858-8997

Nanatori Japanese Restaurant

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522-5555

New Mexicali

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625-7370

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624-9774

Ruffinos

161 Joralemon St.

624-2121

Siam Garden (Thai)

172 Court St.

596-3300

The Promenade Res.

84 Montague St.

522-7433

Queen Italian Rest.

84 Court St.

596-5954

Szechuan Empire

117-119 Court St.

858-0231

Thai Taste

153 Remsen St.

875-2420

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Peerless Shoe Service

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UL5-4954

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104 Clinton St.

unknown

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643-7700

Court St. Office Supplies, Inc.

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875-1715

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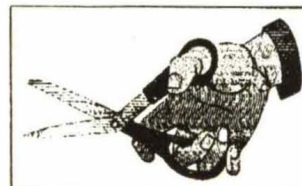
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If You Are Subject to Sexual Harassment

et al.: The Justinian

Sexual Harassment may include verbal harassment or abuse, unnecessary touching, patting or pinching, leering or ogling of a person's body, subtle pressure for sexual favors, demanding sexual favors accompanied by implied or overt threats concerning one's grades, recommendations, job, performance, evaluation, promotion, etc., or physical assault.

The National Organization of

ing a woman, the law also covers women harassing men, women harassing women and men harassing men.

Harassment on the basis of sex is a violation of Section 703 of Title VII of the Civil Rights Act of 1964. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

jected to sexual harassment, you should:

1. Say No. Say it firmly, without smiling, without apologizing.
2. Keep a diary or log. write down what is happening to you. Include direct quotes, any witnesses, or patterns to the harassment. Have your log witnessed periodically. Save any letters, cards, or notes sent to

GOOSEMYER



By Parker & Wilder

Women (NOW) and the Working Women's Institute define sexual harassment as any repeated or unwanted verbal or physical sexual advance, sexually implicit derogatory statements, or sexually discriminatory remarks made by someone in the classroom or workplace, which is offensive or objectionable to the recipient or which causes the recipient discomfort or humiliation, or which interferes with the recipient's educational or job performance.

NOTE: Although the majority of incidents involve a male supervisor or co-worker harass-

1. submission to such conduct is made either explicitly or impliedly a term or condition of an individual's employment (or education);

2. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

3. such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or creating an intimidating, hostile or offensive working environment.

If you feel you have been sub-

jected to sexual harassment, you should:

3. Ask other people who come in contact with the harasser if they have ever been harassed, or if they know of anyone who left because of this behavior.

4. Tell the harasser, in writing, that you object to this behavior. Describe the specific things which offend or upset you. Keep a copy of this letter.

Within the law school, you can contact the Dean of Student Affairs.

The Reasonable Man

By Joseph Bondy

On November 1, 1987 The Federal Sentencing Guidelines were enacted. These "Guidelines" were designed to effectively implement the basic purposes of criminal punishment — deterrence, retribution, incapacitation, and rehabilitation. This goal was effectuated by adopting a uniform system of sentencing defendants within a narrow range for similar criminal acts committed by similar criminal offenders, and by eliminating the pre-guidelines parole system which required Courts to impose indeterminate sentences upon defendants. These pre-guidelines defendants usually received a significant reduction in their sentence and often served only a third of it before being released by the parole commission. Under the Guidelines, however, defendants are sentenced within a specific "range". This range provides for both maximum and minimum sentences based upon two variables. First, the severity of the criminal conduct is examined. Different criminal acts are assigned different "point" levels, from a "base offense level" of 1 to 43. This criminal conduct ranking system, so to speak, forms the Y axis of a table. The X axis consists of seven categories (I-VII) which measure an individual's "Criminal History Category". A defendant travels along this axis from left to right as his past criminal history increases. Charting the point of intersection between an individual's criminal history and his base offense level, leads you to the appropriate range of sentence to be imposed. Absent any significant mitigating factors, the bottom of this range represents the mandatory minimum to which a Judge must sentence a defendant.

Recently, the Federal Sentencing Guidelines have received wide criticism for this imposition of mandatory minimums on several grounds. First, that they are unduly harsh and ineffective. Second, that they have created a growing Federal inmate population which is impossible to accommodate. Third, that they bridle judicial discretion in meting out punish-

ment. Each of these arguments has merit, and will be examined individually.

When the Guidelines were enacted in 1987, one of the main areas of criminal conduct which they sought to address were Federal narcotics laws violations. In the wake of the "war on drugs," Congress felt a strong need to sentence "major traffickers" severely. Thus, the Guidelines provided that an individual's base offense level for drug law violations be scaled to the quantity of drugs involved. Although this may have seemed an adequate means of catching the "big fish" when the Guidelines were promulgated in 1987, this approach was quickly circumvented by criminal organizations through hierarchical structures and the development of compartmentalized cells. The "big guys" just hired other people to do their dirty work, right on down the line. Soon, a whole class of "mules" began carrying drugs to the United States from third world countries like Nigeria and Colombia. These mules were usually very poor people who often did not fully understand the consequences of their acts in the United States. They got on a plane with the prospect of making several thousand dollars for delivering a suitcase to an American address, an astronomical figure to someone from a country with a minuscule per capita income, and upon landing they were arrested. Once again the "big guys" got away, and some poor schmuck got stuck to take the blame.

This situation happens about four hundred times each year in the Eastern District of New York alone. While these mules used to receive a thirty month sentence, with parole generally after a year, under the Guidelines they must now serve on the average another two years in Federal prison, and frequently must serve a five or ten year minimum sentence. The total costs associated with this factorial increase in the cost of incarceration in just our district alone is staggering.

Another fundamental problem with the guidelines and narcotics defendants is that the

guideline offense levels are scaled to quantities of narcotics and money that are far less indicative of high ranking criminality today than they were in 1987. While in early 1987 the United States had barely seen a cocaine seizure of over one thousand kilograms, by the end of the year the largest seizure in U.S. history — 8,700 pounds — had taken place in Ft. Lauderdale. Two years later, with the guidelines in full effect, 21 tons of cocaine and 12.4 million dollars were seized in a Sylmar, California warehouse. The warehouse was protected with nothing more than a six dollar padlock. Seven arrests were made, implicating predominantly low level truckers and storers. The “big fish” were back in Juarez, Mexico, and points further down south while their haulers got sentenced to eternity. The same scenario holds true in the heroin, ecstasy, and in most controlled substance markets. The quantities seized are ever increasing, and the web of minimally involved parties is always growing.

Single parents, business owners, resident aliens. A very strong argument can be made that these people, who happen to be the ones predominantly effected by the guidelines, are punished, deterred, and taught a pretty good lesson by the collateral consequences of loss of custody of a child, or the loss of a business which are imposed by relatively shorter periods of incarceration. Deportation is pretty effective too, for resident aliens convicted of crimes within the U.S. To be forced to impose a draconian sentence on these individuals because of a guideline scaled to quantities from a, sadly, by-gone era is clearly another one of the Guideline’s negative side effects.

Additionally, in the year of the Guidelines’ enactment there were approximately eight thousand drug cases in U.S. District Courts. Last year there were near fourteen thousand. This seventy five percent increase in the number of the cases heard, coupled with the mandatory imposition of lengthier sentences cannot continue indefinitely. Eventually we are going to run out of money, and a lot of people will be in jail who should not be. What I, the reasonable man propose, is to end the guideline system as to mandatory minimums, and to restore judicial discretion in sentencing up to a mandatory maxi-

et al.: *The Justinian*
mum, absent any “special circumstances”. This will serve to protect a defendant from overzealous judges at sentencing, will reduce the amount of total “per annum penal years” which we pay for, and will also serve to ease recent pre-trial detention problems.

One other effect of the guidelines, which is well beyond the scope of this article, is that a defendant facing a mandatory minimum must now overcome a “presumption of flight” if he or she is to be released on bail. The effect of this presumption is manifest in the denial of bail to forty five percent (45%) of all defendants charged with Federal drug offenses in 1989. This pre-trial Federal detention contrasts sharply with the fact that in State Courts felony drug defendants are less likely to be detained until trial than defendants charged with violent and property offenses. Obviously such a pattern of Federal detention has astronomical costs, but these costs are not solely financial. There are serious implications for individual rights in depriving liberty to near half of those arrested on Federal Felony drug charges. By reinstating a judicial discretion driven system of sentencing, many pretrial defendants previously detained on presumption of flight grounds may now be allowed to present a reasonable bail package, and to be released from custody up until trial and sentencing.

Not only does this facilitate the preparation of one’s defense, it enables a defendant to continue to work, to support his or her family, and to finalize any arrangements which they must make prior to trial and possible conviction. Additionally, the recurring injustice of allowing those who can pay astronomical bails, the “big guys,” to be released while their fall guys await trial in prison is minimized. For all of these reasons, it is imperative that we as lawyers reevaluate the Sentencing Guidelines and promote the just application of our laws to individual offenders.

Thank you for your kind time and endurance. I hope anyone interested will direct their response to *The Justinian*, 250 Joralemon St., 3rd Floor, for publication in our upcoming issue.

Until then, pay attention in class, enjoy the long awaited library, and eat your beets. 19

Last week, I had dinner with a friend and fellow BLS student. Apparently, one of the pair seated at the next table had overheard enough conversation to glean that I was studying law. The eves-dropper solicited an opinion as we passed his table on our way out. We both offered a response, revealing ourselves to be fellow law students. His expression turned scornful. Why, he questioned condescendingly, would we willingly subject ourselves to each other's inevitably lawyerish company after having to endure such creatures all day at work and at school?

His attitude is itself rather unremarkable. Lawyer bashing, after all, has become as commonplace as rain in Seattle. But I am struck, and upon reflection, troubled, not by the stereotypical assertion, but by the way in which both I and my companion reacted to it.

Her response consisted of a conspiratorial nod as she said something to the effect of "yeah, I know what you mean." I then chimed in with some ridiculous excuse for our dinner and justification of our friendship. Sounds absurdly hypocritical? Maybe, but I've heard many a fellow student scoff at the notion of keeping company with "law school people" and deride the idea of socializing with "them."

Among attorneys, such negative images of colleagues seems more the norm than the exception. In a recent California Bar Association survey, 59% of lawyers deemed their peers to be "overbearing." And 45% said other lawyers are "self-serving." While sitting in your next class, take a look at the person to your right and then to your left. According to the numbers just cited, one of those people views *you* as self-serving and overbearing.

This year, the American Bar Association will spend \$700,000 of its 65 million dollar budget on public relations aimed at persuading the public to view lawyers more favorably. While our collective self-image withers, our representatives are hard at work attempting to mend public perception.

Are we living in denial—unwilling accept that the public sees us precisely as we see ourselves?

These stereotypes and generalizations concern me, not because others may have a tainted view of our chosen profession. There is good and bad everywhere, and the virtues versus the evils of our system could be debated *ad infinitum*. As a brief example, lawyer bashers cite such statistics as 70% of lawyers work for 10% of the population. But likewise, firms are spending more than ever sponsoring public interest works. The National Association for Public Interest Law, which started in 1986 with chapters at 11 law schools now has chapters at 121 and supports 3,000 public interest internships and jobs. Each individual has his or her own goals, must answer to his/her own conscience, and will choose a career path in accordance with a personal sense of balance and integrity. This is as it should be. And the freedom to be a self-serving shyster if one so chooses (so long as practices remain within the law) is a freedom that few would want to limit.

But the problem lies in the fact that our ethics and ideals are not developed in a vacuum. What we internally reconcile as permissible and proper derives largely from social conventions and the attitudes of our peers. If half of all lawyers concede that their fellow practitioners are venal fortune-hunters and passively accept this generalization, does it not amount to a tacit acceptance of pettiness in the profession? If lawyers flippantly admit that we are boorish in general, why bother with civility and civic mindedness? No one expects it anyway. These attitudes are troublesome and dangerous. When we reinforce and perpetuate the negative stereotypes of ourselves, we indirectly excuse the actions that underlie them.

So the next time I am confronted by a condescending lawyer-basher, I have my response prepared: At least I have nothing to do with the media.

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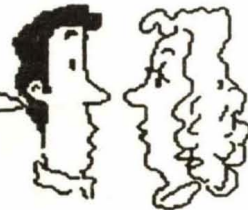


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BEST BRIEF PRIZE

Dean Trager and Professor Walter would like to congratulate the following students who, in 1992-93, 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, Crawford, Falk, Fleisher, Teitcher, Dachowitz and Ziegler chose the seven semi-finalists. From this group Professor Walter selected the Best Brief.

Best Brief

Robin Kitzes

Semi-Finalists

Kenneth Jockers
Ilene Lees
Yehudis Lewis
Valmiki R. Ramotar
Dana Safran
Charles von Stimson

Honorable Mention

Robert Axelrod	Jonathan Hornik
Elana Ben-Dov	Joseph Horzepa
Anne Bila	Jeffrey Kestenbaum
Margaret Carasaniti	Stephen Kline
Benjamin Deutsch	Patricia Labrada
Carol Di Martini	Gabrielle L. Mollo
Deborah Dobbin	Tara O'Neill
Mark Eberle	Kim Penachio
Todd Eisner	Hillary Porges
Philip Friedman	Leonardo Renna
Jenevra Georgini	Rob Rosenberg
Daniel Getz	Kristen Sauer
Benjamin Green	Cindy Silverstein
Betty Ho	Marc Tolchin
Richard Holicker	Ivan Yip

Succot, Solomon, Peres and Arafat

By Jason Goldfarb - JLSA President

The first murder in history, Jews, Palestinians, Yitzchak Rabin, Yasir Arafat, the Jewish holiday of Succot, and the words of King Solomon. Who would have ever believed they could all be placed in the same sentence, and at the same time be intimately connected with one another. Strange bedfellows indeed, but in today's world anything can happen.

Although the opinion of what you are about to read here is entirely my own, I must confess that the connection between the items in my first paragraph were brought to my attention by Rabbi Benjamin Blech, the Rabbi of the Young Israel of Oceanside. I know I cannot do proper justice to Rabbi Blech's constantly brilliant insights into Torah and world events, but with his permission I would like to share with you some of what he discussed over the Succot holidays. I think you will find what you are about to read quite startling, and I urge you to read on.

Jewish congregations across the world read the words of *Koheles* on the second day of the Holiday of Succot, Yitzchak Rabin read them from the White House lawn, and King Solomon actually authored them a few short centuries ago. Both Rabin and King Solomon spoke of a time for this and a time for that, each part of the sentence antithetical to the other. In the original version, each word referring to the *proper time* was constructed as a verb, and with two final exceptions, each word suggesting that every individual or nation could actually search for and find the *proper time*, whatever that may be. The last two words of the immortal words of *Koheles* that Yitzchak Rabin chose to quote, and the words that have now become famous around the world, "there is a time for peace and a time for war," were not constructed as verbs and were not constructed as words of human action, rather they were constructed grammatically as a statement of fact.

The beginning of the Book of *Koheles* contains a phrase that has the same root as that of another famous personage in Jewish and world history, Abel, or "*Habel Habalim*" in the original.

Justinian November 1993

Published by BrooklynWorks, 1993

For those of us out there not familiar with the first family of the bible, Adam and Eve had two famous male children (there were others), Cain and Abel. Although Abel is the subject of interest here due to his connection with the opening words of *Koheles*, the story would not be complete without his brother Cain. The name of Cain and Abel alone should be enough to impart an image of murder in your mind, but in case you are not familiar with this bit of history, suffice it to say that jealousy and rejection started Cain on his fifteen minutes of fame.

The biblical account of the actual murder itself occurs in the first portion of the Torah, which Jewish congregations began reading in conjunction with the holiday of Simchat Torah:

"And Cain said to Abel his brother, and they were in the field, and Cain arose to his brother Abel and killed him." It seems as if the Bible has forgotten something - it has not told us what Cain actually said. However, true to form, our biblical commentators offer some insight. Cain called out "My Brother!", and Abeleemotionally responded to that cry by releasing his grip, thus "...and Cain arose..." Despite being the stronger and more powerful of the two, Abel was caught off guard by his weaker brother, and Cain changed the world forever by committing the first murder. As punishment, Cain was forced to wander the earth forever, never having a place he could call home, and always afraid someone would take revenge for the spilling of his brother's blood.

Today people are killed over a lot less than things such as rejection and jealousy, but even during the time of the Bible the two brothers must have been fighting over something. What were they fighting over, you might ask? If you guessed Jerusalem, and bread, you would be right on the mark. Jerusalem and bread? Our biblical commentators tell us they were fighting over their sustenance, and who would merit the portion of the world that would contain the holy city of Jerusalem. Forgive me for getting back to the Hebrew language, but the Hebrew word for war is *milchama*, the root of which is the word *lechem*, which means - you guessed it,

RACE JUDICATA RAISES OVER \$2500 FOR JUVENILE DIABETES FOUNDATION

By Lew Lieberman '94

Fifty two Brooklyn Law School students, alumni and faculty braved a stormy forecast Sunday morning, October 17, to run 1993's version of *Race Judicata*. The Student Bar Association sponsored the run, which this year benefited the Juvenile Diabetes Foundation. Through entry fees and pledges collected from the participants, and a generous contribution from Bar-Bri, over \$2500 was raised (after expenses) for research to find a cure.

The run began with Dean Trager shooting the starting gun at Borough Hall. The runners proceeded over the Brooklyn Bridge, turned around and finished back at Borough Hall, completing a 3.6 mile run. Wade Johnson, '94 duplicated his 1992 victory by winning in 20:57, ten seconds quicker than last year. Jeannie Williams, '94, who was a 1992 *Race Judicata* volunteer *extraordinaire*, led all women across the finish line in 24:23, for an impressive seventh overall. Professors Bentele and Fullerton represented the faculty, both exhibiting serious competitive mettle. Their participation is appreciated. About fifteen alumni also participated.

Many thanks go to those who made *Race Judicata* a success. Detective Pat MacDermott of the Police Department's 84th Precinct Community Affairs office supplied over twenty police officers, who guaranteed the runners' safety by closing off the route to traffic.

For the second straight year, Thrifty American Beverages, at Court and Butler Streets in Cobble Hill, contributed drinks for the participants, and also donated a keg of beer, and a case of beverage for the post race raffle. Heavenly Bagels of Court Street also contributed coffee, bagels and cream cheese, repeating their 1992 contribution.

The raffle was open to participants who raised \$50 or more, and proved to be popular. Thanks go to the New York Sports Club and the Eastern Athletic Club (St. George), who each generously donated one three month membership. *The Saloon*, *Stubs*, and *Clinton Hill Cleaners* also contributed prizes, and their support is acknowledged. Special thanks also go to Blair Todt, Susan Farber, Janine Manzo, and Devon Cohen.

Several people were not able to turn in all their pledges. If you still want to contribute to the fight against Juvenile Diabetes, please

leave your contribution in the *Race Judicata* mailbox in the SBA office, or see one of the above mentioned students, or this writer. Also, a few *Race Judicata* T-shirts (always a collector's item) are still available, for \$10. Please leave your name and telephone number in the Student Bar Association office if you would like one.



CONGRATULATIONS!!!

Congratulations to the following people for their appointments to this year's Journal staff:

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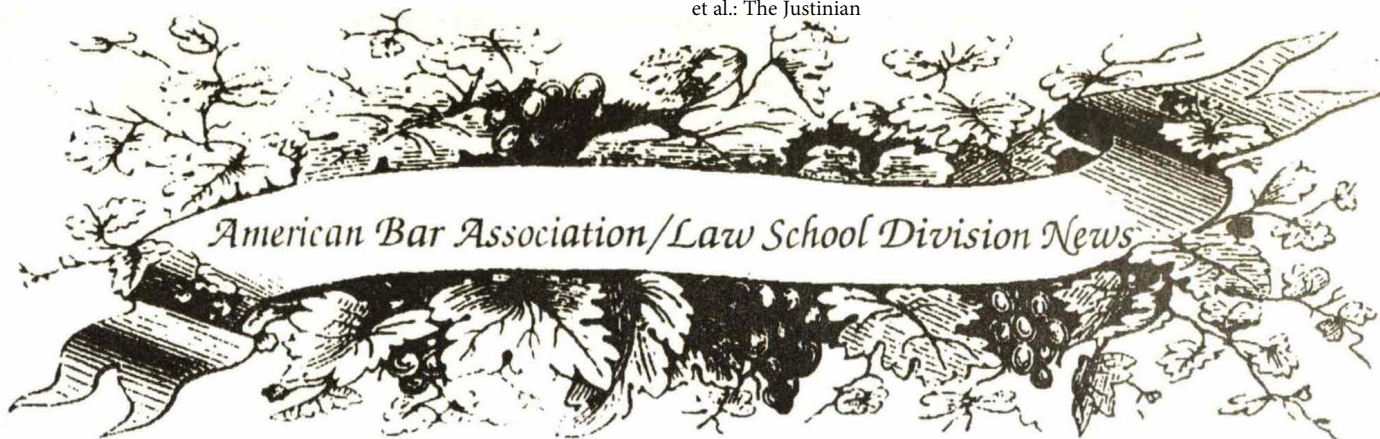
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By Lisa Brauner

Among the many organizations available to you at Brooklyn Law School, none offers you a greater combination of educational and professional opportunity than the American Bar Association (ABA). Active involvement in the ABA is the key to opening doors to your academic, intellectual and professional growth while in law school and beyond.

The Law Student Division of the American Bar Association (ABA/LSD) is the largest professional student organization in the United States. There are approximately 30,000-50,000 students enrolled as member from 176 ABA-accredited law schools. The ABA/LSD provides educational tools for its student members by sponsoring such programs as National Appellate Advocacy competitions, Negotiation competitions, and essay contest, so that students may develop their legal writing and oral advocacy skills.

In addition, the ABA/LSD provides its law student members with ever-popular discounts on insurance, discounts on credit cards, discounts on long-distance calling plans, discounts on ABA Committee section membership (i.e. criminal law, international law, corporate law, young lawyers division—to name just a few), and a free subscription to two journals, *The Student Lawyer* and *The ABA Journal*, that keep students current on the law and issues affecting them.

Finally, the ABA provides an incomparable forum, in size and scope, for aspiring attorneys to "network" and cultivate professional relationships. Involvement in the ABA/LSD, either as a circuit or national officer, or merely as a law

student member in an ABA Committee section, provides ample opportunity to meet others throughout the nation who share similar interests with you and who can guide you in your legal career path.

To find out more about what the ABA/LSD can do for you including our new exciting Mentor Program, stop by the SBA office to pick up a membership form, or call your ABA Representative, Lisa M. Brauner, at (718) 625-2783 to answer questions.

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Linda Fox	Sharen Hudson	Jeffrey Radol	Michael Sapio
	Gloria Rios	Jim Kilduff	Narissa Morris

SBA EXECUTIVE BOARD

Lisa Bova, President
Adam Stillman, Day VP
Doug Gladstone, Eve VP
Stu Eisenberg, Treasurer
Brian Stark, Secretary
Lisa Brauner, ABA Rep
Matt Stillman, NYS Bar Rep

Student Organizations

1993-1994



asian american law students association

by ivan yip, president

The Asian American Law Students Association (AALSA) has planned the following events that are open to the entire student body of Brooklyn Law School:

- Issues symposium discussing what the practice of law is like in today's market
- Chinese New Year Party
- 5th Annual Distinguished Alumni Award Dinner (end-of-the year event)
- Race and the Law symposium (co-sponsored)
- Reception for new minority faculty members
- International Food Fair
- Christmas Party (co-sponsored)

Aside from these events, AALSA is designed to provide support (academic, social, emotional, etc.). All are welcome to join in these events and to take part in the festivities.

black law students association

The Brooklyn Law School chapter of the Black Law Students Association (BLSA) is an organization which, among other things, seeks to increase the law school community's level of cultural awareness. This year we will continue this tradition by sponsoring and co-sponsoring various programs and events on topical legal/social issues, including our annual Kwanzaa and Black History Month Celebrations.

In addition, this chapter is involved in off-campus activities, such as our recent voter registration drive and our Adopt-A-School program. We also participate in joint projects with BLSA chapters at other law schools in the metropolitan area.

We welcome and encourage general attendance at all of our programs and events, as they have been and continue to be open to the entire law school community.

christian legal society

The Christian Legal Society (CLS) is a national organization serving lawyers, judges, law professors and law students. Its purpose is to help Christian lawyers integrate their faith with their professional responsibilities, to promote religious freedom, to provide a forum for discussing problems related to Christianity and the law and to establish and maintain high standards of legal ethics.

The BLS chapter of the Christian Legal Society is a nondenominational group that meets bi-weekly (every other Thursday) to study the Bible, discuss how the law affects Christians, and provide an atmosphere of fellowship. For the 1993-94 academic year, CLS plans to sponsor speakers, jointly participate in events with CLS chapters from the New York area law schools and focus on strengthening the growing group at BLS.

italian-american law students association

by michael v. gazza, president

IALSA is a group dedicated to the appreciation and furtherance of Italian-American participation in the Judicial system. IALSA was "reborn" in the 1992-93 school year after intermittent periods of dormancy in BLS's history and since then has enjoyed great success in gathering members and the promotion of special events.

This semester, IALSA will be hosting the Honorable Ronald Aiello, Administrative Judge of the Second Judicial District (Brooklyn and Staten Island).

IALSA is usually responsible for hosting the school's annual Christmas Party and last year in conjunction with the SBA and the Christian Legal Society sponsored the school's largest and most successful party ever. For this year, we would like to extend an invitation to all BLS cultural groups to participate and enjoy the festivities.

IALSA is especially concerned with the welfare of our first year students. We can supply a

"home away from home" for some and an academic support system for others, but most importantly, we provide a network of friends that prove invaluable in the strange and sometimes cold environment of the first year Law Student.

Look for announcements posted on the school bulletin boards for our events, or leave us a note in our mailbox in the SBA office for more info.

jewish law students association

by jason goldfarb, president

The Jewish Law Students Association, or JLSA as we are commonly known, has this year of a completely new executive board. Our major goal this year is to get the Jewish members of the student body more involved in Jewish related activities. We are planning on approximately 15 events throughout the school year, or about once a month, so there should be something of interest for everyone. Many of you already attended our High Holiday lecture given by Professor Twerski, and for those of you who wanted to attend but could not due to the scheduling, we apologize. It is often very difficult to schedule events so that everyone who wants to attend can do so. We will try to schedule future events to reach the largest possible audience.

We have tentatively scheduled lectures on Jewish and secular law, intermarriage, and of course Professor Twerski's famous Passover lecture. A Chanukah party, Purim Party, a post winter break welcome back night, and a wine and cheese party at the end of the year welcoming the new members of our executive board, are also planned. In addition, there will be events commemorating Israeli Independence and Yom Hashoa, and we will be hosting an attorney's forum featuring prominent Jewish attorneys who will speak on topics of Jewish and legal interest.

Last but not least, we will be running at least two Friday night programs, one each semester, which we have called "Turn Friday night into Shabbos." For those of you who have not yet experienced a Shabbos or even know what it is, you don't know what you're missing. Ask people who

have tried it. Good for the spirit, mind, heart and stomach. This promises to be a great experience. No previous experience with Shabbos is necessary. We will keep you posted.

There are lots of you out there, probably more so than any other student group at Brooklyn Law School, and there is no reason why more of you cannot get more involved. As long as I am criticizing here, the entire student body has been generally apathetic to any events run at BLS, unless of course there is plenty of food and/or plenty of beer. Do your best to get more actively involved, no matter which student group you choose to be a part of, because everyone benefits.

Since there has been tremendous student interest in the location of a local orthodox synagogue, kosher food, and a kosher butcher, we have provided this information on flyers that can be found posted on the bulletin boards throughout school. If anyone wants a copy of this flyer you can pick one up in our box at the SBA office. As always, if anyone has any questions regarding our posted information feel free to contact me.

Due to your requests, sometime within the near future, and perhaps it will be a done deed by the time you read this, we will be bringing in a high ranking official of the Israeli Government, by way of the Israeli Consulate in New York, to speak to the student body about the recent peace agreement between the Israeli government and the PLO. Watch for our flyers announcing this event.

legal association for women

L.A.W. is an organization dedicated to promoting awareness of issues concerning women and working as a forum for women in the law school community. These goals are addressed in panel discussions, programs coordinated with other student groups at BLS, and inter-law school events. In addition, L.A.W. provides a support network for students focusing on the pressures and expectations of law school and legal careers.

This year, L.A.W. has already held a successful Breast Cancer Awareness Petition Drive.

Two self-defense workshops will be run, as they have in the past, by second year BLS student Devin Cohen, a black-belt instructor. Proposed activities for the coming year include a Speakers' Forum on Gender and Race, an inter-law school women's association reception, and a film festival and party celebrating Women's History Month.

Two projects are being coordinated with BLSPI and the Brooklyn Bar Association which would extend pro bono and volunteer opportunities to students who wish to get involved with women's issues. Also, our ABA representative, Lisa Brauner, is exploring mentor programs and other networking opportunities with various bar associations.

Our second meeting will be primarily organizational. Committee heads are needed for the Speakers' Forum, the Inter-Law School Women's Association Working Group, Careers Committee and Rap Group Committee. Anyone interested in serving as a committee head can leave a statement of purpose in the L.A.W. mailbox or contact Christa Schacht at (718) 793-4677. Also, copies of agendas for all meetings are available in the L.A.W. mailbox.

ski club

a skier's guide to brooklyn

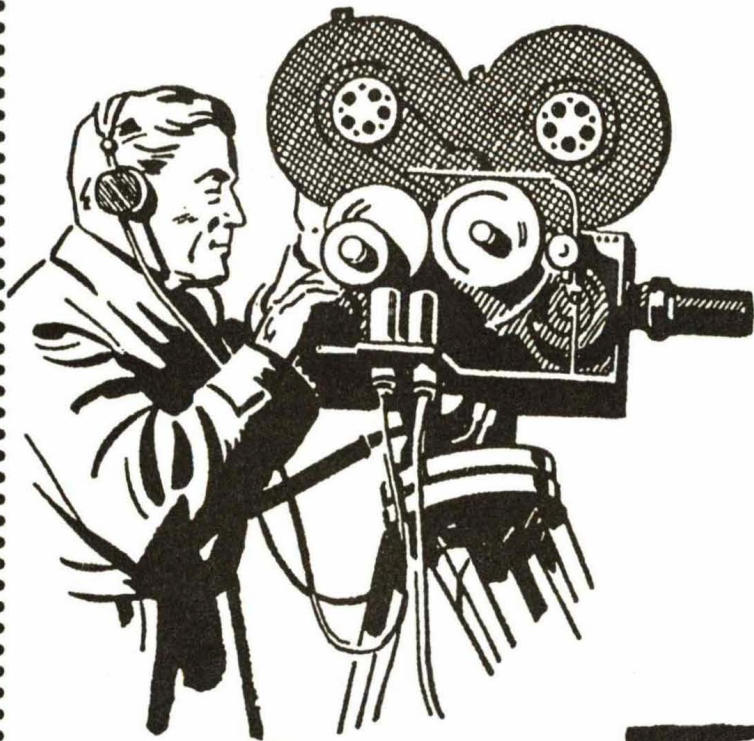
Remember way back to those pre-law school days when evenings were for relaxing, weekends were for playing, and vacations were for getting away from it all? Yes, I am talking about when you had a life. Fear not brave law students for there is a light on the horizon and it is not the Bar exam. It is fun, it is exciting, and it only requires that you turn off part of your brain and leave that mythical reasonable person behind.

The newest organization on our vertical campus is dedicated to getting lots of vertical. Brooklyn Law now has a ski club. Some eager young first years, evidently with too much time on their hands, started an organization dedicated to life, liberty, and the pursuit of powder. Daniel Markofsky, the club's founder, comes to Brook-

lyn with eight years of experience at running ski trips. He promised a good time to everyone who goes on a club trip. We were surprised to hear a future attorney making a promise until we learned some more about him. He did not spend the last two years grinding his knees on the carpeting of some big Manhattan law firm. He comes from Colorado where he skied all day and spent the rest of the time paying the rent. We were not able to find out much about the club's co-founder, Gary Ostroff, except we heard that he skis on 220cm DH boards (the kind that racers use on 80mph courses).

The ski club is running a five day trip to Killington, Vermont over the January 16th - 21st break, a great time to ski for good snow, small crowds and low rates. The trip is open to all students, faculty, and staff, and their friends and families. It will include a five and a half day lift ticket and five nights condo lodging in the Killington Village area. Depending on the turnout they said they would sponsor group activities during the trip. The trip is packaged for the Club by Moguls Ski & Sun Tours, a company that specializes in ski club trips and one that Dan said he has worked with for the past six years. The Club's plans include making cool T-shirts, a meeting in November complete with food and quality beer, and a one day bus trip in February. For more information about the club look for their fliers, see their display by the SBA mailboxes, and go to their meeting/party in November (time and place to be announced). At last some law students that admit they have their priorities screwed up (or are they?).

Entertainment Guide



LAW AND POPULAR CULTURE

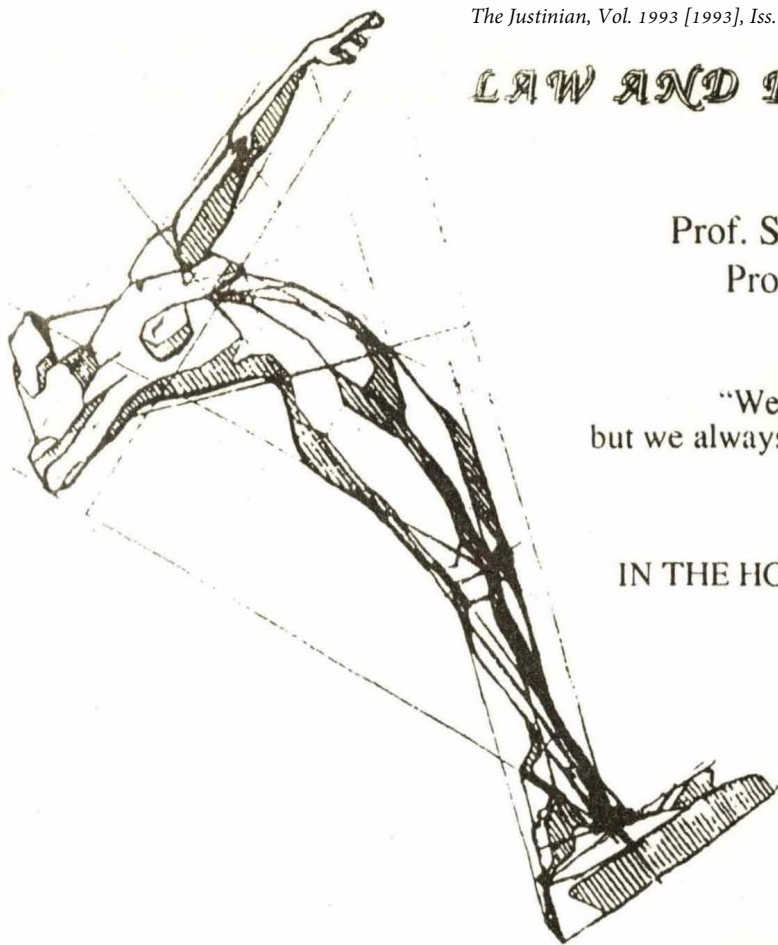
By

Prof. Spencer Weber Waller

Prof. Anthony Sebok

"We may not have tenure
but we always have two hours for a movie."

IN THE HOUSE OF THE *RISING SUN*



Here I was all revved to see *Rising Sun*, the first movie in a decade that I could assign as required viewing for my International Trade class, and all I got was a slightly dull L.A. modern film noir with a few techno twists.

All the hype over the anti-Japan slant of both the novel and the film (it is there) does not eclipse the fact that this is a generic cop buddy film with some time outs in the plot to explain aspects of Japanese business practices that can be gleaned from a quick skim of the Wall Street Journal or New York Times business section. Pop quiz: What is a *keiretsu*? True or false: Japanese businesses prefer to think of themselves as a family or a team? Negotiating with the Japanese is different than an American style business negotiation? Fortunately, the director spared us the excruciating ten page discussion of dumping found in the novel.

Wesley Snipes and Sean Connery team up to solve a murder of a beautiful young woman in the board room of the L.A. headquarters of a Japanese corporation on the evening of the building's public opening. Snipes plays his tenth or eleventh version of a cop with an attitude. Connery plays a weary cop wise in the ways of the Orient who looks great in nothing but black Armani. Together this pair of detectives are blocked at every turn by stonewalling

by the Japanese executives, doctored evidence, and venality and stupidity by their American colleagues.

The production values are excellent but the movie has a tawdry and sleazy voyeuristic feel as a crucial but graphic sex scene is replayed ad nauseam and various semi-clad woman parade through other scenes. Phillip Kaufman directs in a competent manner, but undercuts any tension with an unnecessary flashback structure, long breaks for discussion of Japanese trade and investment policy, and some just plain dull scenes. (Professorial aside - much of the discussion of Japanese dominance of the United States economy seems rather dated in view of the growing sentiment that the Japanese vastly overpaid for unproductive real estate and entertainment assets in California).

Connery, as always, adds class to the film. In an interesting twist, his character is much more morally ambiguous than in the novel. Snipes is Snipes (Passenger 57, where are you?). The supporting cast is excellent and features Ray Wise (Leland Palmer/Bob in *Twin Peaks*) as a kinky United States Senator, Mako as a senior Japanese executive with great dignity, and Harvey Keitel as yet another in his series of perfectly played scumbag cops (if you are interested in the ultimate Keitel scumbag character see *Bad Lieutenant* where he is a very bad lieutenant).

Japan bashing? This movie is really about lawyer bashing and dumb American bashing. But on the good side, future corporate lawyers can watch a deal really crater.

GRADING ON A CURVE : B-

QUICKIE MINI REVIEW: GUILTY AS SIN

This movie was so bad that I walked out half way through, despite the fact that I was in Germany and had not seen a movie in five weeks. If you want to see a movie where a sick degenerate may or may not be trying to kill his attractive woman lawyer, rent Jagged Edge.

GRADING ON A CURVE: F

I went to see *Rising Sun* with a number of preconceptions. Unlike a lot of people, most of my preconceptions had very little to do with Michael Crichton, or the controversial novel upon which the movie is based. I have never read a Crichton novel, and I did not see *Jurassic Park*, although I gather that it is a lot like *The Firm* (especially the uncanny resemblances between velocaptors and tax attorneys). Furthermore, unlike my colleague in this column, I do not know anything about foreign trade and I have no strong feelings about Japanese corporate practices (I have owned two used Subarus, but I would not blame an entire nation for my getting stranded on the Triboro Bridge during rush hour).

No, I went to see this film because it was directed by Phillip Kaufman, who I think is a very skillful and unusual story teller. After all, who would have thought that he could make a book like *The Right Stuff* (a history of the space program) come alive like a bodice-ripper? Kaufman also took a very complex and philosophical novel, *The Unbearable Lightness Of Being*, and turned it into an approachable, popular movie without destroying its basic core. So we know that the guy has got talent. What I learned from *Rising Sun*, however, is that sometimes very smart directors have not got a clue about how to make your basic action/mystery movie. *Rising Sun* is a case in point—it is a mess. It is the kind of mess you would expect a director like Kaufman to make: lots of inspired ideas surrounded by the kind of mistakes that a B-grade director like Samuel Raimi would not have made even if he were directing *The Evil Dead I, II*,
Published by BrooklynWorks, 1993
Justinian November 1993

and III simultaneously.

Let us begin with the basic plot. As you probably know by now, L.A. cops Sean Connery and Wesley Snipes are brought in to investigate the case of a young woman who died during a gala held in a Japanese multinational's new building. The murderer turns out not to be who you think it will be, but for most of the film you are led to believe that the murder was done by or on behalf of the Japanese multinational. Pretty standard murder mystery story line. By the end of the film, however, you find out that there are two different groups of Japanese corporations, and that their struggle (which we know nothing about) is the key to explaining the original murder and all the subsequent murders. A little confusing, but I can handle that too. But get this: by the time the movie ends, you have no idea which group caused which murders, and because you have been given almost no information about the two groups, you could not tell them apart anyway.

In your basic good murder mystery, the audience gets a little thrill—a little sense of release—when the murder gets solved. In *Rising Sun*, all you get at the end is a collective sense of confusion. This is about as basic a problem as you can get. It is related, however, to another problem with *Rising Sun* that has been discussed much more in the media: The film's racism. The film has been accused (perhaps correctly) of being racist because it sets up superficial stereotypes of the Japanese as rapacious, unscrupulous economic pirates. I agree that this stereotype is in the movie and Spencer tells me it is in the book. But the problem with racism goes deeper in the movie. With the possible exception of one character, none of the literally scores of Japanese characters who appear in scenes and speak lines are given personalities. The movie gives none of the Japanese characters any opportunities to develop individual motives and characteristics. It is no surprise that by the end, we really could not care who committed the various murders because we do not know anything about the villains in the story.

You could come up with a variety of reasons for why *Rising Sun* fails to satisfy even the basic requirements of a standard mystery or action movie. Some might argue that the book's racism doomed the movie from the start, and that this racism blinded Kaufman from the fact that he needed to come up with adversaries who would be as interesting to the audience as the heroes. I have a simpler, more benign explanation: Phillip Kaufman should stay away from movies with lots of guns, car chases, mysterious deaths, or pectorals. Thank God they didn't hire him to make *Under Siege*.

GRADING ON A CURVE: C

DEMOLITION MAN

By John Baxter

Though not a big fan of Stallone's work besides the first couple of "Rocky" features and, say, "Nighthawks", I nevertheless went into "Demolition Man" expecting to be entertained by the kind of futuristic-action-thriller-punctuated-with-deadpan-one-liners that Schwarzenegger has been churning out for the past decade. I came away more or less satisfied, but with the nagging suspicion that this kind of film may, like Madonna, be losing its stranglehold on popular culture (in the unlikely event you should wish me to elaborate on this hypothesis, feel free to approach me in the cafeteria).

The main problem with "Demolition Man" is that the plot—in this genre, usually an unobtrusive excuse for the latest in special effects—is so contrived that it ultimately bogs down in its own comic-book silliness. A preposterously sanitized society of the future in which all things negative and unhealthy have been outlawed—even mild cursing and fattening or spicy food—would seem ripe with satiric possibilities, but the makers of "Demolition Man" employ the Howard Stern rather than the Jonathan Swift approach, wearing out with sledgehammer persistence the few jokes their limited resources can muster.

As with any totalitarian society Hollywood creates, no matter how benevolent, there is, of course, a Resistance. But the underground of noble malcontents in this movie is really a bunch

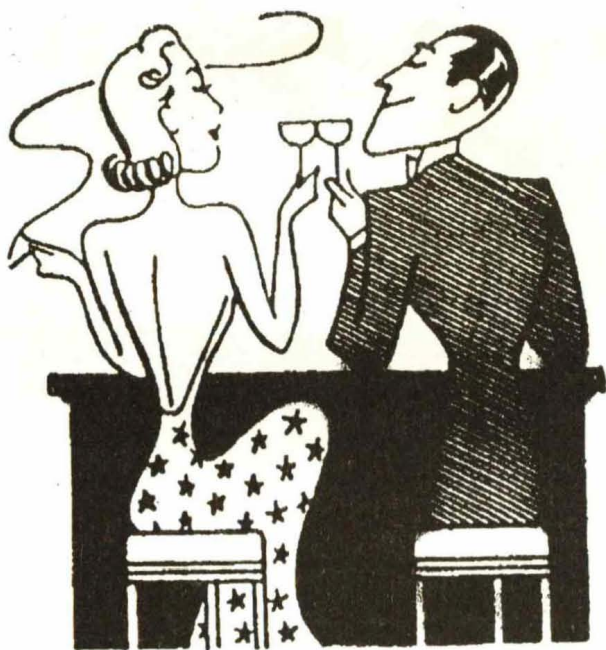
of fast-living slobs who just want to be left alone to utter profanities between mouthfuls of chilidogs.

The film's writers are presumably taking aim at what they consider the benign fascism of such '90s trends as political-correctness and obsessive health-consciousness—and herein lies the plot's greatest weakness. By pitting the insidious forces of health and happiness against the heroic guardians of our right to disease and misery, the film sentimentalizes the mildly but relentlessly self-destructive behavior that many of us engage in but that we would rather not see glorified in 70 mm Dolby. Yes, we should be free to live as we wish, but there's nothing noble about a high-fat diet.

The performances are a little disappointing, from Wesley Snipes' oddly hyper sociopath, Simon Phoenix, to Sly's placid portrayal of maverick cop John Spartan (and for a guy who has been frozen but conscious for over forty years, he is in an awfully good mood). By far the biggest let-down, though, is the casting of Dennis Leary (as the leader of the underground movement) in a role that permits him only a brief opportunity to be Dennis Leary.

Of especial interest to law students is the illogic of a penal code that consigns a police officer convicted of manslaughter to essentially the same fate as the nation's most notorious mass-murderers. But despite these and other shortcomings, such as a relative paucity of special effects, "Demolition Man" has just enough chuckles and the pace is just fast enough to make it worthwhile for those of you who looked forward to its release.

*this space under construction
completion date undetermined*



Welcome back to school colleagues. This month I would like to review the diners which surround the Brooklyn Law School area. Why diners? Partially in response to criticisms of last year that I only reviewed expensive food and wine, and partly because I truly like diners. Diners, when good, are cheap, fast, and offer a wide range of eating options. When bad, though, they are among the worst imaginable places to eat.

The Happy Days Diner on Montague Street is an excellent example. This twenty four hour a day diner is terrible, and should be avoided unless it is too late for you to eat elsewhere. The pastel sparkly plastic seats, formica tables, Elvis decor and grimy sheen of the *Happy Days Diner* call out to you. It is as if they are saying: "do not eat here." If you must eat here, I recommend the milkshakes (without yucky syrup) or a grilled cheese sandwich (for those who can endure the grease), but do not drink the (dish) water.

Although not as tacky looking as the *Happy Days Diner*, *The Barrister* coffee shop on Remsen Street (between Clinton and Court Streets) wins the prize for overall worst service, worst food, and worst atmosphere. If you can manage to get served you will find that everything is sopping with lard and nearly inedible. The eggs and omelettes are swathed in grease, the coffee acrid and the muffins stale. The waitstaff is absolutely moronic, and seem deaf to the simplest request. For those with short tempers, I would recommend that you stay away from *The Barrister* at all costs.

On the flip side, there are several excellent diners in the area. For example, *Teresa's Restau-*

WINE WOMEN AND SONG

rant on Montague Street (between Hicks Street and the Promenade) features a Polish-style cuisine and a wide variety of traditional greasy spoon fare. You can actually eat breakfast, lunch or dinner at this "diner" and come out satisfied. Breakfast features include Polish Kielbasa (sausage), pancakes with fresh fruit, and cheese blintzes with either fresh blueberries or plum butter. For lunch or dinner, try Beef Stroganoff or Broiled Chicken, both served with a generous selection of vegetables and kasha (roasted buckwheat kernels). Also try the breaded veal cutlet, the rack of lamb or the stuffed cabbage. All are excellent and the portions are sumptuous.

Woerner's Restaurant is a little known coffee shop on Remsen Street just past *The Barrister*. This castle-like establishment features German-style cooking. Breakfast specials are cheap and hearty. Try any of your traditional egg, sausage, bacon, and toast combinations and you will walk away satisfied. For lunch, try the Reuben and Stein which consists of a hot open-faced reuben sandwich and a 22 ounce stein of Budweiser.

The fastest good diner on the survey is the *Clark Street Diner* on the corner of Clark and Henry Streets. The service is lightning fast and the breakfast is tasty. The lard factor is low for a greasy spoon, and the waitstaff is responsive to customer requests. In all honesty, you can walk in, sit down, order eggs and cereal, and be out within 15 minutes. Although this may not be your idea of a fun time, remember we are reviewing diners.

Finally, try the new *Bagel Point* on Court Street between Baltic and Warren Streets. Although it is not a traditional diner, Bagel Point serves phenomenal bagel and fish combination platters and all traditional breakfast and lunch fare. I would recommend the whitefish salad platter or a smoked salmon and cream cheese platter, both with everything bagels. The service is good and the atmosphere clean and enjoyable.

This ends our diner sweep. Until next time, eat at your own risk.

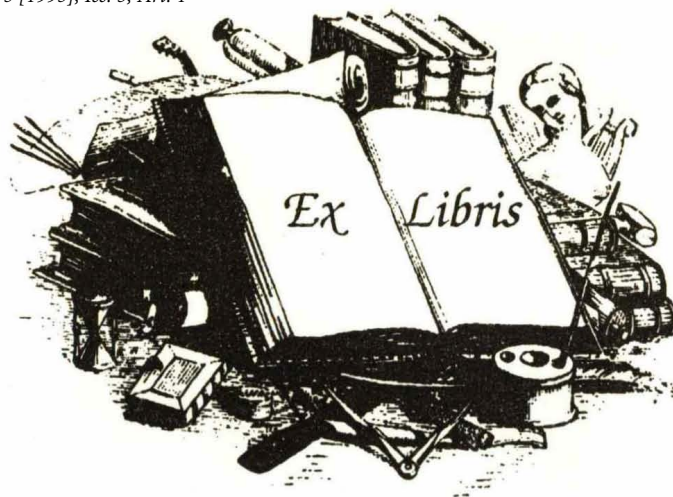
By Michael A. King

The Dream and the Nightmare: The Sixties' Legacy to the Underclass
Myron Magnet, 1993

In what may be the most politically incorrect book of the decade, Mr. Magnet describes the current plight of today's urban underclass and places the blame for their condition squarely on the liberal social policies of the 1960's. Mr. Magnet skillfully dissects the liberal policies concerning the proper treatment of the mentally ill. He traces the present "homeless" catastrophe back to the allegedly more humane idea of de-institutionalization of the mentally ill.

Magnet attacks the war on poverty with incredible candor. He blames welfare, the food stamp program, and the Aid to Families with Dependent Children program for the current problems of teenage pregnancy, single parent households, unemployment, and illiteracy. Mr. Magnet concedes that these programs were created by people with good intentions. However, he finds fault with the way that these programs were implemented and feels that they should be curtailed.

Mr. Magnet saves his most virulent attacks for the chapters on multi-cultural education, campus thought police, and college professors who are



more concerned with imparting politically correct notions in their students than disseminating useful knowledge.

Mr. Magnet, a writer for Fortune Magazine, even offers some helpful suggestions for improving the way that we handle these problems. However, he is at his best when describing the horrible conditions that face our country and especially our cities.

This is an extremely thought provoking book. While you may not agree with everything Mr. Magnet asserts, you cannot avoid the feeling that he is sincere in his desire to help America and the people who suffer from the conditions he so artfully describes.

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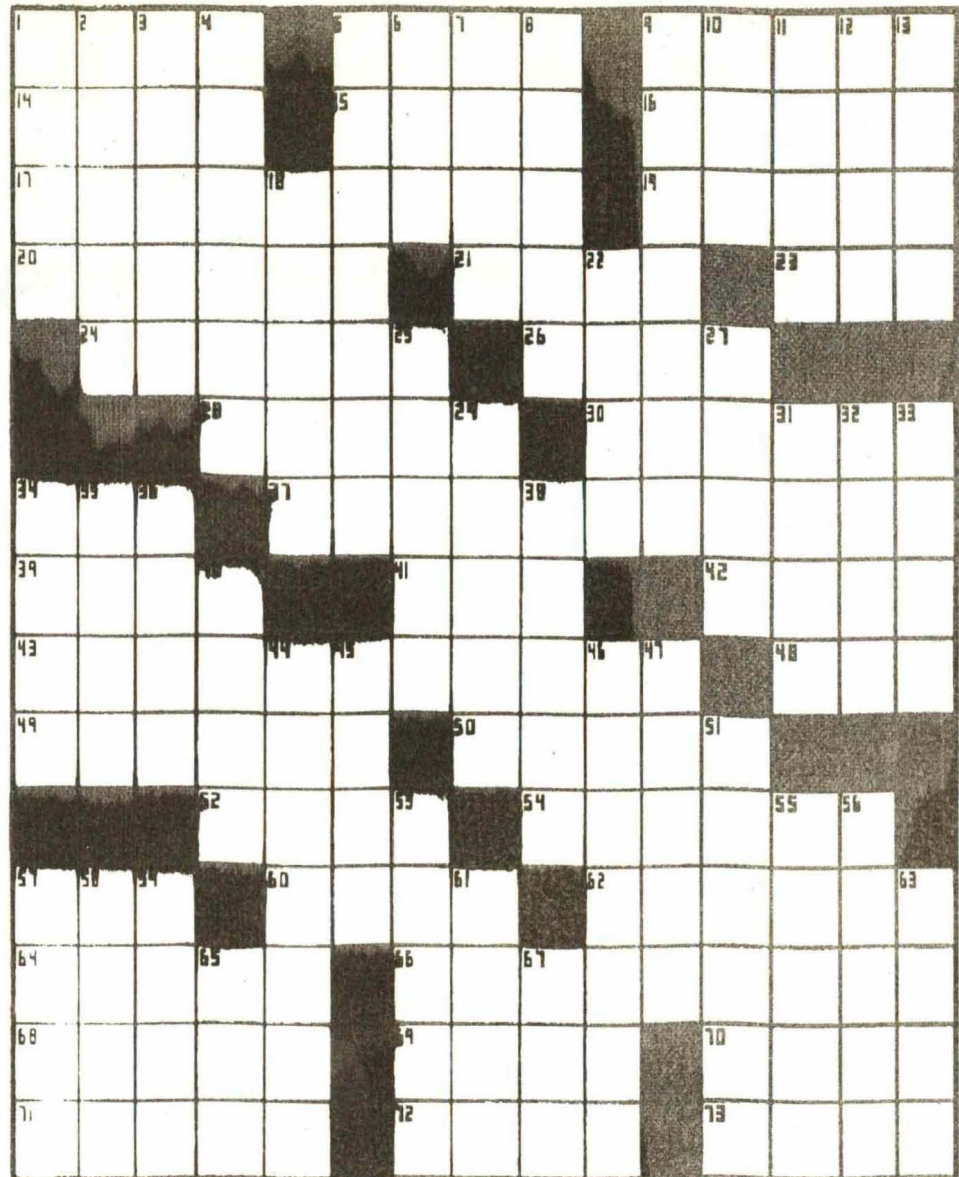
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The Crossword

Across

1. Concern
5. Eschew the scissors
9. Peachy color
14. Marge
15. Make eyes at
16. In the cooler
17. Longshoremen ?
19. Paper money
20. Accumulate
21. Get all mushy
23. Erhard's method
24. Turned down
26. Roman
wherewithal
28. ___ the hills
30. Be benefactor
34. Dict. label
37. Waterfront
vacation?
39. Argued a case
41. XXXIV tripled
42. Watch display,
perhaps
43. Passenger on
the landing?
48. Epithet for
Anthony Wayne
49. Junket
ingredient
50. Not so hot
52. Actress Grey
54. ___ anchor
(move securely)
57. Stand at the
plate
60. Where port is
left
62. Prodded
64. In the clouds
66. Shore dinner?
68. Move edgewise
69. Mrs. Peel
70. Alternatively



- | | | | |
|--------------------------|-----------------------------|-----------------------------------|---------------------|
| 71. Got up | 9. Smart | 31. Paradise Lost | 47. Get ___ (ditch) |
| 72. Twenty quires | organization? | character | 51. Deluge with |
| 73. "___ I say
more?" | 10. The Plastic ___
Band | 32. Ciao, in Chelsea | decibels |
| | 11. Liturgy | 33. Gave the | 53. More recent |
| | 12. Escadrille | once-over | 55. Allan-___ |
| | members | 34. N-S connection | 56. Concise |
| | 13. In case | 35. Babe's Hue | 57. Woofer sound |
| | 18. Association of | 36. Young or Penn | 58. Came down to |
| | merchants | 38. Low liar | earth- |
| | 22. Adriatic island | 40. Cgs unit | 59. Hoo-ha |
| | 25. Capital of | 44. Yelled at | 61. Verbalized sigh |
| | Bangladesh | 45. "Willie and the
Hand Jive" | 63. Proof of |
| | 27. Author Bagnold | 46. Oscar Wilde | purchase |
| | 29. Miss by a | specialty | 65. Alice spin-off |
| | whisker | | 67. GP gp. |



Attention First Year Students BAR/BRI Presents The First Year Review

To assist you with your final exams.

FIRST YEAR SCHEDULE

DATE	LECTURE	TIME
Sunday, October 17	*CIVIL PROCEDURE (LIVE)	10:00 - 4:00
Friday, November 5	CONTRACTS	10:00 - 4:00
Saturday, November 6	REAL PROPERTY	10:00 - 3:00
November 6	*HOW TO MAXIMIZE YOUR SCORES ON FINAL EXAMS	4:00 - 5:00
Friday, November 12	TORTS	10:00 - 4:00
Saturday, November 13	CRIMINAL LAW	10:00 - 1:00
Sunday, November 14	CONSTITUTIONAL LAW	10:00 - 4:00
Friday, November 19	REAL PROPERTY	10:00 - 3:00
Saturday, November 20	*CIVIL PROCEDURE	10:00 - 4:00
Sunday, November 21	CONTRACTS	10:00 - 4:00
Friday, November 26	CRIMINAL LAW	10:00 - 1:00
Saturday, November 27	CONTRACTS	10:00 - 4:00
Friday, December 3	*CIVIL PROCEDURE	10:00 - 4:00
Saturday, December 4	TORTS	10:00 - 4:00
Sunday, December 5	REAL PROPERTY	10:00 - 3:00
Monday, December 6	TORTS	10:00 - 4:00
Tuesday, December 7	CONTRACTS	10:00 - 4:00
Wednesday, December 8	CIVIL PROCEDURE	10:00 - 4:00
Thursday, December 9	CRIMINAL LAW	10:00 - 1:00
Friday, December 10	REAL PROPERTY	10:00 - 3:00
Saturday, December 11	CONSTITUTIONAL LAW	10:00 - 4:00
Sunday, December 12	TORTS	10:00 - 4:00

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