

# The Justinian

---

Volume 2003  
Issue 6 November

---

Article 1

2003

## The Justinian

Follow this and additional works at: <https://brooklynworks.brooklaw.edu/justinian>

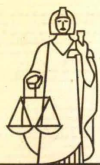
---

### Recommended Citation

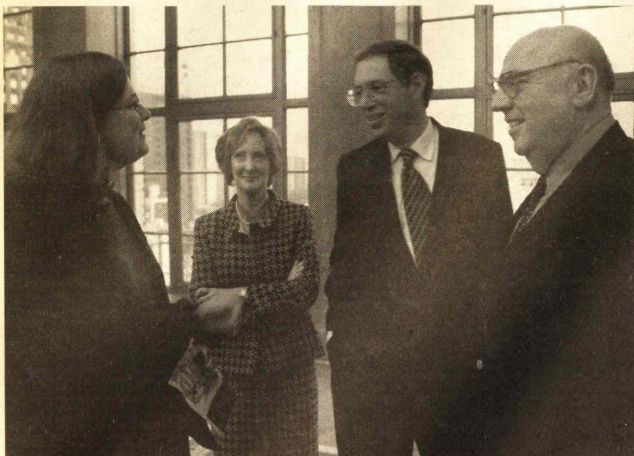
(2003) "The Justinian," *The Justinian*: Vol. 2003 : Iss. 6 , Article 1.  
Available at: <https://brooklynworks.brooklaw.edu/justinian/vol2003/iss6/1>

This Article is brought to you for free and open access by the Special Collections at BrooklynWorks. It has been accepted for inclusion in The Justinian by an authorized editor of BrooklynWorks.





## Epstein Urges Health Reform SBA Prez on BLS Announce



Richard Epstein (center) speaks with Dean Wexler, Judge Trager, and a BLS Student after speaking at this year's Belfer Lecture.

Photo courtesy of Brooklyn Law School

By Danette Slevinsky, '06

This year's Belfer Lecture, given by the esteemed Richard Epstein, focused on the topic of public health, past and present. Brooklyn Law School's students and faculty were presented with a thought provoking and arguably disturbing critique of America's public health system. Epstein expressed his concern that the broadening of the reaches of the public health system in the 20th century will promote the negative health of the individuals which the

system is trying to protect.

Professor Epstein put forth the argument that health conditions, like obesity, should not be within the jurisdiction of public health officials to monitor and control. Obesity has become an increasingly serious health problem in America, and has been linked to heart disease, diabetes and a slew of other health care disorders. Obesity, however, unlike TB or the common cold, is not an illness one can catch.

See: EPSTEIN  
Continued on p. 4

By Joe Anci, '04  
SBA President

On Friday, November 14, 2003 the administration enacted a ban on students and student organizations from using BLS Announce to distribute emails to the entire BLS student community. This policy was put into effect without providing notice or warning to students and student organizations. The administration seems to believe that unlimited use of BLS Announce "clogs student inboxes" and shutting down BLS Announce will eliminate this clutter. However, an informal survey of one student's inbox, who has not deleted any emails, has shown that BLS students received an average of 4 BLS Announce emails per day during the Fall 2003 semester. Another assumption is that posting events on the website and posting school bulletin boards with flyers is as effective in reaching students as BLS Announce.

The SBA is against this shutdown of BLS Announce. On November 19th, the SBA Student Affairs Committee submitted a proposal to the administration with alternatives to a complete shutdown of BLS Announce. While we agree that not all messages are suitable for the distribution list, i.e. general meeting information can be sent to the organization's membership list instead

of the entire school, we believe that there is a better solution than a total shutdown. The SBA is advocating on behalf of the BLS student community for the creation of a separate distribution list for student organization messages. We also ask that this list have an opt out feature to allow students to prevent unwanted emails from cluttering their inboxes.

In the meantime, any and all students and organizations that are opposed to this ban should send a letter of protest to [sba@brooklaw.edu](mailto:sba@brooklaw.edu). We will make sure that these letters are submitted to the administration, along with the proposal, to demonstrate a unified front against the shutdown of the distribution list.

Feel free to contact me, any SBA Executive Board member or any SBA Upperclass or 1L Delegate if you would like to discuss this matter further. We will keep you posted about any new information as it becomes available.

I hope that by working together we can make this a temporary shutdown of this vital communication tool.

Joe Anci  
Student Bar Association President  
Brooklyn Law School  
718-780-7962  
[sba@brooklaw.edu](mailto:sba@brooklaw.edu)

## An Internship Defending Asian American Voting Rights

By Alice Y. Cho, '04

In past elections in this country, Asian Americans have faced a series of barriers in exercising their right to vote. Some documented problems include mistranslated Asian language ballots listing Democratic candidates as Republicans and vice versa, lack of interpreters, denial of language assistance, hostile poll workers, and even outright discrimination.

In response, the Asian American Legal Defense and Education Fund (AALDEF), based in New York City, has monitored every major election since 1988 for compliance with the Voting Rights Act, specifically Section 2 (which prohibits racial discrimination) and Section 203 (which mandates the availability of Korean and Chinese language ballots and language assistance). Since 1988, AALDEF has also conducted a non-partisan survey of Asian American voters to document specific instances of anti-Asian voter disenfranchisement as well as Asian American voting patterns generally.

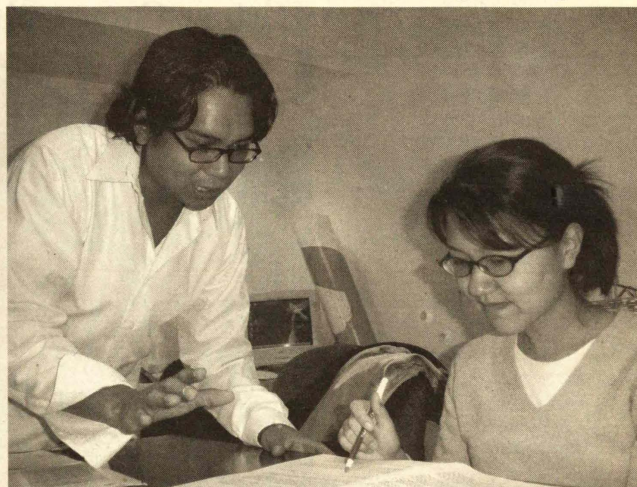
On November 4, AALDEF volunteers including several BLS students were once again at the polls (8 sites in Manhattan, Brooklyn, and Queens) conducting an exit poll survey for the City Council Primary and General Elections. Almost 1,000 Asian Americans responded to AALDEF's survey. Published by Brooklyn Works, 2003

languages and dialects. Respondents were primarily Chinese, Korean, South Asian and Filipino-American voters. Preliminary results of the 2003 survey reveal that this year's discrimination consisted mainly of poll workers improperly demanding identification from hundreds of Asian American voters, blocking interpreters from assisting voters, and making hostile, disparaging, and racist remarks. Final results of the survey have not yet been released.

When asked why the survey is so important for the Asian American community, Glenn D. Magpantay, Voting Rights Attorney at AALDEF, stated that, "the survey began because elected officials were not being held accountable for any voter discrimination. My job is to tell elected officials that the Asian American community matters. So often our community is neglected, overlooked and forgotten. I speak to the president, governor, and city council via survey results, letters and briefings, and say, 'Look! Asian Americans are out there and we're voting!' But someone needs to address the blatant voter discrimination against Asian Americans."

The survey volunteers, mainly comprised of students from local high schools, colleges and graduate schools, help AALDEF find not only minor problems but also egregious incidents of discrimination.

This year, as in past years, several BLS students have dedicated their time and energy to defending Asian American rights by participating in the



Glenn D. Magpantay and Cindy Chae, '04 at work for the AALDEF.  
Photo by Alice Y. Cho, '04

exit poll survey. Mr. Magpantay said, "One of the things that we really like about Brooklyn Law is that the students that come out of there, and not just students that go into public interest law, have a strong sense of community that is unlike every other law school in the area. That is why, almost every year, we have a BLS intern in the office."

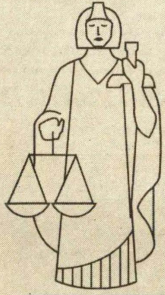
This year, Cindy Chae, BLS '04, is a legal intern working in AALDEF's Immigrant Rights Department. "I became involved with AALDEF because I've always been interested in issues that affect the Asian American community and AALDEF is an organi-

zation that supports Asian American issues directly."

In addition to voting rights and immigrant rights, AALDEF deals with youth rights, anti-Asian violence, police misconduct, workers' rights, and language rights. For anyone interested in becoming involved with the Asian American community through AALDEF, contact Glenn D. Magpantay, Esq., Asian American Legal Defense and Education Fund, 99 Hudson Street, 12th Floor, New York, New York 10013, (212) 966-5932, [gmagpantay@AALDEF.org](mailto:gmagpantay@AALDEF.org)



# [Professor Profile]



**BLS  
NEWS**

## Editors - in - Chief

Miri Frankel  
Alyson Mathews

## Executive Editor

Greg Brown

## Senior Editor

Brian Pleban

## Production

Greg Brown

## Ad Sales

Brian Pleban

## Contributors

Nadeen Aljijakli  
Marie Artus  
Rupa Banik  
Ross Bogatch  
Greg Brown  
Alice Y. Cho  
Miri Frankel  
Jennifer Gilman  
Desiree Johnson  
Doug Ornstein  
Rena Paul  
Brian Pleban  
Mahmoud Rabah  
Danette Slevinsky  
Yael Utt  
Ashley Van Valkenburgh  
Manar Waheed  
Sally Woo

© Copyright 2003  
Brooklyn Law School News

visit us online at  
<http://blsnews.blssba.org>

250 Joralemon Street  
Brooklyn, NY 11201

The Brooklyn Law School News is a monthly publication written and produced by the students of Brooklyn Law School. The opinions herein represent the opinions of the individual article authors and do not represent the views of the student body as a whole or the administration. All students and faculty are encouraged to write. To submit articles, bring them to the SBA Office in Room 509 or email them to [blsnews@brooklaw.edu](mailto:blsnews@brooklaw.edu). All articles are subject to editing and approval by the editorial board.

By Rena Paul, '06

If you thought reading a Contracts casebook was challenging, imagine writing one.

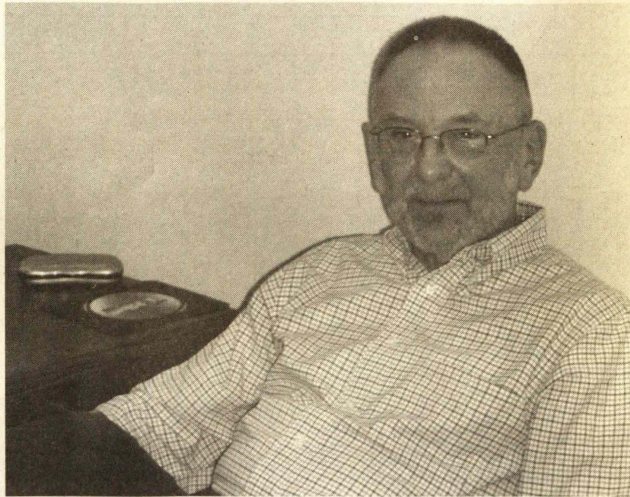
In 1976, Professor Charles L. Knapp, a visiting professor from Hastings College of Law, took on this task and created *Problems in Contract Law*, a casebook many 1Ls are all too familiar with. He began writing alone, but later added two co-authors who helped update the book to its fifth edition, published this year.

While Professor Knapp's casebook evidences his excitement about the study of Contract Law, he says he did not always want to go to law school. After growing up in Zanesville, Ohio, where his father was a judge, he attended Denison University. As an undergraduate, he studied music and participated in musical theater.

"I wanted to be the next Richard Rodgers, but then I realized the world had enough Richard Rodgers, so I decided to study law," he said.

But before beginning his study of law at New York University, Professor Knapp took a year off to travel in Australia and study at the University of Sydney as a Rotary Foundation Fellow. He then returned to New York, where he stayed until 1998.

After finishing the J.D. program at NYU, Professor Knapp worked for Paul, Weiss, Rifkind, Wharton & Garrison, but left four years later to return to NYU as a teacher. He became the Max E. Greenberg Professor of Contract Law, and says he wanted to teach contracts both for the subject



Professor Knapp in his office, perhaps thinking about his casebook.

Photo by Brian Pleban, '05

matter and the energy of the first-year students.

Professor Knapp left NYU in 1998, after 34 years of teaching, to become a professor at Hastings in San Francisco, California. He says one of the benefits of living in California is the ability to visit his "West Coast daughter" Jennifer, who lives in Oregon with her husband and three children.

His "East Coast daughter" Lora is a Ph. D. candidate at University of Massachusetts, who lives in Amherst with her partner. He has been spending more time with her this semester as a visiting professor at Brooklyn Law School.

BLS is not the first school Professor Knapp has visited. He previously taught at both Harvard Law

School and the University of Arizona.

Professor Knapp says he was invited to come to Brooklyn by Dean Joan Wexler, who he met at NYU. He accepted the offer, excited to spend some time in New York and get to know a new city. "Even though I lived in New York, I never knew Brooklyn, and I wanted to get to know it," he said.

He says he is enjoying his stay here and is happy to spend some time in his renovated log cabin in the Catskill Mountains, but will return to California in December, after only one semester at BLS. Unfortunately, most students will not get the chance to have him as a professor, but many will still benefit from his teaching through reading his casebook.

## History Comes Alive at the Brooklyn Historical Society



The newly refurbished Brooklyn Historical Society on Pierrepont.

Photo by Brian Pleban, '05

By Brian Pleban, '05

The Brooklyn Historical Society recently returned to its home, a National Historic Landmark building on the corner of Clinton and Pierrepont streets in Brooklyn Heights. The four year and nearly \$23 million restoration of the building provides the community with a new place to experience and learn about

Brooklyn's deep history.

On October 26th the Historical Society opened its doors to the public, free of charge, to view the new building as well as a new exhibit, Brooklyn Works: 400 years of Making a Living in Brooklyn. The exhibit tells the story of the working people of Brooklyn through exhibitions ranging from personal narratives and re-created environments to hands-on games.

The building itself is reason enough

to stop by the Historical Society though; visitors experience a trip back to a time when shipyards, taverns, and sugar factories ruled Brooklyn. Built in 1881 by renowned architect George B. Post, who was known in his lifetime as the "father of tall buildings in New York," the building remains revered by architectural historians.

Post, who also designed the New York Stock Exchange building in downtown Manhattan, boldly used extensive terra cotta ornamentation on the facade and an innovative truss system to support the ceiling of the central library. The facade of the building includes impressive busts of prominent historical figures, including Shakespeare, Ben Franklin, Columbus, Beethoven, and Michelangelo – all of which are clearly distinguishable when simply walking past the building. The central library, a large open space with stained glass windows and extensive use of wood in the interior, is simply breathtaking.

The Brooklyn Historical Society was founded in 1863 when the city of Brooklyn was the commercial center of Long Island. The Society originally intended to build only a library, collecting pieces that could tell the full story of Brooklyn. They continued to collect information and artifacts throughout the 20th century and now maintain a wide array of materials and information on our diverse borough.

See: BHS, Continued on p. 5



Shelter Faces Local Opposition

et al.: The Justinian

March Against Domestic Violence

By Ashley Van Valkenburgh, '05

The building of a new domestic violence shelter in Brooklyn is facing opposition from the Carroll Gardens community.

This past summer the New York Asian Women's Center (NYAWC) purchased a brownstone in Carroll Gardens, and began the \$200,000 renovations to convert the 4-bedroom home into a 20-bed shelter to house four to six battered women and their children. In August, some of the people in the area learned of the shelter plan, and began protesting its erection.

The protesters formed a group called Concerned Citizens of Carroll Gardens and have placed posters around the neighborhood "outing" the address of the shelter, distributed leaflets and held demonstrations near the site. They also say they have gathered 500 signatures in opposition.

The Concerned Citizens argue that the shelter will decrease their property value, because the "transients" (as they've labeled the battered women and children) will hang around outside the shelter. They are also worried that it will make the area unsafe for their children and the elderly because the batterers will come looking for the women and children and will put the neighborhood at risk. Furthermore, they claim that the NYAWC "snuck" into the neighborhood without letting any of the community leaders know, and that their plans violate zoning laws.

The NYAWC has never faced such opposition. Because the safety of the women and children is so crucial to a shelter program, shelters operate under strict rules, including a curfew. The proposed shelter is no different, so it is

unlikely that loitering will be a problem. Shelter locations are kept confidential, so that a batterer cannot find his abused.

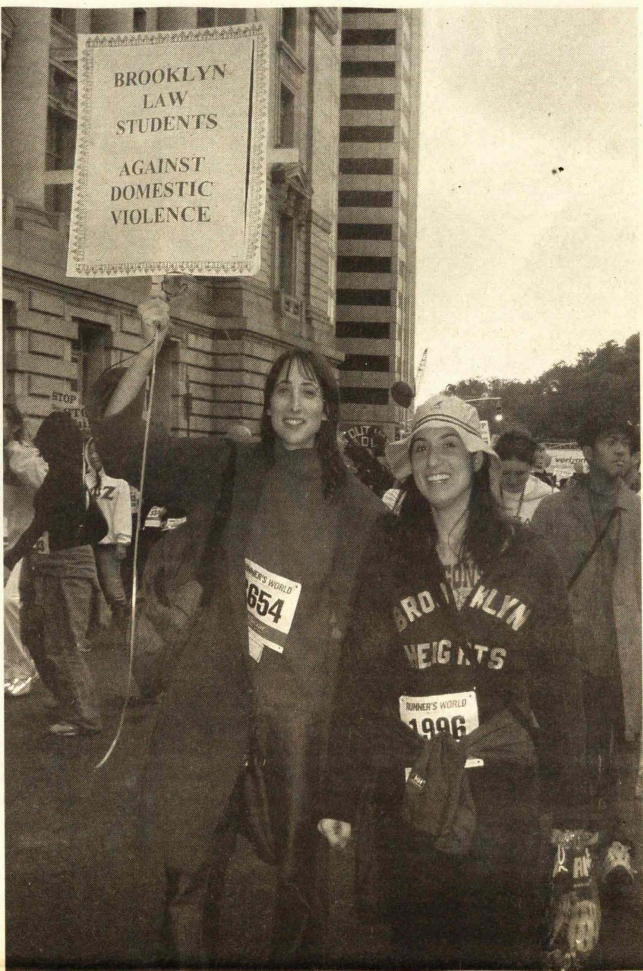
The fact that the Concerned Citizens outed the address seems to run at odds with their fear that batterers will seek out the women at the shelter. However, a typical shelter rule is that once a batterer discovers where a woman is staying, she must leave the shelter for the safety of the program.

This anonymity also explains the little discussion the NYAWC gave to the Carroll Gardens community prior to their purchase. Furthermore, the NYAWC contends they have followed all guidelines and have all the appropriate permits to open the shelter.

The NYAWC runs three other shelters in the New York City area, and are a critical resource for the Asian community. Especially in the wake of September 11th, immigrant women are fearful of reporting incidences of domestic violence for fear of deportation. There are provisions for battered immigrant women to avoid deportation, but this is neither well-known nor widely trusted among immigrant communities.

The hotline at the NYAWC offers 16 different Asian languages, and assists women in getting through many of the obstacles they may face.

Not everyone in the community is opposed to the shelter though. A group of Carroll Gardens citizens organized a group to counter the Concerned Citizens, called Carroll Gardens Supports Children and Abused Moms Proudly, and the Brooklyn Law Students Against Domestic Violence raised over \$500 for the NYAWC at a bake sale at the end of October and gathered over 100 signatures in support of the shelter.



Members of Brooklyn Law Students Against Domestic Violence walked/ran as a team in the 2003 Walk to End Domestic Violence in Battery Park on Sunday, October 26. The students raised over \$400 from personal pledges on behalf of Brooklyn Law School and all the money will go to DV education, awareness, and safety assistance for programs throughout New York City.  
Photo by Yael Utt, '05

**brooklyn  
law  
students  
against  
domestic  
violence**

Published by BrooklynWorks, 2003

Don't miss the show  
everyone at school will  
be talking about.  
BLS Students.  
Two Nights.  
One Voice.

**THE VAGINA  
MONOLOGUES.**

Coming in February 2004 to a  
law school cafeteria near you.



# Richard Epstein Questions the New Public Health System



Richard Epstein engages in an informal conversation with several BLS Students before presenting his lecture.

Photo courtesy of Brooklyn Law School  
EPSTEIN

Continued from p. 1

Smoking addiction, HIV infection, and obesity (except in patients who are genetically predisposed) are health conditions that for the most part arise from the voluntary decisions of the afflicted—eating, smoking, and drug use or unprotected sex. According to Epstein, when the individual has a hand in causing the condition, the public health system should not intervene.

This is in contrast to SARs exposure, where the individual does not partake in the behavior that gets him sick, and so in these cases the public health system should utilize its police powers to investigate, contain and treat the population

at risk.

By providing health care, educational programs or other support services to obese Americans, Epstein suggests that the individual does not internalize the full cost of his individual choices. Said another way, there is no incentive for an individual to eat healthy, exercise, and educate himself on the risks of obesity since the public health system has taken an active role in education, studying and developing programs to combat obesity. Further extending this argument suggests that providing government sponsored health insurance to these individuals is problematic in that it might discourage positive health habits. On the other hand, where the average citizen has no choice in getting sick (contract-

ing TB from a fellow passenger on the train who neglects to cover her mouth when she sneezes or coughs), Epstein supports public health intervention in the form of education, identification of ill patients, and treatment.

As a defender of the old public health, Epstein prefers public health departments and officials to act as they did before 1937, when public health officials focused on containing outbreaks of illnesses by focusing on treatment of sewage and garbage disposal, or quarantining suspected prostitutes with STDs until they were cured. Today's public health departments reach too far for Epstein's liking. Advertisements, smoking bans, and nutritional programs in public schools

are commonplace. Public health goals are much broader in scope and span beyond just the prevention, containment and treatment of contagious conditions and environmental contaminants.

By decreasing the risks and controlling the discrimination associated with the disease, Epstein suggests that you decrease the cost of getting it because people will not suffer the difficulties of being denied a job or health care coverage. Part of the argument is what is often called 'moral hazard,' where you create a perverse incentive that would allow people to engage in hazardous behavior or not providing a proper disincentive.

Although we live in a country where individual rights are held sacred, it seems that Epstein's suggestion that public health should not intervene to curb obesity and possibly even smoking related diseases, might encourage a society where the prosperous will not be expected to help the less fortunate. Professor Epstein is concerned with the "new public health's" intrusion into the lives of the individual, but fails to accept that it is not only the obese, nicotine addicted and HIV infected individuals who are negatively influenced by their disease.

In denying health care coverage to individuals who are obese or revoking anti-discrimination laws so that HIV patients are forced to bear the full cost of the behavior that infected them, may also harms the children, neighbors, dependents and loved ones of these individuals. In the end, Epstein does not seem to offer a better option; if not the public health system then who?

Annie's  
**Blue Moon**  
Cafe

156 Montague Street

Just Steps Away From The Promenade & BLS  
Outdoor Cafe (winter heated)

Don't Forget ...

- ⇒ Happy Hour every day
- ⇒ 10¢ wings Mondays
- ⇒ \$2.50 tap beer Mondays
- ⇒ Open Mic Wednesdays
- ⇒ Live bands Thursdays
- ⇒ Karaoke Saturdays
- ⇒ Free Pool Sundays
- ⇒ Plus 12 TVs playing  
all sports all the time!



# BLS Student Orgs Host Discussion on Rockefeller Drug Laws

By Ross Bogatch '06

The Rockefeller Drug Laws are celebrating their twentieth birthdays this year amidst criticism from the judiciary and small advocacy groups who claim the laws are "unfair" and "racist" and wish to see them repealed.

This was the focus of the November 4th event "New York's Rockefeller Drug Laws," during which almost one-hundred students filled the first floor student lounge to hear a panel of three speakers discuss various aspects of what are known as "the grandfather of all mandatory minimum sentencing laws."

The merits of the Drug Laws have been debated since their inception in 1973 by then-governor Nelson Rockefeller. Criticism is not new to their supporters in Albany. Particularly frustrated is the judiciary, who are forced to impose lengthy prison sentences for a wide range of drug offenses. The harshest provision requires a judge to impose a prison term of no less than 15 years to life for anyone convicted of selling 2 ounces, or possessing 4 ounces of a narcotic substance. Discretion has been taken from the judges, who must disregard otherwise mitigating circumstances.

"[I sentence the defendant] with a great deal of reluctance...and I will state I think it's an inappropriate sentence and an outrageous one for what was done in this case," said Judge Florence M. Kelley, of the New York County Supreme Court, after sentencing first time offender Juan Barriento to 15 years to life in 1974. Judge Eugene Bergin, after sentencing Jan Warren, a single mother with no prior criminal history, to 15 years to life in 1987 said, "I don't want to do this," and later told the defendant's attorney that the situation was "a travesty."

While the judiciary wrestles with the unfairness it finds in mandatory sentences, other advocacy groups focus on the disparity created by the enforcement of the laws in communities of color. Tamar Kraft-Stolar, lead coordinator of the "Drop the Rock Campaign to Repeal the Rockefeller Drug Laws," remarked that while the majority of the people who use and sell drugs are white, African-Americans and Latinos make up about 94% of drug offenders in the state's prisons. She noted, however, a higher incidence of violent crime associated with narcotic sales in those communities than exists in predominately white communities, where drug transactions tend to take place behind closed doors.

The state legislature in Albany has always acknowledged the debate over the Drug Laws, though with the exception of an amendment in 1979 (largely reducing penalties associated with marijuana-related offenses), the laws remain unchanged. Alternative proposals to the Drug Laws range from an overhaul of the current regulations to their full repeal and restoration of discretion in sentencing to trial judges. Governor Pataki's latest proposal includes statutory sentence reductions, but falls short of full restoration of judicial discretion.

Robert Perry, legislative counsel for the New York Civil Liberties Union, had strong words for the Governor's proposal. "Governor Pataki has political motivations and national ambitions, and he does not make his mark on the nation by relaxing drug laws," Mr. Perry argued that the proposal is meant to divide anti-Rockefeller advocates, and is not a good faith measure. However, Mr. Perry also stated that "the Democrats cannot take the high road on this — everyone is implicated."

Among Mr. Perry's most adamant criticisms was the Drug Laws' bar on diversion, or the ability of a judge to sentence a convicted offender to treatment rather than prison. Diversion is gaining appeal as researchers learn more about the nature of addiction. Both Mr.

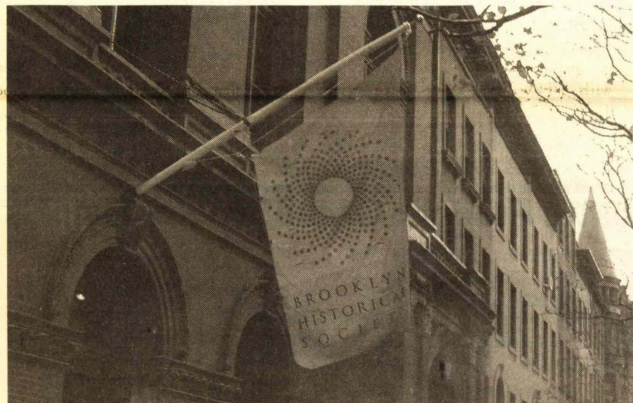
Perry and Ms. Kraft-Stolar believe prison is the wrong institution for many convicted offenders, as rehabilitation is best served at facilities better equipped to that end.

Governor Pataki's proposal allows diversion for non-violent convicted offenders, while excluding it for a long list of other offenders convicted under certain criteria. Furthermore, the proposal does not provide funding to diversion-related programs, though a separate \$40 million bill has been promised to fund detoxification programs. As of this summer, no agreement had been reached on drug law reform by the legislature.

Ms. Teresa Aviles, an anti-drug law activist, captivated the room with a most compelling and empathetic story about her son, who was incarcerated under the Rockefeller Drug Laws and died while in prison, and the devastating effects of the ordeal on her family. However, the emotion of the moment seemed almost out-of-place during an intellectual debate on the merits of the Drug Laws.

New York's Rockefeller Drug Laws was sponsored by BLSPI, Black Law Students Association, BLS ACLU, and BLS Against Domestic Violence.

## Brooklyn Historical Society



BHS  
Continued from p. 2

In 1989 the Historical Society installed a permanent exhibit showcasing the history and lives of African-American, white, Latino, Asian, and Native American Brooklynites.

Currently housed in the Historical Society is Brooklyn Works: 400 years of Making a Living in Brooklyn, a new exhibit that showcases how people live and work in Brooklyn. The exhibit tells the full story — from the Dutch farmers who began working here to the European factory workers and violent labor strikes that occurred in the early 1900s to today's Brooklyn.

Within the exhibit you'll feel like you're in a barbershop from old Brooklyn, changing your clothes at your locker at the Domino sugar plant, or looking for home supplies at the general store. Nathan Shook (BLS '05) felt that "the best part was all the old, genuine stuff from early Brooklyn that they had, like the genuine Shafer's advertisements and beer glasses."

It's hard not to learn something new about Brooklyn.

all the interactive guessing games, buttons you can press to hear about how Brooklyn used to be from someone who was actually there, and even an interactive video game. "Can You Make Ends Meet in Brooklyn" challenges the player to choose a job, method of transportation, place to live, and things to do for fun in 1920's Brooklyn, and see if he has and money left at the end of the month to send back to his family.

Located on the corner of Pierrepont and Clinton, just a few blocks from BLS, the Brooklyn Historical Society is open Wednesday, Thursday, and Saturday from 10 a.m. to 5 p.m.; Friday from 10 a.m. to 8 p.m.; and Sunday from 12 p.m. to 5 p.m. Admission is free for members, and that costs a couple of bucks. Non-member admission is \$6 for adults, but lucky for us, is only \$4 for students.

Don't miss this opportunity to take a real step back into old Brooklyn and see how your community came to be what it is today. Use your break from class or take an hour to relax from studying for finals or even surprise your date after dinner on Montague Street — you'll be glad you did.

## BLS Hosts Fall Blood Drive

By Miri Frankel, '04

On November 11, BLS hosted a blood drive in the student lounge. During the week preceding the drive, volunteers encouraged students to make an appointment to donate blood. Walk-ins were also welcomed to contribute to the NY Blood Center's (NYBC) effort to provide hospitals with the blood necessary to treat patients.

One blood donation helps five people in need of transfusions, but blood donors are severely needed to keep up with hospital demand. Dr. Robert Jones, President and

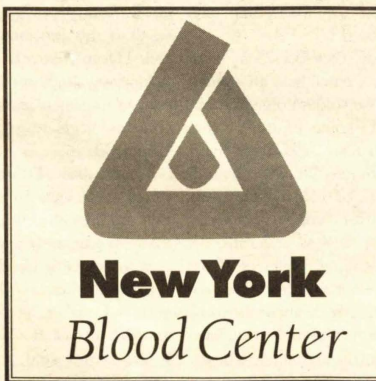
Chief Executive Officer of NYBC explained, "We estimate we have lost approximately 5% of our donors since November 2002 due to criteria related to travel or residence in Europe for fear of transmitting mad cow disease despite any medical or scientific evidence this is possible. Other potential donors are turned away now if they were possibly exposed to West Nile Virus, the SARS virus, or if they have less than one-year-old tattoos, traveled to malarial regions of the world or served time in the military in Iraq. The bottom line is that with each new deferral, the nation's blood supply is put at risk and no more so than in the populous NY/NJ community where some of the nation's finest

medical care facilities are located."

NYBC is urging people to donate if eligible to guarantee that no one goes without a life-saving transfusion. If you have never donated blood before and are nervous about it, here is a description of what you will experience. After filling out an application form, a member of the NYBC staff will ask you a number of questions regarding your health, travels and lifestyle to ensure that you meet the donation requirements. Then you will be escorted to a lounge chair where a staff member will swab your arm with alcohol to clean it. The needle will be inserted

(don't worry, it doesn't hurt too much) and you can lie back until the donation is complete. At the end, you will be given some juice and cookies and other sugary treats. For their participation, donors at the BLS blood drive also received t-shirts that proclaimed, "I donated blood" with the logo of the NYBC.

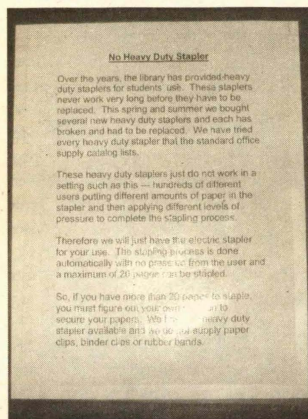
So if you missed the BLS Blood Drive and are interested in donating blood, call the NYBC at 1-800-933-BLOOD to schedule an appointment at one of the locations in New York City, Long Island, New Jersey or the Hudson Valley. Donors can also schedule appointments online by going to [www.nybloodcenter.org](http://www.nybloodcenter.org).





## [Opinions & Editorials]

# Want Proof Fordham is Better than Brooklyn? Check the Stapler



A note replacing the heavy duty stapler.  
Photo by Brian Pleban, '05

By Doug Ornstein, '04

For the two students among us who didn't get rejected from Fordham law school, skip what I am about to say and read on to the next article. For the rest of you, read on if you're curious as to why you received such a thin envelope from Fordham the year before you started at BLS.

The basic fact, regardless of your belief in law school rankings, is that Fordham ranks higher than Brooklyn. Between its GPA stats and LSAT requirements, many a future Brooklyn student is rejected from the school that has both a class called Jewish Law, and a nameplate outside the office of at least one professor that reads "Father" rather than "Professor."

Paradoxes aside, more Brooklyn students than not are still a bit miffed at being rejected. These Brooklyn students, the Fordham rejects, (sorry for the redundancy) are convinced that students from the school on the right side of the bridge are no better than they are. That it was just some fluke, or a simple matter of randomly drawing from a hat. In response to this belief, I set out to find the truth; I would not give up until I could find irrefutable evidence to settle this debate — either they are better, or they are not.

After a couple years of using a guest pass under false pretenses to the Fordham library for this undercover investigation, I am confident that I can now put the debate to rest. My findings? Fordham students certainly are not the same, and I got the facts to prove it.

No, I am not referring to the Aeron chairs in the Fordham library, as compared to BLS's wooden-this-really-hurts-my-ass chairs. Nor am I referring to the fresh cut grass and flowers that surround Fordham, as compared with the stone-this-really-hurts-my-ass benches in BLS's courtyard. I am also not referring to the locations that are a stone's throw away from Fordham, such as Central Park, Lincoln Center, and mid-town Manhattan, as compared with BLS's thriving Fulton Mall. And I am also not referring to Fordham's security guard who demands 20 different pieces of ID before you're allowed in the building, as compared to BLS's as-long-as-you-don't-wear-a-suit-you're-able-to-walk-in-with-no-questions-asked. And finally, I am not referring to the com-

plete lack of dolls used in the classrooms at Fordham to prove a point.

No, none of these differences explained to me that Fordham students were better (Ok, maybe the last one, but ignore that for now). These red herrings were merely gifts bestowed upon the school, and could exist regardless of what type of student attended. None of these said a thing about the students.

No, my proof hits directly to the point of what makes Fordham students different from those at BLS. Here it is:

Though naive 1L's do not realize it, last year was a difficult one for the BLS library. I am obviously referring to the heavy duty stapler fiasco, which for a series of months, was either broken, replaced with a different model, or missing altogether. The brave, and what I am told were exhaustive, attempts to find a stapler to handle the 50 page outlines and law review articles greater than 20 pages was eventually met with defeat. The defeat was a historic one — instead of a white flag, the librarians waived a white sign. Like a plaque at the site of a civil war battle, this sign of surrender has been preserved, and is currently on display, encased in a plastic covering to the very location that was once the home of BLS's beloved heavy duty stapler. While I have yet to see students shed a tear after reading the historic marker, the emotional reaction is nonetheless palpable. Those who visit the sign are told of the hard fought battle, and how folks on this side of the bridge did nothing more than live up to their Brooklyn tough-guy image. In sum, (past years notwithstanding) the

sign tells us that neither Taiwan, China, or even Germany were able to construct a stapler strong enough to withstand the rough streets on this side of the bridge.

But what does this have to do with Fordham students being better, you ask? Right on the Fordham librarian's desk, smack dab on the other side of the glass doors to the library, for all to see and use, sits not one, but two, yes TWO heavy duty staplers. And they both always work.

At first I thought it was a terrible fraternity prank, like the stealing of the other team's mascot before the big football game. Perhaps there was a cover up, and the surrender sign was a mere guise. But no, on close examination, neither stapler had BLS markings, nor did either have visible signs of abuse. The eyes did not lie: Fordham had two, always working, heavy duty staplers. I saw it with my own eyes I tell you! And then I saw Fordham students use these staplers. You wouldn't believe the finesse, the gentle pressure, the careful counting of pages that occurred before stapling so as to make sure the page limit was not exceeded. It was truly inspiring.

It was then that I knew my search for the truth was over. I knew it then like you know a good tomato — my cousin, Vinny, could never staple at that caliber. In fact, I was sure that those staplers wouldn't last a week against students from BLS. Fordham students really are better, and this proved it. And all along I thought Cravath interviewed on Fordham's campus, and not Brooklyn's, for other reasons. Nope, it's just the stapler.

## Shutdown of BLS-Announce Eliminates Student Organization Emails

This is a letter to inform all students about the reason why BLS-Announce has been shut down.

On Thursday, October 23 at 8:00 a.m., the Career Center held an annual breakfast to advise student organization leaders of the ongoing efforts of the Career Center to assist students in their employment searches. We were invited as representatives of the student body who could offer suggestions on improvements, as well as criticisms, of current Career Center practices. This was designed as a forum for students to speak honestly and freely about the concerns of all students within their student groups. We took this invitation to heart and explained our many suggestions about the way the Career Center markets and develops its programs.

We tried to impart on the Career Center the current concerns of many students. The suggestions included more involvement of Career Center staff at organization meetings and events, publishing certain Career Center Notes articles within the BLS News, and improving posters and event marketing. Another concern was improving training on Emplawyernet, to aid students in narrowing down their searches so that they would receive fewer emails regarding inappropriate job opportunities.

This discussion led to an overall concern that students do not always read emails sent by the Career Center. This will lead to

have limited time and are inundated by emails from Brooklyn Law School. As a result of this comment, Joan King contacted Dean Wexler to explain that BLS-Announce clogs student inboxes with student organization emails, resulting in students neglecting emails from the Career Center.

In response, Dean Wexler then contacted the Chief Information Officer, Phil Allred, who informed the Dean that approximately seventy emails were sent to students via BLS-Announce in September and fifty had already been sent in October as of the 22 of the month. In early November, Dean Wexler confirmed the decision that BLS-Announce would be shut down. There was no notice to the student organizations — we learned of the decision when our BLS-Announce emails were rejected.

This action will be severely detrimental to the ability of student organizations to reach all students when designing and advertising programs. The Administration suggested the alternative that students should use the brooklaw.edu website to check "Important Notices", which lists all daily activities. However, the use of student emails is the most efficient and effective way to contact students. With limited free time already, students are not likely to read the Important Notices on a regular basis. This will lead to

ization meetings and special events.

As members of an invited group of student leaders to the roundtable breakfast with Career Center staff, we are disappointed that the information we provided honestly during the open-discussion forum was used against all students. The BLS student organizations have always strived to create a strong student community by promoting student involvement in many educational and social activities.

We sympathize with the Career Center's concern regarding lack of student involvement. We want the Career Center to have greater attendance at their events, but not at the expense of all student organizations and their members. This new policy essentially eliminates us as an email competitor without even giving us notice to prepare alternate marketing strategies.

Instead, we would have preferred an open discussion with the Career Center, the Administration and the student organizations where a mutual agreement could have been reached.

Please make your opinion known to the Administration. The BLS News has posted a poll on its website, <http://blsnews.blssba.org>, asking whether you support or oppose the reinstatement of BLS-Announce. The results of the poll will be brought to the attention of the Dean and published in the next issue.

Signed:

Miri Frankel, Co Editor-in-Chief, BLS News

Alyson Mathews, Co Editor-in-Chief, BLS News

Brian Pleban, Business Manager, BLS News

Tim Oberweger, Treasurer, Student Bar Association

Ajanaclair Lynch, President on behalf of Black Law Students Association

Dan Kim, President, on behalf of Christian Legal Society

Caitlin Shey, President, on behalf of Intellectual Property Association

Dan Mitrano, Co-Chair, OutLaw

Monique Gallien, President, on behalf of Latin American Law Students Association

Dave Fauc, President, Phi Alpha Delta

Debra Farber, Co-President, American Constitution Society

Sally-Anne Moringello, President, BLS Student Animal Legal Defense Fund

Shannon Smith, President, Environmental Law Society

Mahmond Rabab, President, on behalf of Muslim Law Students Association

Michael Sferlazzo, Co-President, on behalf of International Law Society

Yael Ut, President, Runner's Club; Co-Leader Brooklyn Law Students Against Domestic Violence

Jason Buskin, Jewish Law Students Association

Amy Lurie, Jewish Law Students Association

Yosef Mark, Jewish Law Students Association

Taina Rodriguez, President, on behalf of Brooklyn Entertainment Law Society



## [Opinions &amp; Editorials]

## Separating Church and State: Feeling Good, Mr. Newdow?

By Ross Bogatch, '06

Three weeks ago, the United States Supreme Court agreed to review the ruling from the US Ninth Circuit Court of Appeals challenging the use of the phrase "Under God" in the Pledge of Allegiance. The challenge, brought by the infamous Atheist Michael Newdow on behalf of his eight year-old daughter, claimed that the daily recitation of the pledge in his daughter's public school classroom represented an endorsement of religion prohibited by the Establishment Clause of the First Amendment. The Ninth Circuit agreed.

Despite harsh bi-partisan condemnation of the Ninth Circuit's decision, the truth is that the decision broke no new doctrinal ground. First in *Lemon v. Kurtzman* (1971), then *Lynch v. Donnelly* (1984), and finally *Lee v. Weisman* (1992), the Supreme Court established three interrelated tests to analyze Establishment Clause challenges. The Ninth Circuit elucidates on these tests in its decision, something I will not do here. Sufficed to say, the Ninth Circuit did not create law; rather, in light of the nature of the challenge, it applied existing law, and it applied it fairly.

So, then, is class over? As the Supreme Court has not dismissed it yet, there must be more to it. One common response to the Ninth Circuit purports that the phrase "Under God," inserted into the Pledge of Allegiance by an Act of Congress in 1954, was an attempt to advance patriotism during the height of the Cold War. Such a secular end, if genuine, would be constitutionally legitimate.

However, an entirely different approach to the challenge exists. In *Lawrence v. Texas*, Justice Kennedy failed to identify a legitimate state interest justifying Texas' intrusion into the personal and private life of the individual. While it was widely expected the Court would apply a standard of scrutiny to weigh the parties' competing interests, Justice Kennedy instead determined that Texas had no legitimate interest to be balanced, therefore finding no need to apply the traditional tests otherwise appropriate under similar facts.

Similar reason applies. If counsel to

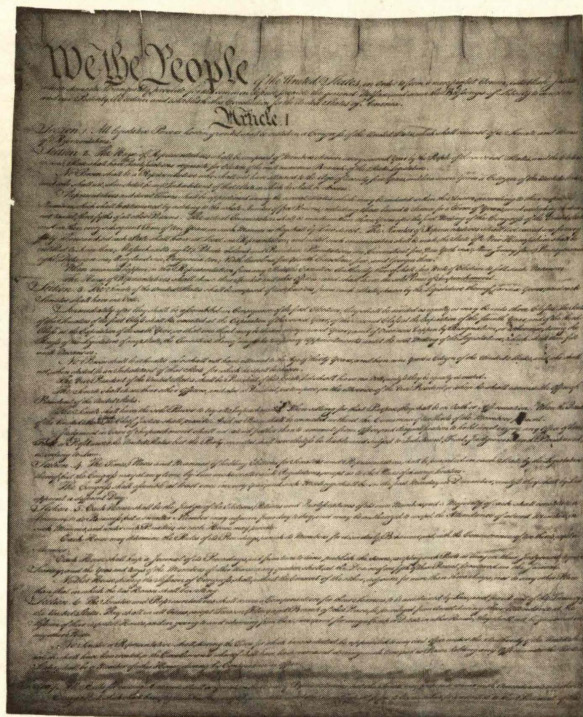


Photo from the National Archives

the government shows that Mr. Newdow's claim is not a legitimate challenge to the Establishment Clause, then the Court need not apply the traditional tests employed by the Ninth Circuit to find "under God" an encroachment of a constitutional right. As in *Lawrence*, the absence of a legitimate challenge to a law would preempt the application of the usual test sustaining that law.

"[S]uch phrases as... 'under God' have no tendency to establish a religion in this country or to suppress anyone's exercise, or non-exercise, of religion," wrote Judge Fernandez in his partial dissent, "except in the fevered eye of persons who most fervently would like to drive all tincture of religion out of the public life of our polity."

"To drive all tincture of religion" from public life is not now, nor has it ever been the purpose of the Establishment Clause. The Establishment Clause, which requires that "Congress shall make no law respecting an establishment of religion," was intended to protect individu-

als from discrimination based upon religious affiliation or lack thereof. Among the first settlers of this land were the religiously persecuted, and it was their lingering fear, passed down through generations, that the Establishment Clause was intended to abate. Religion should be practiced freely; and furthermore, it should have no bearing on one's political standing. To those ends, the federal government was constitutionally prohibited from endorsing a state religion, a doctrine known today as the separation between church and state.

Nevertheless, references to a higher power abound throughout this country's proud history: from the Declaration of Independence (...that they are endowed by their Creator with certain unalienable Rights), to President Lincoln's address at Gettysburg (...that this nation, under God, shall have a new birth of freedom); from the words "In God We Trust" impressed upon this nation's currency, to the singing of "God Bless America" at official state

ceremonies in the weeks and months following September 11th.

What's invoked in these references is the notion that this country, at its core, stands for something larger than the sum of its parts; that when US servicemen, for instance, lay their lives upon the Alter of Freedom, they do so for an idea bigger than themselves. As Adam Wolfson wrote, these references are "elements of America's civic faith — a faith that at its best weds Enlightenment ideals of human dignity and the rights of the individual to biblical themes of sin and redemption, divine providence, and chosenness. [T]his peculiar mix of philosophy and religion has led Americans of every political stripe to think of themselves as answerable to a higher power."

In the past, the Establishment Clause did not bar the phrase "under God," or other similar invocations from the metaphorical lips of the national government, as these axioms were never considered endorsements of religion. They are part-and-parcel of the fabric of the country, woven into images of star-spangled banners, redwood forests, and oceans white with foam. These words do not discriminate against Mr. Newdow, and surely they do not present a legitimate challenge to the Establishment Clause of the First Amendment.

This case, underneath the surface, is really about tolerance. What Mr. Newdow does not understand, is that tolerance is a two-way street. "The Constitution is a practical and balanced charter for the just governance of a free people in a vast territory," continues Judge Fernandez, "...it is not primarily a feel-good prescription." If the phrase "under God" discriminates against Mr. Newdow such that his standing, under law, is not equal to another of faith, then let him present such evidence, and let Justice afford him a remedy. If, however, Mr. Newdow merely feels uncomfortable by the phrase "under God," then that is an issue Mr. Newdow must deal with independently, while learning to respect the beliefs of others. Despite his enduring attempt to prove otherwise, Mr. Newdow is not constitutionally entitled to "feel-good."

SBA



Events

## Beer and Pizza in the Student Lounge:

Tuesday, November 25<sup>th</sup> from 4 to 6pm  
(co-sponsored by BarBri)

## Finals Feasts

(Doughnuts and Coffee in the Student Lounge):

Sunday, December 7<sup>th</sup> at 8pm  
Wednesday, December 10<sup>th</sup> at 5pm  
Sunday, December 14<sup>th</sup> at 8pm  
Wednesday, December 17<sup>th</sup> at 5pm



# AALSA Brings Diwali and a Taste of South Asia to BLS

By Rupa Banik, '04

Often, when people think of the month of October, the first images that come to mind are jack-o-lanterns, candy, and costumes. However, for many South Asians and South Asian Americans, October also signifies the celebration of Diwali, the festival of lights. For the first time, on October 21, AALSA (Asian American Law Students Association) hosted the celebration of this major South Asian holiday.

Every year on the dark nights of Diwali, the sound of firecrackers announces the celebration of one of the largest festivals in India. Homes are decorated, sweets are distributed, and thousands of lamps are lit to create a world of fantasy. Diwali means 'row of lights.' During Diwali, one lamp is used to light another and to light a flame burning steadily on a windless night, bringing a message of peace and harmony to the world. The lamp would signify blinding the darkness of ignorance, greed, jealousy, lust, anger, ego, and laziness where the radiance of knowledge, wisdom, and friendship would prevail.

Diwali is also considered the New Year which is celebrated by wearing new clothes, wearing new jewelry, and visiting family members to give them sweets and gifts. This year, Diwali begins on October 23rd and goes on for a few days. Each day has a particular legend connected to it with a message depicting the victory of good over evil.

BLS's celebration of Diwali was

spearheaded by Rahke Kulkarni, BLS '05 and Liane Chinwalla who are the South Asian Activities Chairs for AALSA. In regard to the event, Ms. Kulkarni commented, "AALSA is one of the most active groups 'on-campus.' We not only promote cultural awareness of various Asian cultures, but help students with their resumes, the job search, outlining, studying, and more. Our goal for the Diwali event was to do something for the entire BLS community that would be fun and different."

In the beginning of the event, there was confusion amongst many of the student body since the lights were turned off in the student lounge. However, when the Christmas lights were turned on, which caused the richly colored saris that hung on the walls to become more visible, confusion turned to excitement and appreciation. Leena Raut, BLS '04, exclaimed, "I just love the decor!"

Students who attended the event feasted on samosas (crispy pastry turnovers filled with spiced vegetables), rasmalai (homemade snow white cheese rolled into a sweetened ball cooked with milk and other fragrant spices), chicken & lamb kebabs (cubed chicken and lamb marinated in mild spices, barbecued on skewers and charcoal) lamb kebabs, and chicken tikka (boneless chicken marinated in herbs and spices, barbecued over charcoal). These traditional South Asian snacks were catered by Amin's Indian Restaurant.

As students ate, Indian music, known as bhangra, played in the background, causing many to bop their



Members of AALSA pose for a group photo after the Diwali celebration.

Photo by Lakshmi Singh, '05

heads and dance to the pulsating and invigorating rhythms.

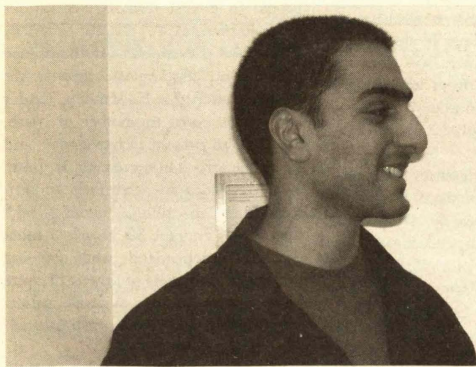
While eating, Ms. Kulkarni and Reva Labroo, BLS '04 explained to students the cultural significance of Diwali and how AALSA hopes to have similar South Asian events in the future.

For many students, this event fostered a sense of cultural awareness. For many students, the event was not just about food or having a lively study break (although for others it was); it was about learning the significance of Diwali through food, decorations, and music and comprehending how special and even magical Diwali can be within the South Asian community.

With an event that was so well attended and that was so entertaining, it is indeed good news to hear that there

will be more cultural events like this to come. Ms. Kulkarni further explained the need to promote and foster multiculturalism with events like the Diwali celebration: "We need to remember that we do have different backgrounds and religions and that we come from different states and countries. That is the best part! We ought to embrace our variety and open our eyes to everything around us. New York City seems to be a diverse place, but it really isn't. People tend to stay where they feel most comfortable, which is within their own cultural community. School is the perfect place to meet people of all different backgrounds." In this spirit, keep your eyes open for events like this in the future here at BLS.

## Curious About Ramadan? A Holiday Primer from the MLSA



Mahmoud Rabah, MLSA President

Photo by Greg Brown, '05

By:

Mahmoud Rabah, '04—President MLSA

With contributions by:

Manar Waheed, '04—Treasurer MLSA

Nadeen Aljijakli, '05—Vice President MLSA

On October 27th, 2003, history was made—the Muslim Law Students Association held its first major dinner in celebration of the Muslim holy month of Ramadan. Though the practical significance of this event may be diminutive in overall scope, spreading no further than the confines of our law school, within the law school itself, this event established a new benchmark in the cultural homogenization of the BLS community and its religious understanding.

ing among and between BLS students and faculty.

To the Muslims observing the holy month of Ramadan, the dinner on October 27th was no surprise and was greatly appreciated. But for the many non-Muslims who attended (or did not attend) the event, and indeed the whole concept of Ramadan, was and is a little bit of a mystery. It is with this obstacle in mind that I endeavor to offer a small explanation of what Ramadan is and its significance to Muslims around the world.

Ramadan is the ninth month of the Muslim calendar. It was during the month of Ramadan that the holy Qur'an was revealed to the prophet Mohammed (p. b. u. h.). Because of the significance of this event, and because of specific reference in the Qur'an to the month of Ramadan, Muslims around the world

observe a spiritual and physical fast during the month of Ramadan.

In terms of the physical fast, Muslims must abstain from eating and drinking from sunrise to sunset. This includes abstaining from drinking any substances including water and eating even the smallest morsel. Also prohibited is cigarette smoking. An elaborate set of rules are associated with fasting; for instance, sick individuals who must take medication or cannot be without food or drink are excused from fasting. Young children and pregnant mothers are also excused.

In addition to abstaining from sustenance during the period of the fast, Muslims must also avoid altercations, profanity, and everything typically considered amoral. Sexual intercourse and intimate physical contact, though allowable after the sun sets, are also to be avoided while a Muslim is fasting. Gossip and slander are meant to be avoided, as well. The purpose of these prohibitions is to strengthen a Muslim's self-control and self-discipline. As such, modesty and simplicity are highly encouraged during Ramadan.

Prayer and spiritual contemplation go hand-in-hand with the physical rigors of this holy month. During Ramadan, Muslims typically observe special prayer. Furthermore, Muslims are encouraged to give charity to the poor and to their community. In fact, those Muslims who are excused from fasting for whatever reason are encouraged to prepare meals for fasting Muslims or donate food to mosques.

Ramadan is also a period of self-reflection and contemplation, allowing Muslims to make resolutions, improvements and goals to be followed for the rest of the year.

An important feature of Ramadan is that it helps strengthen bonds in the Muslim communities and within individual families. Since the observance of Ramadan transcends cultural boundaries, Muslims from around the world feel a sense of kinship when fasting or breaking fast with other Muslims despite differences in country and background. In the family setting, the breaking of fast at dusk is marked by large family dinners.

Another interesting feature of Ramadan is that, because it is based on the lunar calendar, the month of Ramadan differs each year on the Gregorian calendar. Therefore, Ramadan can fall during the winter when the sun sets in the late afternoon or in the summer where dusk occurs in the evening hours.

The end of Ramadan is marked by a Muslims holiday called Eid-ul-Fitr or Eid. This day is quite a joyous time for Muslims after a long month of fasting. Special prayer is held on that day and Muslims typically pay visits to friends and relatives. Special sweets and pastries are also made for Eid and are generously given out.

The Muslim Law Students Association at Brooklyn Law School encourages questions or comments about Islam. Feel free to email the MLSA at [MLSA@brooklaw.edu](mailto:MLSA@brooklaw.edu).



## [Law & Television]

# Vampire With Soul Becomes Managing Partner of Evil Law Firm?

By Sally Woo, '02

"Angel," WB (Channel 11),  
Wednesdays at 9pm.

Since its first season, the series, "Angel," has had a strange relationship with the legal profession. Complications increase in the current fifth season, when Angel the vigilante becomes part of an institution – namely, the evil law firm of Wolfram & Hart. It makes for some curious television viewing.

The protagonist, Angel, is a 200-odd-year old Irish-American vampire with a soul and a firm believer of free will, individuality, and other ideals. He strives to help the helpless, protect the innocent, and be the champion for what's right. Angel left "Buffy the Vampire Slayer" and its haunted California town of Sunnydale for the megalopolis of Los Angeles (pun intended, I'm sure). The villains are an assorted sundry of demons (yes, more living undead), some of which have been represented by Wolfram & Hart (yes, even monsters have lawyers; we all have the right to representation, don't we?). Wolfram & Hart has long toyed with Angel, undermining his efforts. Angel, who is very familiar with martial arts of all kinds and the use of physical weapons, never enjoyed dealing with the firm's evil associates; also, he disliked

the firm even more when it engineered the near end of the world.

Angel's private investigation company ultimately was co-opted by Wolfram & Hart since the season finale of spring 2003, wherein the otherworldly, unseen Senior Partners made an offer that Angel and Friends could not refuse: Angel and Friends would run Wolfram & Hart's Los Angeles branch. Can the good guys, without losing their own righteousness, reform the bad guys? Will they give in to the temptation of power? Considering how each member of Angel's team found ways to suit their talents that Angel's small business never could have satisfied, temptation is incredibly seductive – Fred, who's no longer a timid woman, now runs the firm's research and development department; Wesley, no longer a mere nerdy Brit, has access to every tome of mythological and historical concern thanks to the firm's extensive archives; and Lorne, the demon who reads souls who do karaoke, tries his hand out in the entertainment business side of the firm.

Of course, some of us may quibble about the liberties taken with the portrayal of our chosen profession. It's a little disturbing to see stereotypes about lawyers taken too literally, and it would be nice to see the idea of a Good Law Firm somewhere out there on television. Plus, there are ethical considerations: is it appropriate for such lawyer

sons to run a law firm? Highlighting the conflict of interest problems, Angel and Friends are working against the interests of the demon clients of the firm (e.g., they wanted the firm to stop collecting dead bodies for a client who eats said items). Well, maybe it is a good idea for Wolfram and Hart to be reformed.

Angel's teammate, Charles Gunn, became an attorney (thanks to some wizardry of the firm's black arts department), so at least someone in Angel's team is not a layperson running the law firm. Bearing in mind that Gunn could end up being subject to disciplinary action in the real world (considering that his credentials are all forged), he still has remarkable competence – he knows the law (of the United States and supernatural dimensions), in a scary, off-the-top-of-his-head manner. I like it that he opens a book and does research; it seems he's enjoying it, too, now that he's not just another weapon-wielding sidekick. In one episode, Gunn pointed out how the firm's contracts department could help uncover a several-hundred-year old "deal" of a villainous ghost, demonstrating creative thinking (and certainly helping one to remember: a contract is just a deal – you know, offer, acceptance, and consideration). Gunn as a lawyer also increases the portrayal of fictional persons of color in the practice of law, putting aside that he hasn't been properly authorized to practice law in

the first place.

The current fifth season of "Angel" has been interesting so far, with various relevant themes: what does it mean to be a "hero" (i.e., can one still do his/her/its pro bono activities, when there are billable hours to consider?); how does one find meaning in one's life and work (when life and work are frequently one and the same); and how does one find balance between firm life and real life (such as when Lorne learned that getting no sleep to work on satisfying some of all-powerful clients literally brought out his homicidal id). There continues to be a wide range of humor (from slapstick to the bitter-sweet) amidst the drama, which works well. It remains to be seen if Spike, a character from "Buffy the Vampire Slayer" and a semi-cohort of Angel's from the evil past, will be a nice addition; but he has been creating interesting ripples among the good guys.

Don't be fooled into thinking that this is just a WB show or just a kids' show or "just" anything; there is more to the Buffy/Angel universe, even when it's easy to poke fun or belittle it. The rich mythology, the angst and drama, relationships and themes – this is what television is about, and sometimes the law is like that too. "Angel" is a pleasure to watch, if you are curious to consider the intersection of fantasy and the law.

## Who is the Brooklyn Law School Grad on Law & Order: SVU?

By Miri Frankel, '04

Some of you might remember seeing posters by each floor's elevators announcing that a new character on NBC's Law & Order: SVU would be a fictional BLS graduate who had excelled in the Prosecutor's Clinic. If you don't remember seeing the poster, it is reprinted here. Well, many students, while waiting for an elevator that wasn't already full, excitedly chatted about the prospect of BLS being so prominently featured on such a popular legal drama. And many, like me, tuned in on October 21 to watch the first episode featuring Casey Novak, the show's new Assistant District Attorney who had graduated from BLS.

If you did watch the episode (and the several that have aired since), you may have been as perplexed as I was. What about Casey Novak identified her as a BLS graduate? No other characters ever asked her about her background to which she could've responded, "I went to Brooklyn Law School." Her office did not appear to have a BLS diploma, and there was no mention of the Prosecutor's Clinic.

So what's the deal with Casey Novak? The posters, which touted

Everywhere!", included a note to check [www.nbc.com](http://www.nbc.com) for more information. So I did, but I did not find any information on the Law & Order: SVU website that links the character of Casey Novak to BLS. A Yahoo! search of syndicate stations that air the show and of unofficial Law & Order fan sites also failed to produce the answers I was looking for.

Then, in mentioning my search to a classmate, I learned that either a creator, writer or producer (of this point we are still unsure) of the three Law & Order series (the original, Criminal Intent, and Special Victims Unit) is a graduate of Brooklyn Law School. Apparently, episodes in the past have featured a Judge Crea, a law firm of "Leitner, Meehan, and Crea", and other references to faculty at BLS. But I also cannot confirm this explanation. The online biographies of Law & Order's creators do not include references to law school degrees.

Perhaps some BLS News readers could clear up the mystery with a Letter to the Editor for the next issue.

**Tell us what you think...**

*We want to know what you think about the BLS News. Visit us online and fill out a survey.*

<http://blsnews.blssba.org>

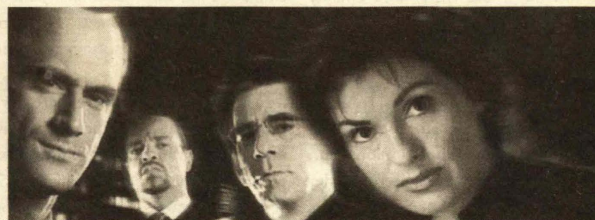
*Or, get more active and submit a story to [blsnews@brooklaw.edu](mailto:blsnews@brooklaw.edu)*

### BLS on SVU

Brooklyn Law School Graduates are  
Everywhere!

On Tuesday October 21, Casey Novak, a (fictional) BLS graduate, will make her debut as a regular character on NBC's acclaimed "Law and Order: Special Victims Unit."

Assistant District Attorney Novak is portrayed as a tough-minded BLS grad, who excelled in the Law School's Prosecutors' Clinic.



Tuesday, October 21

10:00 p.m.

NBC's Channel 4

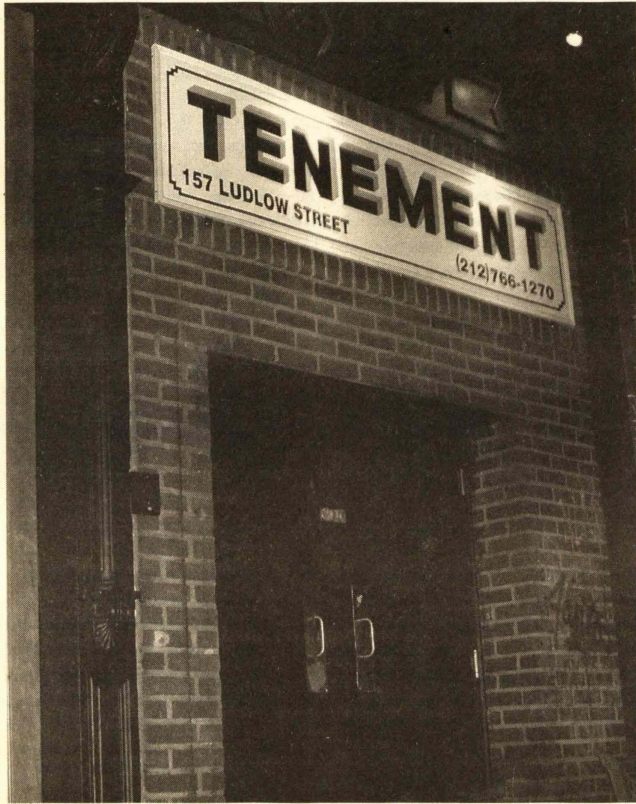
To find out more, go to [www.nbc.com](http://www.nbc.com) and select Law and Order: Special Victims Unit.

The poster announcing the arrival of a BLS Alum on SVU.



# [Bar & Restaurant Review]

## Two Suggestions for a Night Out on the Lower East Side



Though the name and exterior might make you wary, don't be fooled...  
Photo by Brian Pleban, '05

By Jennifer Gilman, '06

### Tenement Lounge

157 Ludlow St.

Appetizers: \$6-\$8

Entrees: \$16-\$20

Although the name may make you wary, Tenement is a restaurant that is worth the trek to the Lower East Side. The restaurant has done a great job of dressing up basic comfort foods by adding an eclectic American twist to traditional Jewish fare.

Nearly all the appetizers were excellent, both in taste and presentation. The favorites of the table were the potato pancakes served with chive sour cream and apple sauce. The apple sauce was the real hit; it was made with Granny Smith apples that truly distinguished it from the Mott's applesauce most are used to.

Next to the pancakes, the potato and cheese pierogies cannot be missed. Covered in caramelized onions and more chive sour cream, a second order of these would have been devoured as well.

Although the tomato and mozzarella dish did not really fit with the rest of the items on the menu, I am glad I got to taste this one as well. The mozzarella as cut into small cubes and completely covered in a thick pesto sauce. The mixture was presented in a hollowed out fresh tomato. Finally, the fried calamari was a hit. The best thing I enjoyed there, but I was disappointed to find out it was not for the sundried-toma-

to dip that came with it. This mayonnaise-based dip was the best part of this dish.

The only real disappointment was the goat-cheese beet salad. With only two small disks of fried goat cheese and some stinginess with the dressing, this starter was not at all that conducive to sharing.

Whatever you do, do not leave Tenement without ordering a side (or entree) of macaroni and cheese. This is nothing like your Kraft mac-and-cheese. It is baked with a mixture of cheeses, the most prevalent being the Vermont aged white cheddar, and a strong dijon mustard, which makes it rich and creamy.

As for the entrees, I definitely recommend the pork chop. It came in a cinnamon-red wine sauce that perfectly complimented the meat. The lamb shank with creamy risotto was another favorite.

After my experience there, even though it might be difficult, I recommend that you trust their somewhat odd combinations. Chicken stuffed with sundried tomatoes, spinach, and ricotta cheese and covered in a mandarin orange sauce sounds questionable, but turned out to be delicious. Again, the lobster ravioli was the one entree that did not fit with the rest of the menu, and in this case should probably be taken off, as it was bland and tasteless.

The staff in the restaurant was extremely helpful and obliging. They did their best to accommodate our large party on a very busy Saturday night, and

did so very well. They were understanding to the situation and very up-front and honest about any problems we might have had (but never did). Although the service was a little slow, no one seemed to mind, as the restaurant provided a great atmosphere so no one minded the leisurely dinner.

\* \* \*

### Essex

120 Essex St. (Entrance on Rivington St.)

Beer: \$5

Drinks: \$7

Martinis and special drinks: \$10

If you want to make a night out in the Lower East Side, after dinner head over to Essex. This bar and lounge is great for a night out with a few friends or for a large private party.

The bar area itself is long and narrow, which makes for a tight squeeze, especially when the waitresses have to come through with trays of drinks and the music induces people to dance (despite the lack of a dance floor). However, there are quite a few booths in the back area that are usually not reserved – where you and any group you're with would be able to be comfortable.

Hosts of private parties are given the option of reserving one of the two upper decks or a slightly closed off area at the back of the bar. Beware, the decks must be reserved pretty far in advance. The back area was just fine for a large

party; because the waitress was slightly oblivious to what her job exactly was (getting us drinks) it was good to be close to the bar.

If you were to go to the bar with just a few friends, I suggest hanging out at the crowded bar, as it is filled with many young, attractive people that are open to meeting new people.

The bartenders' drink vocabulary is pretty extensive and impressive and despite the masses they were able to get drinks to the crowd rather quickly. The hostess was very friendly and helpful in getting us into our reserved area as soon as possible.

Another great time to drink at Essex is during their "liquid brunch" every Saturday and Sunday, starting at noon. For \$12 you get a delicious entree and three drinks. Drink choices include Bloody-Marys, Mimosas, and Screwdrivers. Thankfully, the waiters will let you stay for as long as it takes for you to get through your three drinks, and trust me, you will need quite a while, especially if you choose the heavy-on-the-horseradish Bloody-Marys.

Essex is a great place both for meals or a night out. Overall, it is a lot of fun and a great place to meet people. It is both trendy and comfortable, and prices are reasonable. Definitely make this a stop next time you are bar-hopping in the Lower East Side.

## I Am Not a Nut Job, Just a 1L

By Tiffany Crowell Beck, '06

The movie "The Forgotten" is now in production, starring Julianne Moore, Gary Sinise, Anthony Edwards, and - me? Not quite, I'm just the dope on the fire escape in all the shots. Scenes for the movie were being filmed in Brooklyn Heights this past weekend - just outside my apartment window. So I did as all the other bystanders did at first - stood on the street watching. But when the production assistant asked us to move because we were in the way of the shot, I was forced to take more drastic measures to keep abreast of what was going on. I climbed out onto my second-story fire escape, and there I remained camped throughout production.

My operation was small-scale at first, just me and my binoculars. Before long, due in part to both rapidly dropping temperatures and overwhelming curiosity, I had a camera, the binoculars, a few blankets, some pillows, hot chocolate, cell phone, and my contracts book for reading between takes. By Monday night, most of the crew knew me either by "Tiffany" or

"the nut on the fire escape." I even overheard the executive producer on his cell phone laughing to someone about the "girl on her fire escape with binoculars." I guess that was me. Just for the record though, I am not a nut job, I'm just curious. I'm not the only one though. My accomplice Diann was there half the time, and my husband occasionally took a break from watching football to see what was going on.

A grip asked me why I was always watching, when mostly the cast and crew were just standing around waiting for someone to say "rolling." "Because I'm a law student," I said, "anything is more entertaining than Con Law." He looked at me with pity. "Law, huh? That sucks."

I did manage to learn a few things during my foray into movie making: Julianne Moore looks the same in person as she does in the movies, Anthony Edwards looks really different without glasses, you can get paid off by complaining about the mess and the bright lights, and spending two days on a fire escape is really bad for your back. Oh yeah, and a grip is someone who moves stuff around.



# Attic O'Albums: Four Albums That May Have Passed You By

By Marie Artus, '05  
and  
Desiree Johnson, '05

*Disclaimer- the albums reviewed are not new because the reviewers are going through their collections and trying to get the word out on great albums that may have passed you by.*

those lyrics contain enough definition to engage and yet leave enough space to allow your own past to color the song. "King's Lead Hat" is rockin' out meets Devo – without being embarrassingly over the top. The background is nicely layered with cool sound effects, that are more subtle than Casio.

## KMFDM

"Symbols" Tvt, 1997

KMFDM is no longer the band it once was after the departure of En Esch but they have given us a truly great album deserving much homage. The album, nicknamed "symbols" or "curse," because there is no real name, is the album that all of their works should be measured against. "Symbols" has more vocalists involved than any previous KMFDM releases. Guests include Nivek Ogre of Skinny Puppy fame, returning KMFDM member and PIG mastermind Raymond Watts, Abby Travis and Tim Skold among others. Skold, with a short history in the industrial music world earns his stripes with "Anarchy," which I feel is the best track on this CD and one of the best KMFDM songs ever. The first two tracks of the album "Megalomaniac" and "Stray Bullet" are both frenzied and



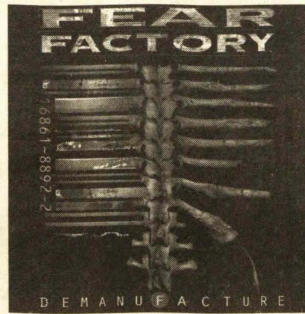
**Brian Eno**  
"Before and After Science"  
E.G. Records, 1990

It is nearly impossible to review an Eno album without the force of who is under scrutiny overpowering the music. It's like being a Scalia fan – sometimes it is difficult to know if the opinion is brilliantly scathing or, if in a hero worship haze, you are misreading mean spirited narrow mindedness for a sharp defense of the Constitution.

Caveat aside, do not fear purchasing this album; for it is a pleasant and perfect combination of pop and mood music coupled with a quality of lyrics/vocals that are rarely found on mood albums. Eno opens with "No One Receiving" – which has the sound that Phish wishes it could receive and channel; true funk. "Backwater," is a pop tune that reminds me of Heaven 17; as the vocals are dulled like a bad recording, and the lyrics contain a similar kind of humor and obscure enough cultural references. "By This River," is a softly sweet ballad. "You talk to me as if from a distance and I reply with impressions chosen from another time" – wow,



techno influenced songs lead you into the pace of the entire album. The collaboration involved in this album, distinguishes "Symbols" from other albums out today consisting of songs that seem to be Xerox copies of each other.



**Fear Factory**  
"Demanufacture" Roadrunner  
Records, 1994

Fear Factory is a metal/industrial band that is no longer together, but should still be held in high regard. It starts off with a fast paced, hard hitting



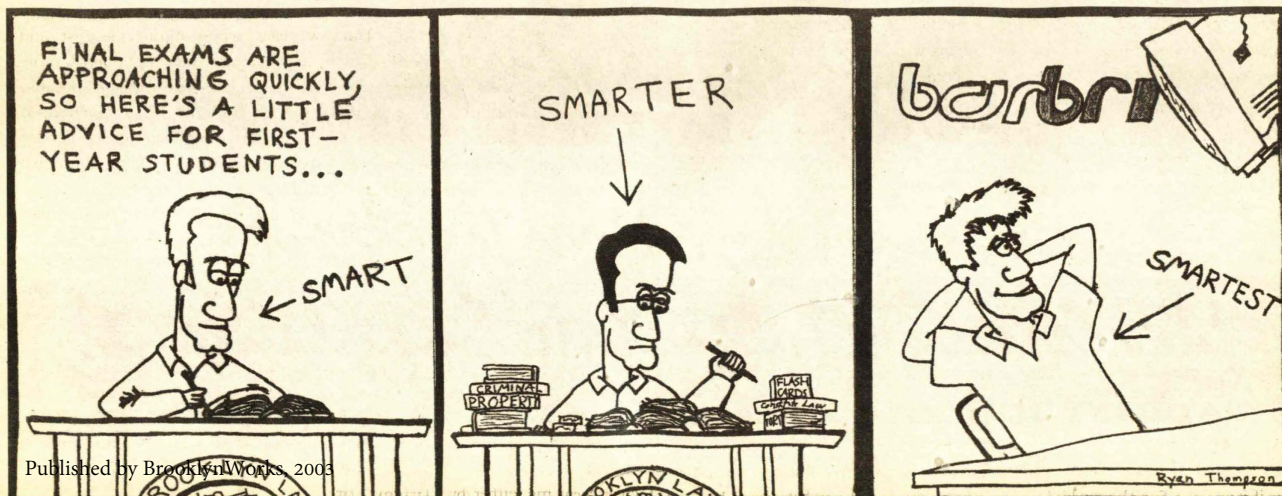
drum beat evolving into the track "Demanufacture." Some of the stronger tracks besides the first track are "Zero Signal," "Remanufacture"... oh forget it, just listen to the entire album! Usually I am turned away from lead vocalists that constantly scream, but the singing in this album is more harmonious than previous Fear Factory releases, combining the screams with higher long-noted singing. Burton C. Bell has the rare ability to be screaming like Satan one minute, and singing melodic lyrics the next. This band has a clean, sharp, angry sound that is a nice change from most of the industrial/metal music, keeping an edge, but still managing to harmonize and avoid border lining electronica.

**Khaled (formerly Cheb Khaled)**  
"Sahra" Polygram Records,  
1997

Khaled is a Rai artist that brings this genre to its highest level and maybe to something new. The music feels reggae influenced; nothing special with that, but what makes this album unique is that this dance music is coupled with vocals that left my chest achy and brought on that change of season restless feeling. Kind of like Desmond Dekker married Nick Cave and their wedding march was performed by a wild string section. The first 100 times I heard "Aicha" I cried; even as a non-francophone. Language (French & Arabic) is not a barrier to being moved

by this album because Khaled's voice is just so earnest, so haunting, and so filled with rawness – the vocal's emotional residue is desperation – and yet, this is supported by a unique, sometimes cheerful, sometimes haunting and always danceable, combination of reggae, pop, keyboard and a something else that is uniquely Khaled's and uniquely Rai's. "Lillah" continues this feel, but brings the quality of the music up a notch with a great skaish horn section. While "Mektoubi" introduces a low funk sound, that also picks up with a great horn section. Even if you can somehow manage to not be drawn in by the music, which while influenced by reggae is certainly not reggae, Khaled's vocals will keep you engaged.

## [Cartoon]





# "I Always Had Trouble With Standardized Tests..."

April 25, 2002

Dear PMBR:

Thank you for making the MBE the easiest portion of the Texas Bar exam. Without question, your MBE materials are a must for those who wish to get a high score on the MBE. Traditionally, I always had trouble with standardized tests (e.g., LSAT), but thanks to PMBR I scored a 165 on the MBE.

You should also know that I took very few Bar courses during the course of my law school career and felt less than prepared for the short answer and essay portions of the bar. Yet, thanks to PMBR, I scored high enough on the MBE to enable me to pass the Texas Bar Exam on my first try! Your simulated MBE questions, audio tapes, MIG outlines and Multistate lecturers are simply the best.

Very Truly Yours,

Jesus "Jesse" Gonzalez  
St. Mary's University School of Law

**MBE  
SCORE  
165**

## But Thanks To PMBR I Scored 165 On The MBE"

***pmbr***  
MULTISTATE SPECIALIST

*Absolutely, Positively, A  
Necessary Multistate Supplement!*

**NATIONWIDE TOLL FREE: (800) 523-0777 • [www.pmbr.com](http://www.pmbr.com)**