

# The Justinian

---

Volume 2004  
Issue 2 *May*

---

Article 1

2004

## The Justinian

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

---

### Recommended Citation

(2004) "The Justinian," *The Justinian*: Vol. 2004 : Iss. 2 , Article 1.  
Available at: <https://brooklynworks.brooklaw.edu/justinian/vol2004/iss2/1>

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.





## Reality Television Comes to BLS Via Moot Court Competition

By Alyson Mathews, '04

The stars of twenty-first century television are none other than your average next-door neighbor. These days it is hard to turn on the television without seeing a reality television show. From *Real World* to *Survivor* to *The Bachelor* to *The Apprentice*, networks compete for the next big idea for reality TV. Embracing the current trend, this year's problem for the Prince Evidence Competition centered around a fictitious reality show entitled, "No Survivor."

Mitchell P. Taylor, CEO and President of Lifeline, was desperate for a new hit show. Lifeline, operated on a net loss for over a year, needed a smash hit to boost its ratings. Taylor proposed the reality show "No Survivor" to Lifeline's board of directors, who gave Taylor the go ahead. Taylor immediately put Tally Crawford, Lifeline's Vice President and best producer to work. Her first task was to find the perfect location.

Lifeline sent Crawford to the United State Territory designated as "Area 52", an island in the Pacific Ocean. During her stay Crawford noticed that Area 52 was largely devoid of vegetation and human life. She encountered fewer than 15 habitants, all

appearing very ill. They were pale and gaunt, their eyes were red and oozing fluid, and their bodies were covered with peculiar lumps and open sores. To make matters worse, the island itself also appeared to be in very bad shape. It was covered with sinkholes and swamps that were infested with unidentifiable insects and rodents and bizarre reptiles. Area 52 had no stores, hospitals, hotels, or restaurants.

After contacting sources at the United States Department of Defense, Crawford learned that the United States had once used Area 52 as a testing ground for nuclear and biological weapons. Just two weeks after her arrival, Crawford developed symptoms similar to the inhabitants of Area 52. She had a high fever, difficulty breathing, and peculiar lumps all over her body. Because the next flight back to the United States would not leave for 48 hours, Crawford visited the village elder who gave her herbs and homeopathic remedies to ameliorate her symptoms.

Upon returning to the U.S., Crawford told Taylor about Area 52 and her own illness. She also told him that she did not believe participants on "No Survivor" would survive prolonged exposure. Taylor refused to listen.

The first season of "No Survivor", set on Area 52, was a huge success. Approximately two weeks after the pre-



Moot Court Competition winners, Leah Bolstad, Iain Cunningham, and Eliza Hoard celebrate their awards with the Judges.

miere episode, one of the participants, Richard Thatcher, began displaying the same symptoms Crawford developed. Crawford encouraged Taylor to cease production and remove the participants from Area 52, but Taylor refused. Thatcher's mysterious illness happened to coincide with "Sweeps Week" and the audience loved his visits to the village elder.

During the next week, more than half the show's participants, both cast and crew, began to develop the same

strange symptoms. Lifeline's attorney contacted Taylor and urged him to cease production and send a doctor to Area 52. Taylor refused to listen until about one month later when Richard Thatcher was found dead by one of the crew members. At this time The Health and Epidemic Prevention Unit had begun an investigation into Area 52 and "No Survivor."

See MOOT COURT  
Continued on p. 3

## BLS Basketball Team to Play in Madison Square Garden



The Brooklyn Express, ready to shoot the lights out  
Photo by Jim Kempster

By Doug Brooks, '04

Did you know that Brooklyn Law School has a basketball team? Actually, we have a very good basketball team. So good, in fact, that our team will soon play on the storied parquet floor of Madison Square Garden.

Published by Brooklyn Law School, 2004  
participated in the Lawyers Basketball League

(LBL). The LBL, along with its "sister league", the Corporate Basketball League, is in its thirty fourth season. The LBL pits teams from New York City law firms and law schools against each other and contains sides from most every big law firm. This season, the league's ten divisions had close to 100 teams, including entrants from Shearman Sterling, Fried Frank, Proskauer Rose, Skadden Arps, and Cravath. BLS participated in the Law

School Division, alongside six different teams from New York City law schools, including the perennial power Fordham Rams.

The BLS team, now called the "BLS Express", consists of James Farrow, Peter Herold, Bryan Zetlin, Tim Oberweger, Jeff Myers, Jamal Murphy, Dan Carey, and Neil Weisbard. Each player brings a distinct value to the team, leaving opponents with no notable weakness to exploit. At center, 6'7" Myers is the team's leading scorer, while Farrow directs the play from the point guard position and leads the team in assists. At 6'6", forward Herold commands the boards. Murphy and Zetlin control the low post. Oberweger, Weisbard, and Carey present a dangerous outside shooting threat.

During the regular season, BLS beat five law school teams and three law firms en route to a record of 8-1. The team sat atop its division along with Fordham - the only team to beat BLS.

After the regular season, each of the ten divisions held a playoff tournament to crown a champion. Each winner would represent its division in an inter-league tournament against champions from other LBL divisions and from the Corporate League. BLS won the Law School Division playoffs, beating Cardozo in the semi-finals and then avenging its sole loss by dethroning the defending champions from Fordham in the finals by a score of 51-43. The victory earned BLS the chance to face Court TV, the champions from the All Firm law division, in the first round of

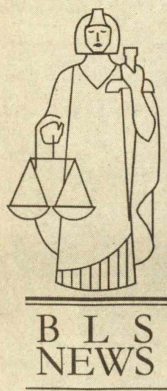
the inter-league playoffs. The winner would play at the Garden for the inter-league championship.

Court TV jumped out to an early 5-2 lead. But, that proved to be the largest lead either team would enjoy for the rest of the night. Following several ties and lead changes, BLS held on to a slim two-point lead with time running out in the game. Then, a BLS foul put Court TV on the line for two shots. The first shot caromed off the front of the rim. When the second shot sailed off the back of the rim, Herold grabbed the rebound and BLS took the ball down court. BLS lost possession with two seconds remaining, however, giving Court TV one final chance to score.

Court TV launched the inbound pass the length of the floor and connected with the team's best shooter. With Myers' 6'7" frame and desperately outstretched arms in his face, the Court TV player fired a three-point shot as time ran out on the clock. "The ball seemed to stay in the air forever," said Herold. The ball did eventually come down. It hit the back rim and fell harmlessly to the ground. Final score: BLS 38, Court TV 36.

BLS has a basketball team, and they will play at Madison Square Garden on April 26 at 7pm. "It's going to be a lot of fun playing at the Garden," said Herold. "We've been looking forward to it all season." lets hope they win! Check the website for the results.





## Editors - in - Chief

Miri Frankel  
Alyson Mathews

## Executive Editor

Greg Brown

## Senior Editor

Brian Pleban

## Production

Greg Brown

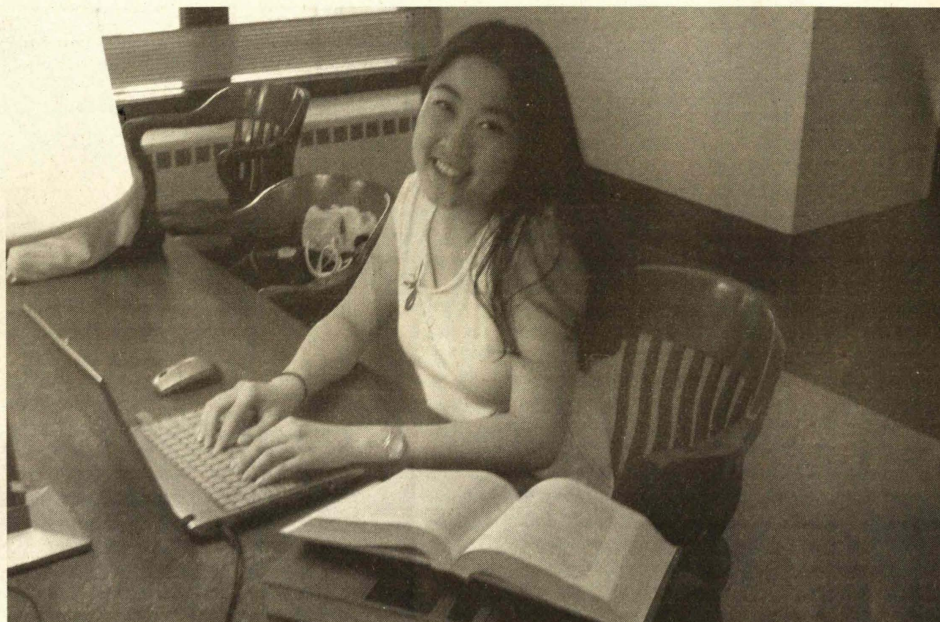
## Ad Sales

Brian Pleban

## Contributors

Ross Bogatch  
Doug Brooks  
Cindy Chae  
Andrea M. Chan  
Miri Frankel  
Donato Guadagnoli  
Jim Kempster  
Alyson Mathews  
Alexis N. Mueller

## Take Two: A 1L's Perspective on Second Semester



Andrea hits the books in the library to prepare for finals.  
Photo by Ross Bogatch, '04

By Andrea M. Chan, '06

Next semester I will...

- >> Speak in all my classes
- >> Not let an entire weekend go by without doing work
- >> Get on Moot Court or a Journal (Maybe even both!)
- >> Start my outlines before the Reading Period
- >> Land a summer job before the end of winter break
- >> Stop turning "Happy Hour" into "Happy 5 to 6 Hours Later"
- >> Not answer my cell phone while I am in the library
- >> Stop playing FreeCell during class

Do any of these declarations sound familiar? If so, you are not alone. You, along

with many other ambitious 1Ls, made resolutions just like these for the upcoming, now almost completed, semester. You were ready to kick all the bad habits you had acquired last fall, and

become the quintessential law student. Then, you, along with many other disappointed 1Ls, got your grades back.

Suddenly, you lost all faith in your abilities and the intelligence that got you into law school in the first place. Getting out of bed became a difficult task and attending class became optional. You decided that living in the library was futile, since all those long hours merely brought you to a level of mediocrity. And now you find yourself in this position — it's the month of April and everything has somehow accumulated into an insurmountable snowball. You have to present your oral argument, find a job, choose next year's classes, study for finals, and outline (i.e. copy Emmanuels) in the time span of four weeks. And to top it all off, you still have about 300-400 pages of Property to catch up on because you stopped reading back in September. Fee simple who?

What happened to that wide-eyed, bushy-tailed 1L you once were during the first two weeks of school? Long

gone. You hit, what I like to call, the "Second Semester Slump" — a time when 1Ls across the country, irrespective of school or tier, feel a sense of discouragement and unmotivated apathy. And while your professors try to lift your spirits and convince you that "grades don't make the lawyer," you can't help but hear Joan King's voice emphasizing the critical importance of your first year grades.

But don't despair; there lies a glimmer of hope. The truth of the matter is that in about one month you will have completed your first year of law school. Summer will be here, your carpal tunnel syndrome will go on hiatus, and you will have three months to relax and call back all the non-law school friends that you ignored all semester. So don't be too hard on yourself for not keeping those resolutions. Admit it, they were a bit ambitious. I mean, it's okay to shoot for the moon, but, sometimes, you've just got to be happy, satisfied and proud of yourself for reaching the stars.

## BAR EXAM JITTERS AS THE SUMMER APPROACHES?

*Overwhelmed by the many subjects and the short amount of time?*

### You May Need A Bar Exam Coach!

I will work with you to show you how to use the materials from your primary bar review courses as effectively as possible. You'll get the black letter law from the experts (you know who they are!) and as your personal coach, I'll supplement those lectures and practice books with the individual guidance and study techniques you need to succeed.

I have six years of experience assisting students in New York, New Jersey, Connecticut, Colorado, Maryland, North Carolina, and Oregon.

Contact me today for a free consultation, and don't get burned out by the task ahead. My pass rates are high and my fees are reasonable. Happy graduation, and wishing you the best this July.

**JEAN OSNOS, ESQ.**

Phone: 201-240-3878  
passingthebar@aol.com

© Copyright 2004  
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 student body.

<https://brooklynworks.brooklaw.edu/justinian/vol2004/iss2/1>



# BLS Students Get High Marks in Moot Court Competitions

MOOT COURT

Continued from p. 1

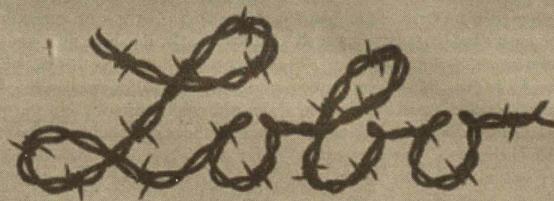
Production ceased shortly thereafter. The participants were returned to the United States where they remained in quarantine. Three of them subsequently died. Lifeline and Taylor were indicted by a Grand Jury on four counts of Murder in the Second Degree.

Shortly after the indictment, the Government issued a subpoena directing Lifeline to produce all documents relating to "No Survivor." Lifeline complied, but refused to turn over one document, a memo from Taylor to Lifeline's chief in-house counsel. It then moved to quash the subpoena on the grounds that the memo was protected by attorney-client privilege. Taylor later filed a motion to preclude the introduction of Crawford's plea allocution which placed the blame directly on Taylor and Lifeline.

Law students from across the country traveled to Brooklyn on March 18 to argue the evidentiary issues behind these two motions. The final round was argued in the Moot Court room in the presence of three prestigious judges, Honorable Robert S. Smith of the New York Court of Appeals, Honorable Nancy Gertner of the United States District Court for the District of Massachusetts, and Honorable A. Raymond Randolph of the United States Court of Appeals for the District of Columbia. After the completion of the three day competition, Leah Bolstad, Iain Cunningham, and Eliza Hoard from University of California at Hastings College of Law, won the competition.

APPELLATE COMPETITION	TEAM MEMBERS	AWARD
Privacy Law	Kristin Bruan, Penelope Kojima, Eugene Kublanovsky	Quarter-Finalist
Entertainment Law	Rachel Beige, Jamal Murphy, Jeff Myers	Quarter-Finalist; Second Best Oralist, Rachel Beige
Criminal Procedure	Mariel Lasasso, Keith Schmidt, Yael Utt	Quarter-Finalist; Second Best Brief
Health Law	Michelle Stern, Shameik Taylor, Jennifer White	Quarter-Finalist
National Team	Duane Baum, Peter Herold, Jeffrey Rendin	Regional Semi-Finalist
Sports Law	Kristen Hansen, Don Gammon	
First Amendment	Meghan Douris, Stacey Katz	
Tax	Jonathan Alwais, Philip Lamb, Bryan Zetlin	First Place; Best Brief; Best Oralist, Bryan Zetlin
Constitutional Law	Allison Mattera, James Roberts, Heather Stamper	
Family Law	Lara Corchado, Neeti Sandaresh, Penney Vachirapapun	Semi-Finalist
International Law	Rachel Bien, Andrea Cerrito, David Root, Josephine Vining	Third Place
Securities Law	Nima Ashok, Erez Davy, Justin Kilkenny	Second Place
Bankruptcy Law	Edward Ackerman, Maura Lynch	Second Place
Civil Rights Law	Isha Atassi, Ken Taylor, Kimberly Zoob	
Corporations	Michael Divney, Matthew Porpora, Julia Schneider	Semi-Finalist; Best Brief
Labor Law	Robert Anderson, Kristina Detmer	Semi-Finalist; Best Brief
Products Liability	Kristin Bruan, Peninna Oren	

TRIAL ADVOCACY COMPETITION	TEAM MEMBERS	AWARD
Defense Lawyers	Vincent Acquista, Pamela Beitelman, Lisa Berk, James Cretela	Semi-Finalist
ATLA	Jonathan Olsson, Keith Pollack, Lakshmi Singh, Narendrea Singh	
White Collar Crime	Andrea Anderson, Jason Becker, Justin DelleCave, Elissa Donenfeld	Second Place
TYLA	Samantha Better, Duane Frankson, Vasantha Rao	Semi-Finalist
TYLA	Lisa Berk, Matthew Kelly, Duncan Peterson	Semi-Finalist
Civil Rights	John Fazzio, Orrin Levine, Meena Untawale	
ATLA	Lee Edelson, Jeannie Park, Laura Rogers, Jill Spielberg	Semi-Finalist
ATLA	Missy Pardoll, Justin Parsons, Gabby Puchalsky, Chris Whitehair	



AUTHENTIC TEX - MEX RESTAURANT



TEQUILA BAR

218 COURT STREET, BROOKLYN, NEW YORK 11201

718 - 858 - 7739

**One Free Lobo Margarita with purchase of Entree when student ID is presented Sunday thru Thursday**



## [Opinions & Editorials]

Dear Editors,

This letter is written in response to your cover page story, "Public Interest Failure at BLS," printed in the March 2004 issue of BLS News.

I am concerned about the stinging criticisms of last fall's Immigration and Nationality Law course. I was a student in the class. Though I understand it was the authors' intentions to use this class as an example for the greater honorable objective of improving BLS's public interest curriculum, I believe that the approach that these students took in writing the article and some of the comments made were a bit unfair.

Last semester's Immigration and Nationality Law professor was admittedly not one of the best professors I've had at Brooklyn Law School. I do agree that his lectures left something more to be desired. However, I believe that students and professors both share responsibility for the learning that goes on in the classroom. There are many ways for students to express dissatisfaction with the progression or substance of a class. If you feel like you are not learning an important issue, why not challenge the professor to answer your questions in class, instead of surfing the internet or not attending? Was there ever a question raised about the T-visa or a VAWA petition in last fall's class? Bring up controversial topics to see how the professor responds. Call and e-mail the professor with questions or request that the professor alter the syllabus to include discussion of current topics. If you are confused, ask the professor to clarify. You chose to take the class, regardless

of whose fault it is and how bad a professor may be. If you want to learn about this body of law, learn to learn actively, not passively. I was surprised to see this level of criticism printed on the front page of the newspaper because during class time, I recall that most of the students were non-participatory and apathetic. It is a cop-out to criticize a professor after the semester is over and he can't do anything about it, especially when nobody took any action during the semester.

Furthermore, let's simply look at the realities of the situation. In the last three years that I've been at BLS, Immigration and Nationality Law has been an introductory, broad strokes immigration class offered only once a year at night. This past fall we met for two hours on Wednesday nights for 15 weeks—hardly enough time to cover the basics, let alone discuss all of the current major cases and policies. Yes, there were many opportunities to at least mention relevant current concepts and themes and that may have been one of the professor's weaknesses. But practically speaking, it is a time issue. There just simply wasn't enough time to address everything and it's unfair to blame the professor when there were clearly stringent time constraints. In addition, last fall's class was not an immigration policy class or a class targeted at current issues, such as this semester's Terrorism and Civil Liberties Seminar. It was a straightforward bread and butter immigration law class, reflecting the course description on the school's website and mirroring the Immigration and Nationality Law class



Ralph Nader, an outspoken public interest advocate.

offered in the falls of '01 and '02, taught by another adjunct professor.

Don't get me wrong—I am fully supportive of eliminating the gaps in BLS's public interest curriculum and I am grateful that these students are taking the initiative to do so. The article raised important points about the selection and supervision of new professors and the inclusion of students' voices for public interest curriculum planning. However, even if the greater goal of the article is respectable, beginning an article titled "Public Interest Failure at BLS" with disparaging one-sided comments about a professor seems particu-

larly inflammatory, sensationalist and unfair. This professor may not have been the best lecturer, but he has extensive experience with current immigration policies and can potentially serve as a valuable resource for BLS. To obtain actual, tangible changes to the curriculum, public interest-minded students should consider all aspects of the problem and act carefully, reasonably and prudently, and be mindful not to alienate parties that may actually be on their side along the way.

Sincerely,  
Cindy Chae, '04

## Another View on Affirmative Action: The Debate Continues

The following is a response to an opinion article submitted by Duane Frankson, titled "Response: Race & Diversity." The article appeared in the 2004 print of the Brooklyn Law School News.

By Donato Guadagnoli, '07

Mr. Frankson, are you implying that the color of one's skin has to do with how smart they are? Is that what you are saying? Are you saying that being a certain color or race brings with it a certain academic ability and that by having that skin color or race is an instant sign of academic worthiness? Or that because one is of a certain race, one has a benefit bestowed upon thee by the grace of God? Or that one's academic record, though not on a par with the general student population is a secondary matter to the color of one's skin?

Mr. Frankson, what you fail to recognize is that the issue here is racism, and diversity is just a facade. Affirmative action was instituted in our system to be a program that was designed to be a band-aid to a prejudicial school system of old. Now, all it has perpetuated is more racism. Before, black Americans were told that they weren't good enough and now they are told that they could never be good enough. The only difference is that now we pretend to care. The racism is now all encompassing. While we tell black students that they are not good enough to enter an academic institution on their own merits and they need our help, we simultaneously

tell white students that their academic achievements matter less than the color of their skin. This is a fine example our parents and grandparents have set before us. Let us not forget that the successes and ideas in America came from some of the most brilliant minds and the most durable souls. Almost all of whom were never helped.

You wrote that, "Mr. Bogatch overlooks the fact that the goal in Bakke was to correct past injustices against minorities and furthermore that the goal in Grutter was to reap the "educational benefits of a diverse student body."

Mr. Frankson, I must tell you that if you want to disguise a racist policy under the guise of diversity, you may. Diversity is a wonderful thing Mr. Frankson, but let it be achieved for real. Not forced. Not artificial. Fix the problem of the horrible foundation that urban-city school children start from, and stop trying to fix a something that is not broken. Our higher-learning institutions are the best in the world. People from all over the world travel here to reap the academic benefits of our higher education system, not experience diversity. Diversity may well spur us toward a greater understanding of other cultures and allow for a diversity of ideas, but shouldn't these ideas come from a diverse body of high standards and high intellect.

Mr. Bogatch understood well the goals of *Bakke* and *Grutter*, so I do not have to repeat an analysis of these cases.

If you would like to disguise the same goal under a different "phrase of the day," you may.

If one cannot see through, as Mr. Bogatch has well termed it, the smoke and mirrors then either you refuse to open your eyes, or you are intellectually dishonest. If the best that you can throw at Mr. Bogatch is that he implies that minorities offer no benefit, then you are simply throwing out the race card. Mr. Bogatch never denied the existence of the benefits of having minorities in the class room that truly belong there (academically). In fact, unlike you Mr. Frankson, Mr. Bogatch never even uses racism as a goading tool as most do. He simply sticks to hard figures and "actual opinion" from "real" Supreme Court Justices. He does not pull his information from a liberal propaganda machine. I deny, here on this paper that the color of one's skin will make them a better candidate for the academic setting. Mr. Frankson, if you would like to stick to your pre-labeled "benefits of a diverse student body," you may. But I tell you, the lack of intellectual honesty that you portray has soiled what our brothers and sisters have fought so hard for. A real freedom. A freedom that does neither deny you nor accept you because of your skin color. How easy do you think it is, Mr. Frankson, to waffle back and forth between the "we accept you because of your color and we deny you because of your color? Sir, I implore you to see the danger of this all. It may

not be felt today, but in the tomorrows you will see the ill effect that lowering the standard of education can do to a country. It can blind it, make it impotent, and surely disable it in every sense of the word. So, again, I implore you. When you go home tonight, think about the racism that your way of thinking is helping to perpetuate. The racism that hides like a viper in the political grass. It waits, it festers, and when the moment is right, it will strike and it will sting our land with a poison so powerful that it will infect the minds of many, and the hearts of all.

Further, Mr. Frankson, Mr. Bogatch never purports to imply that having minority students in the class-room "does nothing to the educational process and in some way detracts from the education of others." In fact, it's a sad fact that you, Mr. Frankson, would bring this into the discussion. What Mr. Bogatch was trying to relay was that having students accepted into these sacred halls with lowered standards, lowers the bar for such students. Furthermore, the entrance and interaction with those students would be less academically useful than that of students who made it in on their merits, black or white.

Mr. Frankson, I'm sorry that you cannot see that lowering the bar at a school that teaches the law, embedded

AFFIRMATIVE ACTION  
Continued on p. 6



## [Opinions & Editorials]

# Thou Shalt Not Bear False Witness: Speaking with Pre-Frosh

By Alexis N. Mueller, '06

It is almost that time again: the end of the semester is approaching rapidly. However, as the Moot Court and writing competitions loom in the not so distant future, and outlines struggle to rise into existence, some of us may be faced with a slightly different dilemma. While this time of the year represents the beginning of the end for us students, there are those countless bright eyed law school applicants that have just received their admission letters. The sheer volume of law school applicants almost ensures that we all know at least one prospective student.

After hearing our painstaking descriptions of the hell that we know and grudgingly love to be law school, these prospective students are now asking us for advice in helping them to decide what school they will attend in the fall. One such prospective student is my friend

Lauren, whose name has been changed for the purposes of this article. Lauren was accepted at several law schools, including our own Brooklyn Law School. As her friend and hardened veteran 1L, it now falls on me to represent our school.

While some of us might be tempted to simply advise against going to law school altogether, it pays to really think about what kind of specific advice you would give to a friend who is a prospective student. The following is a rough account of my conversations with Lauren, her concerns, and my responses. While I am not certain whether or not I was answering Lauren's questions, or those of her parents, I still found the experience to be quite enlightening.

After we got past the idle banter about Lauren's decision to needlessly throw her life away to go to law school, Lauren finally began to ask her specific questions about BLS. She inquired first as to the strength of our faculty. I told her that I had a very positive experience with all of my professors and that the greater majority of my friends were also very pleased with their classes and the faculty at BLS in and outside of the classroom. I went on to say that I specifically found my professors to be equally as accessible as they were knowledgeable and that this proved to be a boon on several occasions.

Next, Lauren wanted to know about the quality of our cafeteria. This of course caused us to indulge in a slew of the standard cafeteria food jokes. I told her that the selection was a bit limited, but that it seemed that the prices

could be a bit lower, but that for what they had, the food wasn't bad. I also had to admit that many students generally go out to find something to eat around the area because of the limited selection. I was proud to inform Lauren that the SBA, of which I am a member, was in the process of forming a committee to deal with this issue.

Apparently satisfied, Lauren moved on to her next issue which was the security of the law school and the surrounding neighborhood. Lauren was surprisingly subtle in the way she managed to raise this issue without directly implicating Brooklyn as a bad neighborhood. Immediately, I launched into what likely amounted to a verbatim recital of the language in our application brochure,

Lauren told me that one of her academic advisors had told her that one way to rate a law school was by looking at its library. According to her advisor, a good law school was one that provided a clean, safe, efficient and accessible place to study. Leading with a reference to my homeless-man story, Lauren asked me how I would rate the library at BLS. Again, I found myself immediately extolling the virtues of our library, as dictated by school spirit and our application materials.

Again, I was quickly confronted by my conflicted conscience, as there had also been complaints about the library. Apparently a water pump had broken during the year and the resulting water damage had left a very distinct smell of

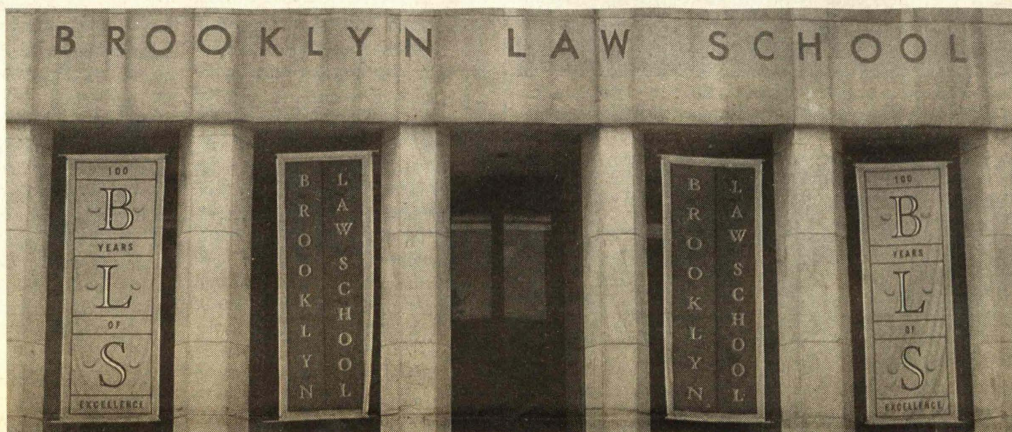
me to miss several of Lauren's e-mails. I told her about our troubles with the email system and how several students, myself included, were directly affected in their search for employment this summer. As some of my conversations with Lauren were conducted using Instant Messenger on the BLS network, Lauren was already witness to the sporadic performance of the wireless network. I tried to work around this problem by using the wired ports around the campus, but my success remained limited.

Lauren then asked me if students could use their laptops to take exams, which led us to a discussion of the much maligned ExamSoft application. I told her that this was the school's first

year using the software, and that many of the wrinkles were still being worked out. However, I could not leave out the fact that several students were still waiting for missing exams to be graded and that a few students had been left to rewrite their exams by

hand due to an unexpected glitch with the program halfway through the exam. Still, I felt compelled to tell Lauren, that the Administration assured us that the IT department would continue to work to resolve all of these issues. Again, I told Lauren that the recent concerns had caused the SBA to take action, creating a new office to serve as Technology Liaison between the students and the Administration.

At this point Lauren seemed fairly subdued. I must admit that it is an awkward situation to represent your school as a student on one hand, and to try to remain objective and loyal to your friend on the other. In the end, I am not quite sure what Lauren was able to glean from our conversation, and what her ultimate decision on attending BLS will be. However, it was clear that she seemed a bit less enthusiastic about the prospect of becoming a BLS student. This led me to ask myself some questions. Should we judge the state of our school as students? Or should we perhaps judge it from the viewpoint of a prospective student, knowing what we know now? To be truly satisfied with a school, shouldn't a student be certain, without reserve, that they would choose the same school again, given the chance? After my conversation with Lauren, I am left somewhat uncertain of my own personal opinion. Granted, I believe BLS is a good school. Still, in making some of the excuses and explanations for Lauren's issues, I am left to wonder who I was trying to convince.



stating that security was a high priority at BLS, and that Lauren had nothing to worry about.

This is when it happened. Suddenly, a slight pang of guilt was settling into the back of my mind. Lauren must have noticed my sudden reticence and she asked me what was wrong. It told her that as an SBA delegate, I had been approached by a growing number of concerned students regarding several security issues. As I started to name them, the list began to grow longer than I had first imagined. I first felt obligated to state my skepticism with respect to the ability of our security guards to ward off any potential threats when they have been caught napping, they are often away from their post to smoke cigarettes, and they never even check our IDs. I also told Lauren about the incident of the homeless man sleeping on the third floor of the library for three days, unbeknownst to many students. Also likely an unknown character to most students is our own Pit Preacher, who regularly exclaims our salvation and condemns our sins in front of the locker room area, which some students have come to refer to as the pit. I told her, that there were also quite a few concerns raised by female students about the safety and the layout of the women's locker room. Ultimately, I was forced to tell her that the security could likely be quite a bit better, but that the SBA had formed a security committee and was already attempting to solve some of these issues.

Sounding a bit more reserved, Lauren now moved to her next ques-

tion. Lauren told me that one of her academic advisors had told her that one way to rate a law school was by looking at its library. According to her advisor, a good law school was one that provided a clean, safe, efficient and accessible place to study. Leading with a reference to my homeless-man story, Lauren asked me how I would rate the library at BLS. Again, I found myself immediately extolling the virtues of our library, as dictated by school spirit and our application materials.

Furthermore, there had been issues with the heating in the library, which sometimes caused the library to be uncomfortably hot or cold. I know Lauren to be a perfectionist prone to cramming and so I figured I would mention the limited library hours during finals. As compared to the other schools that Lauren was accepted to in the area, BLS closes the library at midnight during finals, while most other schools keep the library open to their students around the clock. I concluded that the library was a well organized facility that would be very much improved by longer hours, a thorough sanitation overhaul, and of course tighter security. Again, I told Lauren that the recent concerns had led the SBA to create a committee that would try to affect the needed changes.

Timidly, Lauren ventured to move on to her next question, which concerned the technology at BLS. In regard to this issue, I found my school spirit to be rather muted. The technology issue had of course already been highlighted by our recent e-mail woes, which caused



## Student Bar Transition Dinner

## Affirmative Action Debate

AFFIRMATIVE ACTION  
From p. 4

in the most sacred document this country holds, and prepares the harbingers of justice to pave the path of freedom before all its citizens does not affect the urban public school system. If the bar is continually lowered, then why do school systems have to prepare at all? What are they preparing for? A substandard education, at a substandard school, because some believe that it is impossible for minorities to get in based on merit. How racist is that idea? Instead of listening to people who breed hate, why don't we listen to the success stories. The ones who suffered the worst of times, and even through discrimination changed the hearts and minds of men for centuries to come.

Mr. Frankson, if your goal, and I hope it is, is to change the urban school system, then I applaud you. But, change that first. Do not lower the standards of a great and prestigious higher education system to change the plight of urban students. All that does, Sir, is create a false sense of accomplishment. How do I know, you may ask? I taught in this system. I saw children graduate from high school with a 4th grade reading level. With my own eyes I saw the insidious facade continue on. I witnessed the numerous children pass into the real world, not being able to fill out a job application at a clothing store. This result is preposterous and should not be allowed to continue. But, lowering the standards at a higher education institution is not the answer. The answer is to fix the foundation. Think logically Sir, I implore you again. If you have yet to understand, I will give you a few analogies. First: A sports team is only as strong as its weakest player. Second: If you run every day, two miles a day to train for a ten mile run, you most

assuredly will fail.

Mr. Frankson, when did our law schools start teaching about different religions, races, and cultures? The groups you speak of are all excellent. They further the opportunity for those that belong to those groups to find friends, comrades, and people with whom they share a common background. They also go a long way to put their particular viewpoints into the academic arena. This is a beautiful thing. But, if they are not academically up to par with their fellow students and intellectually prepared to debate fellow students, what then do those things matter? What will they intellectually have to offer? Thankfully, all of our students are up to par. Which is how we are able to have this famous dialogue.

One last thing, Mr. Frankson. Before you throw the race card down, please have more than empty rhetoric to back it up. I am aware that this piece might also be just that. Mr. Bogatch on the other hand had a well-written, factually and figuratively-based essay. His understanding of the issue was on the mark and dealt with reality in toto. His piece was one of fact and intellectual honesty. The same might not be said for us, Sir. So I will ask you to apologize to Mr. Bogatch for pulling the race card out on a piece that honestly dealt with an issue using the real opinions of Supreme Court Justices and real figures from the cases at hand. Mr. Bogatch used no fluff, but only created an opinion based on the evidence the cases presented to him.

"When Martin Luther King said he dreamed that his children "will not be judged by the color of their skin, but by the content of their character," he clearly made the distinction that race and character are wholly separate standards by which individuals should be judged."

On Thursday, April 15, 2004, the Student Bar Association (SBA) hosted a Student Organizations Transition Dinner in the Subotnick Center. The purpose of the event was for outgoing student organization leaders to transition the students who will hold executive board positions during the 2004-2005 school year. In addition, the Transition Dinner was a fun, informal opportunity

for the incoming and outgoing executive board members of all student organizations to socialize and share experiences.

Held on one of the first warm, sunny days of the season, attendees took advantage of the Subotnick Center's terrace as a perfect location for pictures and talking. The surrounding photographs are from the event.

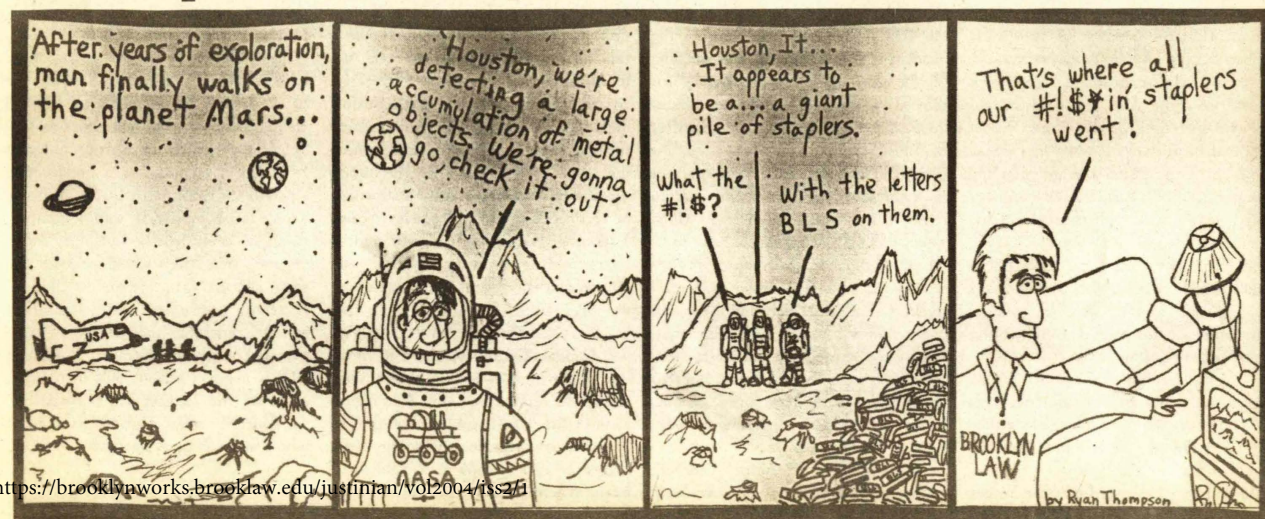


The Brooklyn Law School Executive Board for the 2004-2005 School Year. L to R: John Rossi, Lindsay Culter, Lisa Marie Valluchi, Tim Oberweger, Jodi Seigall, Jessica Segall



Outgoing SBA president Joe Anci will be sorely missed

## [ Comic Strip ]





# New Study Abroad Program Sends Students to Hamburg, Germany

By Miri Frankel, '04

During the Spring 2003 semester, I studied abroad at University College London through the Pace London Law Program of Pace University Law School, and I wrote several articles about the experience in the Brooklyn Law School News. Since that time, I have spoken to many students about their study abroad interests. Unfortunately, BLS did not provide most interested students with the opportunity to study international law in a foreign setting, except for the three-week summer courses in Bologna, Italy and Beijing, China.

BLS has an impressive number of international law classes, a double-edged sword for BLS students interested in international law – the vast array of international law courses are a benefit to students who intend to practice within this field, but are also an obstacle for those who desire a longer-term study abroad experience than the BLS summer programs typically offer. Because so many international law courses are offered here, it was traditionally difficult for students to receive permission from the administration to take similar courses overseas with the credits transferring back to BLS.

The administration, however, recently announced a new exchange program with Bucerius Law School (coincidentally, also known to its students as "BLS") in Hamburg, Germany that will allow students to attend German, European and international law courses at Bucerius (taught in

English), as well as optional German language courses, while maintaining their status at BLS. The Law School will select two Brooklyn Law School students to attend Bucerius Law School, and Bucerius will select two German students to study at Brooklyn Law School in Fall 2004. To be considered for the Bucerius program, you must: (1) be a currently enrolled Brooklyn Law School student in good standing; (2) have a cumulative grade-point average of at least 2.700; and (3) have completed all required "first-year" courses (i.e., students who still must take any remaining "first-year" courses during their second year are not eligible to apply). Good luck to the first students selected to participate in this exciting new program!

## Bucerius Law School

Founded in 2000 in Hamburg, Bucerius is the first privately operated law school in Germany. Bucerius offers law students a legal education with a focus on international business law. The law school cooperates with 29 partner law schools in the United States. The exchange program with Bucerius is ABA approved.

The Bucerius Law School Program in International and Comparative Business Law is designed for law students who wish to broaden and extend their understanding of the forces that shape international business law. The program offers a unique opportunity to gain first-hand knowledge of German, European and international law. Students will take courses in English, and students proficient in German will have the option to audit other law



The City Hall at Hamburg, Germany

courses at Bucerius. Program courses cover all main fields of German law taught from an international or comparative perspective. Students will also have the opportunity to study the German language prior to the beginning of the semester.

## The City of Hamburg

Bucerius is located in Hamburg, also home to other legal institutions of national and global significance, including the Hamburg state courts, the Max Planck Institute for Foreign Private and Private International Law and the International Tribunal for the Law of the Sea. Known as the "Free and Hanseatic City," Hamburg is situated near the mouth of the River Elbe. It

boasts with more bridges than Venice, and more consulates than anywhere in the world except New York. With a population of 1.6 million, Germany's second largest city (the largest is Berlin) is an exciting location for business life, trade, culture, tradition and law. The city is home to over 40 theaters, 50 museums, and an incredible selection of concert halls, music halls and cabaret venues. The heart of Hamburg is its port, which sustains Hamburg's business life and is considered to set the cosmopolitan tone of open-mindedness and international connections. Hamburg is considered the "greenest" city in Germany, with its parks, promenades, imposing city center and leafy residential streets.

## Just 2 Blocks from the Promenade

**PALMIRA'S**  
BROOKLYN HEIGHTS

Palmira's

41 Clark Street on the corner of Hicks Street  
in the historic St. George Hotel.

**Tel: 718-237-4100**

Lunch & Dinner  
Family Owned and Operated

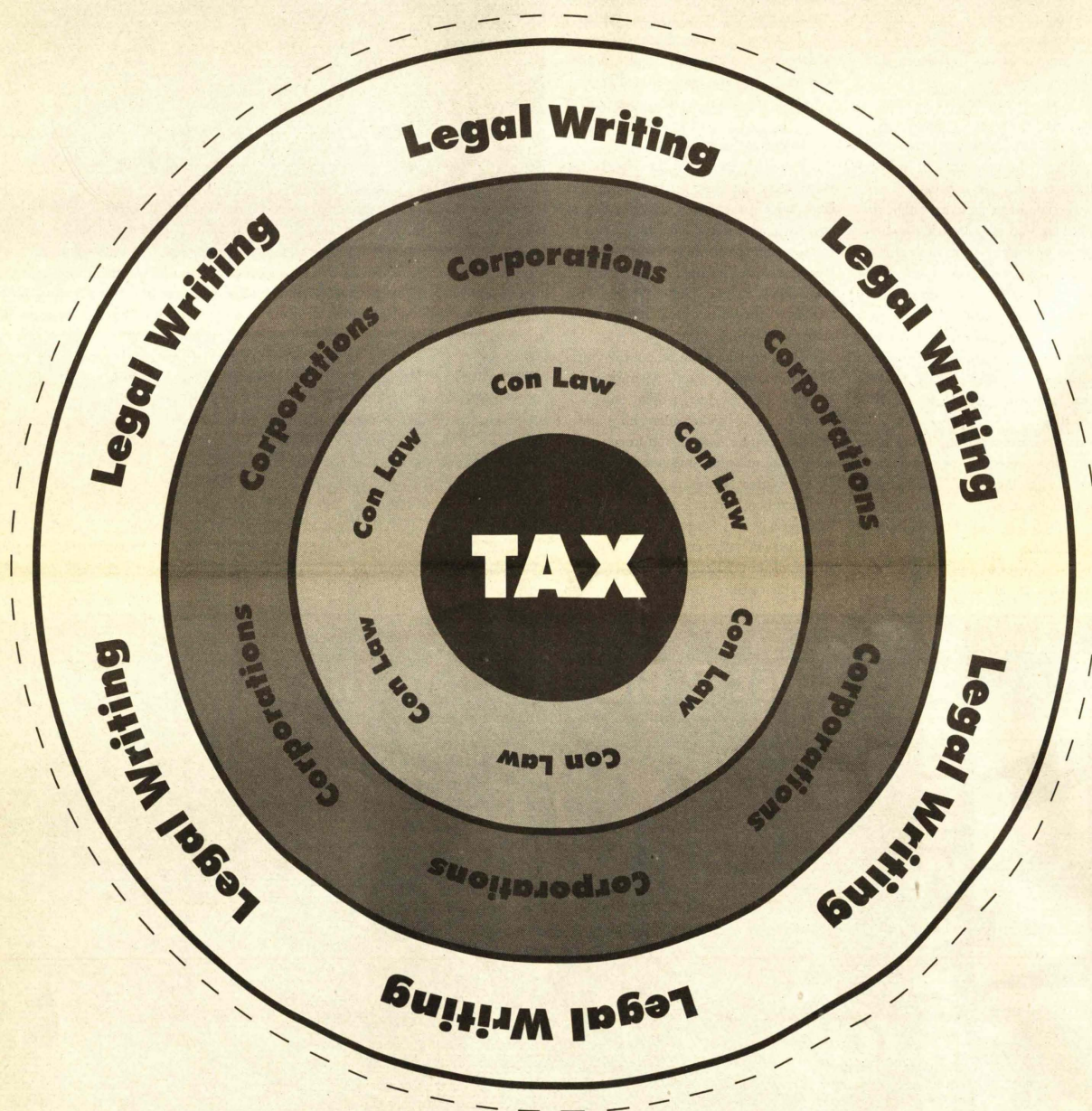
**15% off with BLS Student ID**

**LIVE JAZZ**  
Friday, Saturday & Sunday





# Feeling Stressed? Take a Shot at the Academic Dartboard!



**Cut out and staple to your door.  
Then aim for your least favorite class.  
Enjoy!**