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FSSF AUCTION RAISES RECORD

$109,261 A New Law School Record

By Jeffrey Jackson ('96)

On March 14, 1996, The Fordham Student Sponsored Fellowship Auction raised a record $109,261, according to Paul Garfinkel, a third year student and Senior Director of the auction. Garfinkel, along with third years Jeanine Mitchell and Andrew Goldfrank, planned and organized the auction, which included over two hundred student volunteers and approximately 80% of the Fordham Law School faculty.

The auction has two components, a silent auction, where bidders bid on items displayed on various tables, and a live auction. The silent auction featured such items as "Legal Trivial Pursuit," a board game which sold for $35, and a book entitled "Supreme Court Practice" which sold for $40.

Attendees included former Fordham Law Professor and now Federal Judge Denny Chin and many prominent Fordham Alumni. For the first time in the history of the auction, Fordham students were allowed to attend the silent auction free of charge between twelve and four P.M. Thirty items were reserved for student bidding, while others helped to facilitate the payment process at the end of the evening. Faculty members participated by bidding on items, as well as by presenting items for bidding. For example, Professors Fleming, Johnson, Thel & Fisch presented an Open Air Seminar on the Supreme Court.

The first item, two tickets to a boxing doubleheader at Madison Square Garden, sold for $450. One bidder quipped, "I'll bid $450 if Professor Katsoris is on the boxing card." Other items included a dinner at a Chinese restaurant with Torts Professors Denno, Hollister, Magnetti, and Zipursky; Lunch with former Mayor Ed Koch, Doubles Tennis with Professors Treanor & Katsoris; and Billiards, Beer, & Bluebooking with Legal Writing Professors Ann Moynihan, Ted Neustadt, and Thane Rosenbaum.

Fordham Alumnus Thomas J. Kavaler served as a guest auctioneer and entertained the bidders with a sharp sense of humor, a mixture of Dennis Miller and the late Sam Kinnison. The shock-haired Kavaler auctioned a New York Mets Mimi-Season Package "donated by Mr James Zucker, class of 1997, he hopes," and auctioned Doubles Tennis with Professors Treanor and Katsoris.

Student volunteers served different roles in the auction. Some helped to display items up for bidding, while others helped to facilitate the payment process at the end of the evening. Faculty members participated by bidding on items, as well as by presenting items for bidding. For example, Professors Fleming, Johnson, Thel & Fisch presented an Open Air Seminar on the Supreme Court.

Please see FSSF 'continued on page 4"
SBA CAMPAIGN LETTERS

To the Editor:

In the upcoming Student Bar Association election, the student body will have a wide range of candidates from which to choose. One ticket presents a wealth of experience and accomplishment to the student body; the ticket consisting of Ben Geyerhahn for President, Jason D’Angelo for Vice President, Robin Waugh for Evening Vice President, Tara Stever for Treasurer, and Michael Blackshear for Secretary.

The individuals on this slate are both accomplished and respected. Ben is the present SBA secretary and a property class writing teaching assistant. Jason is a staff member of the Law Review and a Legal Writing teaching assistant. Robin is an evening student who holds a full-time job, and is a Stein Scholar. Both Tara and Michael are first year students and SBA representatives.

This team is interested in aggressively pursuing two goals: improving the administration’s responsiveness to the students and cultivating a sense of community among the students. If elected, this executive board would accomplish these goals by pursuing student suggestions, and by addressing a specific student concern.

First, this executive board will address student financial concerns in two specific areas. Students are often anxious about their financial aid packages. This board will work with the administration to assure that a sufficient number of spaces are available in required courses, such as Corporations or Evidence.

Second, this board will improve communication to the students. We will install an electronic bulletin board upon which upcoming student events will be posted. We will also encourage the administration to adopt a voice mail box listing daily class cancellations, and will maintain a suggestion box at the SBA office.

Third, this board will work with the Deans to improve the school’s physical appearance. We will ask that the bathrooms and the cafeteria be better cleaned during the week, and particularly over the weekend. We will also discuss improvements to the cafeteria with the administration.

Last, this board will work with the administration to assure that a sufficient number of spaces are available in required courses, such as Corporations or Evidence.

These goals are ambitious especially when coupled with the other tasks traditionally delegated to the Student Bar Association such as First Year Orientation, the boat cruise, allocation of the student financial concerns in two specific areas. Students and SBA representatives.

First, this executive board will address student financial concerns in two specific areas. Students and SBA representatives.

To the Editor:

My name is Allan Urgent. I am a second year day student running for the position of Student Bar Association President.

Why I Am Running For President?

Fordham was my first choice for law school. I like being here. Since I spend an enormous amount of time at school I deal with the inconveniences as much as anyone. I am willing to spend the time needed to confront the problems that we face here daily.

My Goals For the Coming Year

I would like to see an SBA that is more representative of student concerns. The SBA plays a big role in planning the law school social activities, but that should only be a part of what the SBA does. The following is a short explanation of things that I would like to see happen next year.

First, it is no secret that the condition of the law school cafeteria is horrendous. It’s dirty, dark, cold, and much of the furniture needs to be replaced. If I am elected I will be always wondering which chairs are holding up the tables before I sit down there. If we could make the cafeteria a place that people would actually want to spend time in, then we wouldn’t need to use the main stack level of the library as the student lounge.

Furthermore, I would like the SBA to lean on Marriott to provide a wider selection of food in the law school cafeteria. Forget about this upscale bakery business. Who’s buying that stuff anyway? I don’t remember anyone asking for ten different kinds of cake when I was a first year student.

Second, I would like to see an SBA guide to the Fordham Law Faculty published. For the amount of money that students pay to attend Fordham, we should be able to make informed choices about who we take our courses with. There are a number of professors who are consistently called horrible teachers by students. I want this to be public information, not just part of the rumor mill. The professors sitting on the tenure committee don’t have to spend four months with these people. You do.

Third, I would like to see an SBA President who is involved and supportive of the student groups at Fordham. The President should attend many student group meetings, and events. By doing so, the President can find out how the SBA can better serve students. I would also like to see the SBA’s “Speakers Forum” committee, which is mentioned in the SBA Constitution, assist in bringing intelligent and insightful people to address the law school community.

Fourth, I would like to see the SBA become more inclusive of all Fordham students. SBA should produce an Evening Division newsletter, and work to make more varied social activities available for students who either do not drink or are family oriented. Although I enjoy the nights out at the Upper West Side Bars,
Our first goal will be to redraft the SBA constitution and submit it to the student body for ratification. The SBA is ultimately responsible for funding and overseeing student organizations as well as communicating student concerns to the administration. It is important that the SBA is guided in these endeavors by clearly defined purposes and procedures.

Goal #2: Continue to increase student involvement in the budget process.

The SBA is funded with approximately $80,000 annually. In the past, Executive Boards have single-handedly allocated all funds to student groups. This year all student groups participated in the budgeting process and the Student Budget was approved by a majority of student groups. This, however, is only the first step in opening up the budgeting process to all students. The next step is to establish a budget committee, open to all interested students, which would work with the SBA Treasurer to create uniform standards to ensure fairness to all organizations.

Goal #3: Student representation on all law school committees.

Currently, most major decisions effecting the quality of our education are made by the faculty and administration with little student input. A primary focus of our board will be to create a place for students on all law school committees. This will enable students to help steer and contribute to the Admissions, Reappointment and Tenure, Student Conduct and The Curriculum and Academic Standards committees as well as on the Board of Trustees. All interested students will be eligible for service in a committee.

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April 9, 1996 • The Advocate

Constitutional Right to Bear Arms, which was to be followed by a round of street shooting in Bucks County, Pennsylvania. In response to the question "What's all of this worth?" the professors remarked, "Constitutional Rights are inalienable and can't be valued in the marketplace."

Garfinkel predicts that when the final count is made, the total amount of money raised will be over $110,000. This dollar amount breaks a record set last year, when the auction raised approximately $90,000. The FSSF auction raises more money than any American law school, according to Garfinkel.

The money raised during the auction will be used to fund scholarships for Fordham students interested in public interest law work. The funding takes place on two levels, first year students are given $3000, second year students are given $4500. Students receiving these scholarships work forty hours per week for ten weeks during the summer in an area of public interest law.

When asked how much work was involved in planning and executing the auction, Garfinkel said that "it takes a lot of work." Personally, Garfinkel put in an average of eight hours per day for a seven month period, which began in September 1995. At times, volunteers work between sixteen and eighteen hours a day, seven days a week, and at other times the Public Interest Resource Center did not close for three or four days at a time. Volunteers put in "hundreds of hours" canvassing merchants and performing various other tasks. Even after the auction, volunteers did follow-up work to make sure that bills were paid.

When asked why he volunteers for the auction, Garfinkel commented that "the fellowship has a truly profound impact on the New York legal community." Last summer, the Fellowship awarded 38 scholarships, enabling students to work a total of 16,000 hours.

Garfinkel further commented, "The greatest impact that I can personally have in public interest work is directly serving someone else, other students. From a practical standpoint as a public interest oriented student, the greatest impact that I can have is to serve other students."
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continued from previous page

Goal #4: An Honor Code

Lately, grave concerns have emerged as to the academic integrity of our school. This past year has been marred by allegations of plagiarism in the first year legal writing program as well as improper conduct at exams. These incidents threaten the reputation of our school and the strength of our community spirit. We will work with students and the Administration to investigate possible solutions to this crisis, including the possibility of creating an Honor Code at the Law School.

Goal #5: Improving communication between all students at the Law School

Classes and clinics offer students many valuable educational opportunities at the Law School. However, it is the opportunity to develop friendships and long-standing professional ties at law school that is invaluable. The strength of our community directly affects the strength of the reputation of our law school. Thus, as leaders of our community, we will always be seeking ways to improve communications between students and to foster better understanding between each other. We will work with individual students and student groups to create opportunities for students to discuss issues affecting the community. To make ourselves more available to students, we will have regular office hours (during both day and evening classes) and a SBA comment box. Additionally, we will establish a semester calendar, visible to all students, that will inform students of all upcoming activities.

We ask for your support this April and in the coming year as we strive to improve the quality of student life in our community.

Please Vote:

Alice Mendelson for President
Andrew Feigen for Vice-President
Roy Richter for Evening Vice-President
Kenny Rios for Treasurer
Amairis Pena-Chavez for Secretary

Remember folks, you do not have to vote for an entire ticket! You can vote for individual candidates from separate tickets. But the most important thing to remember is that you must VOTE!

That’s quite a list of accomplishments, and I’d bet a million dollars that this man set the stage for what would later become our very own Forrest Gump. (Babs, want to pitch in half of it?) So you could imagine the anticipation I had for Byron White. Expected him to do handstands, maybe juggle off his feet. There was the assumption that he’d run circles and leap across the tables; tell us what a ‘rondel’ has to do with Civil Procedure and map out an entire flow chart for Contracts. Then I thought maybe just for fun he’d levitate off the ground and shoot a fireball or two from his fingertips. But you think that’s what happened?

I’ll tell you this much, if I ever become famous, I’d like to die before Old Man Time gets his hands on me. Otherwise, I might just let down my own fame. This is not to say Justice White wasn’t a man of his reputation. It’s just that he didn’t do all that I expected, the handstands in particular. He was still tall, but stooped a slight bit. He commanded attention, but inattentively fiddled with a noisy plastic wrapper. He sat poised, eyed every student, and fielded accusations with the wit of a hawk, but spoke as leaders of our community.

I think that you would find it quite refreshing to talk with Byron White again, I think I’ll quash all the impressions of a God in matters of student life.

Then I thought maybe just for fun he’d levitate off the ground and shoot a fireball or two from his fingertips. But you think that’s what happened?

When, what do you do with the quility of student life?

April 9, 1996 • The Advocate

March 21, 1996) What saddened me most of all was the act itself was the way that The Advocate blew the matter way out of proportion and plastered this ridiculous episode of calender destruction to Law School, as a spectacle for the entire community to behold. I think that the public humiliation of the alleged culprit was a gross injustice, and should be likened to being placed in public stocks, or being branded a Communist in the 50’s.

Did it ever occur to The Advocate that maybe this matter would have been better off being put to rest since the Administration had already dealt with the disciplinary issues? What you have seemingly tried to accomplish is the polarization of various groups within the law school through the use of inflammatory and hysterical tabloid style journalism, and this is very disappointing in light of who and where we are. I could understand your reaction (e.g. a full page spread on “the case of the malicious doodler”) if perhaps swatz’ikas or white supremacist slogans were drawn on the calendar. But really, magic-marked one of us, and it wasn’t fair what you did.

The past year has been marred by allegations of plagiarism at the Law School. However, it is the opportunity to develop friendships and the strength of our community which are invaluable. The strength of our community directly affects the strength of the reputation of our law school. Thus, as leaders of our community, we will always be seeking ways to improve communications between students and to foster better understanding of each other.

We will work with individual students and student groups to create opportunities for students to discuss issues affecting the community. To make ourselves more available to students, we will have regular office hours (during both day and evening classes) and a SBA comment box. Additionally, we will establish a semester calendar, visible to all students, that will inform students of all upcoming activities.

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"How To Succeed In Law School Without Really Trying" - A Review

by Yolanda Figueroa ('98)

On Thursday, March 21, I attended the second and last performance of this year's Follies, entitled "How 2 Succeed In Law School... without really trying!" I sure hope Frank Loesser's attorney wasn't aware that Loesser's title had been used. In fact, I shudder to think of the copyright infringements which were perpetrated throughout. I only hope that there's some type of loophole for amateur performances by law students.

Speaking of amateur performances, I was pleasantly surprised by the talent within the show. Notwithstanding that the Follies' organizers confessed to not having the abilities to sing, dance or act, this was belied by many of the performances.

Particularly charismatic was Trey Sandusky, one of the directors of the show, as Professor Malloy. Particularly charismatic was Trey Sandusky, one of the directors of the show, as Professor Malloy.

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Particularly charismatic was Trey Sandusky, one of the directors of the show, as Professor Malloy. As someone who's never had any contact with this professor, I still found it very amusing and frighteningly familiar. However, this scene did go too long and lost some of the audience.

Also noteworthy, though, were the four leads playing Fordham law students whose storylines are followed from first year to graduation. John Butler (another director), as Arnold DeBenedictus, seemed to exult in playing a scheming, womanizing manipulator and John Carlton, as Thomas Lacker, had his own cheering section in the audience.

The two female leads, Eva Landeo (again, another director) as Flatbroke and Jenna Smith as Jennifer Driven were very accomplished. Despite a hesitant beginning by Eva Landeo, she later stopped the show with her singing in The Writing Competition scene.

Some of the scenes with these four characters, however, while attempting to focus on their group dynamic and the changes they were undergoing at law school, seemed to slow down the rhythm and energy of the show, especially when placed between strong scenes like Malloy's Classroom and the Bar Review Sign Up. The show also contained several inside jokes regarding certain students which were not understood by some of the audience.

Who is Peggy Healy? And is she really that annoyingly saccharine?

Please see FOLLIES continued on page 11

A Free Night Out

There's a concert at Carnegie Hall and second- and third-year students are invited.

It's in April, before exams and bar review courses cramp your social life. The award winning Carnegie Mellon University philharmonic will perform works of the Greek contemporary classical composer Iannis Xenakis to kick off a celebration of the maestro's 70th year.

The tickets would be $35 each if you had to pay for them, but second- and third-year students can get up to 2 free.

The program includes works for full orchestra, small percussion ensemble, and soloist. The Washington Post thinks the CMU Philharmonic is "decisive and clean playing." Was your last meal of law that good?

So, fill out the coupon and invite a friend for a night at Carnegie Hall. And then get back to work.

We'll mail your tickets to you a few weeks before the April 23rd concert.

The curtain goes up at 8:00PM.

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*Four months include the months of June, July, August, and September of 1996.
GIRL SIX
A FILM REVIEW
By Miles Marshall Lewis (’96)

Hollywood has a problem with women. Countless examples abound: Barbra Streisand being snubbed by the Academy Awards for a Best Director nomination for The Prince of Tides; the over-proliferation of girlfriend/ damsel-in-distress roles; and the fact that three of this year’s Best Actress Oscar nominees portrayed prostitutes or sex objects. So one might assume that Girl 6, the story of an aspiring African-American actress, might just add more grist to the sexist Hollywood mill. Not necessarily.

Girl 6 is the story of Judy (actress Theresa Randle), a struggling thespian who becomes a “telecommunications solicitor” when distributing flyers and cashiering at Club 6 begin to wear her down. The dual blows of a debasing audition for hot director-of-the-minute Q.T. (played astonishingly on-point by Quentin Tarantino) and a trying exchange with her demanding acting coach prompt Girl 6 to pursue this dubious trade.

After passing on more hardcore, pornographic employment, Girl 6 is hired by an agency that provides protection and a secure, almost unrealistically anti-septic, environment. Surrounded by Lil (Jennifer Lewis), a matronly boss, and co-workers like actresses Debi Mazar and Naomi Campbell (adored by director Spike Lee’s camera to the point of planting hopes of a Girl 75 sequel), all is well for a time.

The conflict in this script by playwright Suzan-Lori Parks is created by Judy’s descent into the phone-sex underworld. Walking into Lil’s office for her initial interview, guessing a seventeen letter word for a falling feeling (hint: an Alfred Hitchcock classic), the viewer can predict impending problems. Judy’s slide is underscored by the subplot of 6-year-old Angela (beautiful name, six letters), who falls down the elevator shaft of her apartment building (from the sixth floor), and the child’s progress throughout Girl 6.

Director Lee - who, despite his notoriety for media manipulation of racial politics, has skill approaching Martin Scorcese, Oliver Stone, or Woody Allen - pulls off old film school, Felliniesque experimentation in Girl 6.

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Director Lee - who, despite his notoriety for media manipulation of racial politics, has skill approaching Martin Scorcese, Oliver Stone, or Woody Allen - pulls off old film school, Felliniesque experimentation in Girl 6. Judy’s ex-husband, Shoplifter (portrayed by an excellent Isaiah Washington), caresses fruit at a Korean grocer in zoom-lens close-ups meant to conjure visual analogies to breast sizes. Girl 6 removes her top for Q.T., in grainy film stock that recalls sleazy, pornographic cinema. Judy and Shoplifter have a bittersweet reconciliation of differences in the finale, dressed in white, conversing with Lee’s signature moving dolly effect. These are tricks an unknown, independent director would be praised for. Lee’s talent is often overshadowed by his confrontational persona, but his abilities shine through clearly in Girl 6. Adding to the wild ride is the pop score by the artist now temporarily known as Prince, to avoid confusion (?!) from the inclusion of songs written before his name change. Prince rivalled hip hop as the creative force of the Eighties, and his catalogue has been largely unmined in film until now. Judy meets Madonna, portraying a hardcore phone-sex employer, at a strip-club to the tune of "Girls and Boys"; the DJ at Club 6 spins "Housequake" and "17 Days"; Girl 75 gives good dominatrix over the strains of Vanity 6’s "Nasty Girl"; and a standout scene where Judy is stood up meeting an anonymous caller at Coney Island is set to Prince’s wrenching “How Come U Don’t Call Me Anymore.”

In the end, Girl 6 is highly recommended. It questions the political correctness of feminist sexual politics in the Nineties, while adding enough comedic elements to make such heady musings go down easy. The film runs completely counter to the urban angst movies that black directors are infamous for, and is the sexiest mainstream motion picture since Indecent Proposal.

Miles Marshall Lewis is also a contributing writer for The Source and One World magazines.
Striving for Justice

O.J. Prosecutor Christopher Darden chronicles his journey to big time L.A. law on the "wrong side" of Trial of the Century

by Jeffrey Jackson

Darden regarded the Black Panthers as his heroes because they "stood up for themselves" and said that if O.J. Simpson really "wanted to impress him, he would have opened a free clinic in the neighborhood or brought guns for the militiants."

Darden shows that he understands the experiences that frustrate many young, talented Black Americans. For example, he recalls being placed in wood shop and metal shop classes, despite an outstanding academic performance that included mostly A's. This mistreatment came to mirror the experiences of another famous Black American, Malcolm X, who was told as a young man that his brilliance would earn him a career as a carpenter, despite his desire to be an attorney. Darden comments "I wonder how many future black doctors and lawyers, politicians and writers have been sent to auto shop or food service classes."

Darden's sympathy for murder victims, coupled with a fierce hatred for street gangs, largely led to his decision to become a prosecutor. He recalls his first time seeing a dead body, calling it "a precursor to the bodies I would see later in my life, a hint that I would soon be trafficked in blood and tragedy.

Darden also posits a forgotten theory of prosecution: the prosecutor is the attorney, the victims are the clients, therefore, Darden best served his victim-clients, most of whom were black, by securing convictions of defendant-predators, most of whom were black. His approach, focusing on the rights of black victims, is welcomed by countless African Americans who suffer violence daily. Unfortunately, this approach is often rejected by removed black leaders who can afford to wax philosophic about the "rights" of black defendant-predators.

In Contempt reveals a prosecutor with a perpetual roar for justice tempered by sage discretion, free of the stereotypical "lock-em-up-and-throw-them-the-key" psychology. He recalls his attempt to reverse the conviction of Geronimo Pratt, former leader of the Black Panthers. He also recalls his contempt for fellow prosecutors who disparaged framed death warrants on their walls like mooseheads bagged during successful hunting trips. Like the rest of his book, Darden's case against Simpson is simple and unapologetic. He catalogues what he calls the "mountain of evidence" against Simpson, as well as evidence that was not admitted or trial. This is a testament to his opinion, to the pro-defense stance taken by Judge Lance Ito. He concedes that if he had a "do-over," he would, inter alia, not repeat his infamous glove trick. For justice was up to maintain, but still maintains that the evidence was enough to convict O.J., and that some of the jurors came to a verdict well before the state's opening statement.

In Nathan McCall's autobiography Makes Me Wanna Holler, McCall begins with a story in which he and a group of his friends attacked a white kid riding a bicycle in order to get "revenge" for the hundreds of years that black people suffered oppression. Darden contends that like many black people, the black O.J. jurors saw this case as a chance for "get-back," or revenge, and makes the following analogy: 'just as beating up a white kid does nothing to address the hundreds of years that black people have suffered oppression. Darden believes that 'quest for justice' was the main factor, but still maintains that the evidence was enough to convict O.J., and that some of the jurors came to a verdict well before the state's opening statement.

There is no one black experience, no black political party, no one notion that represents the 'correct' African-American opinion.

black. We can only be unified in our diversity. There is no one black experience, no black political party, no one notion that represents the 'correct' African-American opinion." He further comments, 'I stand up to remind my brothers and sisters that we have battled too long the limitations put upon us by others because of our color, only to replace them with our own limitations because of our color. Perhaps I had to be 'kicked out' of the black community to understand my place in it. But sometimes the view is much better outside the fence.'

To many, In Contempt is merely the tome of a disgruntled prosecutor who refuses to concede defeat. However, in my opinion, the book is a thorough examination of the ideals of justice, an apocalyptic analysis of black self-determination, and the story of a man who lives, breathes, and feels like any other human being. In Contempt probes well beyond the question of O.J. Simpson's guilt or innocence and is highly recommended.

IN CONTEMPT


Chris Darden's autobiographical account In Contempt contrasts a reading audience whose members, both black and white, yearn for an "O.J. free" America. With the able assistance of Jess Walter, author of Every Knee Shall Bow, In Contempt is as straightforward and piercing as a fence's foil. In a reflective tone, Darden charts his events in his life, including the O.J. Simpson trial and, inter alia, answers the nagging question posed to many present and future black prosecutors: "How can you possibly throw your black brothers and sisters in jail?"

Darden shows that he understands the experiences that frustrate many young, talented Black Americans. For example, he recalls being placed in wood shop and metal shop classes, despite an outstanding academic performance that included mostly A's. This mistreatment came to mirror the experiences of another famous Black American, Malcolm X, who was told as a young man that his brilliance would earn him a career as a carpenter, despite his desire to be an attorney. Darden comments "I wonder how many future black doctors and lawyers, politicians and writers have been sent to auto shop or food service classes."

Darden's sympathy for murder victims, coupled with a fierce hatred for street gangs, largely led to his decision to become a prosecutor. He recalls his first time seeing a dead body, calling it "a precursor to the bodies I would see later in my life, a hint that I would soon be trafficking in blood and tragedy.

Darden also posits a forgotten theory of prosecution: the prosecutor is the attorney, the victims are the clients, therefore, Darden best served his victim-clients, most of whom were black, by securing convictions of defendant-predators, most of whom were black. His approach, focusing on the rights of black victims, is welcomed by countless African Americans who suffer violence daily. Unfortunately, this approach is often rejected by removed black leaders who can afford to wax philosophic about the "rights" of black defendant-predators.

In Contempt reveals a prosecutor with a perpetual roar for justice tempered by sage discretion, free of the stereotypical "lock-em-up-and-throw-them-the-key" psychology. He recalls his attempt to reverse the conviction of Geronimo Pratt, former leader of the Black Panthers. He also recalls his contempt for fellow prosecutors who disparaged framed death warrants on their walls like mooseheads bagged during successful hunting trips. Like the rest of his book, Darden's case against Simpson is simple and unapologetic. He catalogues what he calls the "mountain of evidence" against Simpson, as well as evidence that was not admitted or trial. This is a testament to his opinion, to the pro-defense stance taken by Judge Lance Ito. He concedes that if he had a "do-over," he would, inter alia, not repeat his infamous glove trick. For justice was up to maintain, but still maintains that the evidence was enough to convict O.J., and that some of the jurors came to a verdict well before the state's opening statement.

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The First Thing We Do Is Get Rid of All the Critics
by John Mastandrea ('96)

A federal judge throws out extensive evidence of drug trafficking. As a result, the prosecution of an admitted drug runner is jeopardized. A criminal court judge lowers bail for a man charged with domestic abuse. Once freed on bond, the defendant stalks and kills his former girlfriend.

The initial flap surrounding the decisions of judges Lorin Duckman and Harold Baer has subsided, for the most part. Angry masses are no longer burning judgments in effigy in the public square. But jurists and lawyers remain buddled in their garrans and libraries, wondering aloud why the people would persecute them so. Even our esteemed dean has publicly rued what he calls the “challenge to the independence of the judiciary.”

Instead of indulging in self-pity, it may be more useful for the organized bar to step back and examine just what has gone wrong in the common understanding. Clearly, the public’s expectations regarding the judiciary have nothing to do with any construction, statute, or code of judicial conduct. It’s time to get back to basics.

For several generations, social reformers have developed new and resourceful ways to short-circuit the chauvinist formalities of the lawmaking process, often through creative use of the courtroom. Those efforts have not gone unrewarded.

When it seemed fit to limit the powers of police and prosecutors, the courts extrapolated exciting new due process requirements. When the nation longed for a resolution to the bitter abortion debate, the courts again jumped into the fray, giving greater breadth and substance to those delightful “liberty interests” which Americans love to love. And most recently, when states outlawed assisted suicide, concerned judges rallied to patients who heretofore unrecognized right to die.

Whether the issue was school segregation or long-distance telephone service, the courts have repeatedly demonstrated to the public that they are uniquely equipped to “do equity” in sensitive controversies. “We’re Plato’s philosophers kings,” the courts seemed to say, and polite society bought into it—eventually coming to depend on the courts to reach the “right outcome” in important cases, regardless of what would otherwise be done by the dead hand of law. Dissenters grumbled about judicial over-reaching, but the public largely accepted this intriguing new brand of judicial independence.

But in a system of participatory democracy, such a scheme of short-term gain can only result in long-term mischiefs. People have literally forgotten to ask where the judiciary should belong in a properly functioning democratic process. Consider that protesters who have traditionally staged rallies in front of the Capitol and the White House now regularly add the Supreme Court to their itinerary as well. This only underscores the extravagant fiction that says the courts are not swayed by politics. The courts are swayed, and it is too late in the day for them to deny their ongoing place in the contemporary political scheme.

Today’s courts claim to have an image problem, but what they really have is an identity crisis. Groundbreaking judges should have known that when commentators applauded them for issuing sweeping precedent, the praise was not for the law which they had crafted, but for the outcome which they had determined. Lawyers, judges, the press, and even elected lawmakers all helped foster the current perception that the courtroom is the appropriate place to make social policy. As long as progressive, feel-good outcomes were produced, everybody was happy.

Then came the day when the outcome of judicial effort was not considered progress, but tragedy. Criminals were walking free. Women and children were being beaten to death. The “right outcome” wasn’t being achieved. Who takes the blame? The law, which for years has been treated as a mere beast of burden? Or the judge, who is supposed to be able to manipulate the law in order to bring about the preferred outcome? There is no satisfying answer to this unfortunate question.

This year the people (and their lawmakers) have risen up to demand an accounting. Their anger betrays at least a hint of hypocrisy because they had acquiesced all along in the judiciary’s colonization of neglected areas of policymaking. Legal professionals steadfastly downplay the legitimacy of people’s anger, betraying a hypocrisy of their own. Lawyers should be very wary of assuming a “we know better” attitude, since they themselves had a hand in obfuscating the court’s proper role. If lawyers really did “know better” they would have anticipated this accountability crisis. Some still cannot admit the crisis is here.

New York’s Chief Judge Judith Kaye has already come out in favor of the status quo, announcing her concern that the criticism aimed at the courts puts judges at the risk of being “temped to reach results that conform to opinion polls and popular passions.” Dean Feerick seems to agree. The bad news for them is that the judiciary already trades in the currency of popular passion.

The solution is not to silence the critics, but to immediately redefine the blurred lines between the courts, the legislature, and the people whose consent the lawyers are claiming to represent. If the public really did “know better” they would have anticipated this accountability crisis. Some still cannot admit the crisis is here.

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LET'S SET THE RECORD STRAIGHT:
AN OPEN LETTER TO THE NATION'S LAW STUDENTS

More than 25 years ago, I founded BAR/BRI Bar Review upon two core principles: first, law students deserve the best and most up-to-date bar review possible; second, they should expect their bar review course to maintain the highest ethical standards in informing students about the courses. Since that time everyone at BAR/BRI has held fast to those principles.

Unfortunately, the nation's newest bar review, West Bar, has not.

In law schools across America, West Bar has blanketed bulletin boards and flooded student mailboxes with misleading flyers and letters. Students everywhere are being asked to believe that BAR/BRI has been "stripped of its best and brightest."

I assure you that nothing could be farther from the truth. In over 25 years as the President and CEO of BAR/BRI, I have never responded directly to the claims and puffery of other bar review courses. However, in light of the sheer volume of misinformation, I feel compelled to separate fact from fiction.

FICTION: BAR/BRI's management has left.

FACT: Last year, two former BAR/BRI employees started West Bar. Contrary to West Bar's claims, neither ever served as the President or National Director of our company. In fact, both were primarily regional directors with no meaningful input in the creation or editing of materials or lectures. It is true, however, that these two former employees aggressively pursued many of BAR/BRI's attorneys. Their efforts fell flat. Of the more than 50 attorneys working for BAR/BRI nationwide, a grand total of one left.

FICTION: All of BAR/BRI's best faculty "went West."

FACT: Here too, West Bar's aggressive pursuit was in vain. BAR/BRI has over 300 lecturers in 46 jurisdictions. Only 10 left to join the two former BAR/BRI employees in their "start-up" bar review. Seven of these ten were ranked in the bottom 25% on BAR/BRI student evaluations.

Your bar exam is too important to be left to inexperience. I know that students have historically selected their bar review course based on experience and quality. I trust that BAR/BRI's more than 25 years of preparing students for bar exams nationwide counts as experience. And I am sure that over 500,000 successful attorneys can vouch for our quality.

We look forward to helping you make the bar exam a once-in-your-lifetime experience.

Sincerely,

Richard J. Conviser
President & CEO