Congratulations And Best Of Luck MR. PRESIDENT

A Dangerous Conservative Precedent

By Patrick McCaffrey

The recent decision of the British Government to move to abolish the right of suspects in northeast Ireland to remain silent under police questioning, along with other repressive measures, has raised concerns that Britain's own liberty could become the latest casualty in an 800 year war against her tiny neighbor. Legislation ending the centuries old right to silence has been introduced into the House of Commons, where a substantial Tory majority virtually guarantees its passage. The bill is expected to become law by early 1989.

Other government proposals would allow convictions based on the "opinion" of a single police officer of the Royal Ulster Constabulary (an organization whose record of brutality against the Nationalist community led President Carter to embargo all sales of arms to that para-military force), ban Sinn Fein from the airwaves, and require all candidates for office to take both an oath of allegiance to the British Crown and an oath not to support violence. (Or at least some forms of violence. For example, MP Ian Paisley's recent call for the SAS to openly adopt a shoot to kill policy against suspected I.R.A. guerrillas presumably would not bar him from seeking office.) A law preventing the voters from electing prisoners to represent them has already been introduced. The Irish, it should be noted, have traditionally chosen current or former political prisoners as their leaders. Indeed at times such status has almost been a prerequisite for seeking important office. The ranks of those actually elected to office while in prison include Arthur Griffith, Eamonn deValera and Bobby Sands.

That Thatcher would move to curtail such fundamental rights in northeast Ireland is perhaps not surprising considering that her government's human rights violations, shoot to kill policies, torture and degrading treatment of prisoners and suspects has long been condemned by Amnesty International and the European Parliament, among others. More unexpected is that the Prime Minister is said to be considering similar restrictions on the right to remain silent in England and Wales, with Scotland presumably next on the agenda. It is not implausible that all these proposals could, like the right to remain silent, eventually find their way home to England. Labor Party M.P. Kevin McNamara has warned that "Northern Ireland is being used as laboratory for draconian measures to be used later in other parts of the U.K."

In a related move, the Thatcher government is preparing legislation that may allow suspects charged with membership in the Provisional Irish Republican Army to be found guilty based solely on the "opinion" of RUC officers. The need for such a law

(continued on page 6)
November, 1988

Dear Law Student:

For the past 10 years, each Spring, BAR/BRI has offered a New York CPLR Review. The program was taught by Professor Irving Younger who, as you are probably aware, died last March.

We are pleased to announce that the tradition of the Younger CPLR program will continue.

Beginning this Spring, the CPLR program will be presented by Prof. Arthur Miller of The Harvard Law School. Prof. Miller, who is well known for his TV appearances, is also the author or co-author of about 30 books or treatises on the law, including the popular Weinstein Korn & Miller treatise on New York Civil Practice.

The program will be presented live in Manhattan on Sunday, March 4th from 9 AM to 5 PM at Town Hall, 123 W. 43rd St., (between 6th & Broadway) and on tape outside Manhattan shortly thereafter at locations with sufficient interest.

This program is an overview of New York Practice and Procedure. Prof. Miller will focus on the areas of New York Practice that are the most likely to be tested on the New York Bar Exam.

NOTE: PROF. MILLER’S CPLR PROGRAM IS SEPARATE FROM THE BAR/BRI NEW YORK BAR REVIEW COURSE. DURING THE BAR REVIEW, A BAR-ORIENTED CPLR LECTURE OF APPROXIMATELY 12 HOURS IS GIVEN OVER A PERIOD OF 4 DAYS.

The 1989 tuition for the CPLR program is $95. The tuition for BAR/BRI students is $45. However, for this year only any student who takes the BAR/BRI New York Summer 1989 Bar Review Course and who registers for that course by December 15, 1988 will be entitled to attend the CPLR program FREE OF CHARGE. Applications for this program will be available after the first of the year.

We are excited that Prof. Miller has agreed to present the BAR/BRI New York Practice program and we believe you will find this an excellent supplement to your preparation for the Bar Examination.

Sincerely,

P.S. In light of the foregoing, our Reps have asked us if we could extend the $150 early enrollment discount at your school. The answer is YES. The BAR/BRI discount will be extended through Wednesday, November 23rd. DON’T MISS IT!
Chief Justice Says He Is No Judge

By Alan Dereshovitz

Well, Chief Justice William Rehnquist finally acknowledged what many Supreme Court observers have suspected for a long time. "I'm not a judge," he reminded Patricia Unninn, a public defender from Chicago who was arguing on behalf of a criminal defendant. Unninn had made the unforgivable mistake of addressing the chief justice by the lowly title "judge." That was too much for the usually unflappable Rehnquist, who proceeded to humiliate the lawyer by glaring down from his lofty perch behind the Oak Bench and declaring: "I'm the chief justice. I'm not a judge."

Unninn had no choice but to apologize, since she was representing a client whose liberty might turn on a single vote—though not likely a favorable vote by the chief justice. The press reported that the argument—which had just begun—continued with "a chill in the air." Rehnquist asked her no further questions. A law student who attended the argument reported to me that the shaken lawyer had difficulty recovering her composure. The lawyer says that at the moment of the rebuke she "felt like dying," but that she thinks she went on to make a credible argument—at least to the other judges. (Whoops! Justices. Well, Excuse me.)

Some judges give women lawyers a particularly hard time, though there is no evidence that Rehnquist's put-down was motivated by sexism. But his school-marmish insistence on proper etiquette does remind me of Ph.D.s who insist on being called "doctor" and TV evangelists who demand the title "reverend." Most self-confident professionals know are perfectly comfortable with their names and do not need elitist titles to make them feel secure. Many, though certainly not all, judges insist on being called "Your Honor" and demand that lawyers begin their argument with the reverential preface "May it please the court."

Rehnquist's predecessor, Warren Burger, used to complain when he was introduced merely as the "chief justice of the Supreme Court." "I am the chief justice of the United States," he would insist.

Beyond the obnoxiousness of his uncalled-for put down, Rehnquist was wrong as a matter of constitutional law. Article II of the Constitution expressly provides for the appointment of "judges of the Supreme Court," not "justices." As a staunch advocate of literal interpretations of the Constitution's words, he should insist on being called by his constitutional title: "judge."

Rehnquist is also wrong as a matter of dictionary usage. The Oxford English Dictionary defines "judge" as the generic term for persons occupying any judicial office, except for "persons presiding judicially in inferior courts who are usually called justices or magistrates." In the United States, the dictionary adds, the title of judge is also applied to "a justice of the Supreme Court."

But perhaps there is some subtle truth to Rehnquist's insistence on not being called "judge," despite the plain words of the Constitution and the dictionary. Rehnquist is widely regarded by (continued on page 10)
Mr. X Goes To Hell

Although I have millions of loyal fans, it has come to my attention that there is a negative and virulent portion of the American public that is not aware of Mr. X.

I like to describe myself as a multimedia personality who upon reaching the pinnacle of fame and fortune was shot down by the American Dream. It is a difficult and challenging time for me, maintaining personalities — David Letterman and Jim Hensen (Mr. Muppet). Tended up doing some time in prison on various charges, including some minor fraud and manslaughter. But those days are over. And rough me up they did. The next time I saw the light and want to tell the American public the story of how my life has changed.

Upon my release from prison, I decided to get my final revenge against Letterman and Hensen for ruining my life. I called up a friend at the New York Post and asked him to print an expose that I had written about Letterman. The next day, the page one headline in the Post read "David Letterman Does Stupid Pet Tricks With Gerbils." The shocking story that followed portrayed a pitiful man who had no original thoughts and was reduced to stealing his ideas from big talents like Mr. X, whose career Letterman ruined. Letterman’s personal life was even more pathetic than his professional life. He spent his nights at home playing with gerbils. What he did with the little furry rodents cannot be republished here. Suffice it to say that there were so many gerbils missing from Letterman’s neighborhood that the local supermarket began putting pictures of the missing gerbils on milk cartons and large boxes of Hartz Mountain Gerbil food.

As for Hensen, I set in motion a scheme that would finally end his low-life puppeteer. I developed my own line of puppets called the "Yuppies" (Young Urban Professional Puppets). I started the Yuppies in a big budget movie titled "Sesame Street", which was based on the film "Wall Street". I had the Yuppies mount a hostile takeover of Hensen’s Sesame Street empire. Upon the successful takeover, Sesame Street is leveled, office towers and condom towers up, and the Muppets thrown out on the street with no severance pay. In the horrific final scene, we celebrate our success by roasting Miss Piggy and eating her.

As you might imagine, Letterman and Hensen were not happy with the publicity I had given them. They hired several agents to round me up. And round me up they did. The next thing that I remember after the beating was waking up in front of the gates of Heaven talking to St. Peter. He told me that because of my behavior on earth I was somewhere between Heaven and Hell. I would have non-stop calypso music and you couldn’t get into Heaven until you shimmed the pole. Having a bad back, from beating by Letterman and Hensen’s goons, I figured that I would never get to Heaven. So I called St. Peter and gave him an ultimatum. I told him that either he get me into Heaven or I would go to Hell. Pete told me that there was no way he could help me with Heaven, but he would give me a 30-day trial in Hell.

Upon my arrival in Hell, I was greeted warmly. The Devil was there along with some of his associates — Hitler, Jim Adair, Antila—the A List. There was a huge party with many beautiful women. The place was paradise. I became what I had never become on earth—a star. I had my own little show on HTV and a game show en titled "Helliter Skelter", where con...
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Are Women Lawyers Barred From The Ladder Of Success?

By Catherine Lotito

The Honorable Judith S. Kaye, the first woman Associate Justice on the New York State Court of Appeals, spoke on October 6, 1988 at the Noreen E. McNamara Memorial Lecture Series in McNally Amphitheater. Judge Kaye's address was entitled "Women Attorneys in Big Firms: A Study in Progress in Gender Equality."

Judge Kaye was optimistic that recent efforts toward eliminating gender discrimination in large law firms could become a model for all of society. These efforts include part-time work opportunities (commonly referred to as the "Mommy Track"); awareness among attorneys of potential bias; meetings of women within firms to discuss discrimination and other issues, and panels on such social issues as parental care, pornography and custody. Part-time employment, however, is still not common at most large firms.

Judge Kaye was candid about the history of discrimination against female attorneys, which continued into this decade. Yet she remained optimistic that women today had increased opportunities in the law. "Women today genuinely have a partnership prospect--even if it is a realistic option for only a few."

Judge Kaye felt women have successfully obtained positions in prestigious firms, but are now faced with another barrier--advancement prospects within the firm. "One-third of associates today are women, however, less than eight per cent of partners in large firms are women," she said. She cited a recent survey of a Harvard Law graduating class: only one-quarter of the women were partners in large firms, while over half of the men held such positions. These statistics also held true for professorships and judgeships. This is what Judge Kaye referred to as "glass ceilings", women in law today can see the top, but they cannot reach it.

Judge Kaye felt there was no single cause for this stratification in the legal profession. In the large firms, where an associate's value is equivalent to the number of hours billed, women who are raising families cannot successfully compete and advance to partnership. However, she noted that as more women enter the profession and as the social climate changes, women are questioning whether the long hours, the internal pressures, the conflicts between business needs and professional ethics are worth the cost of losing time with family and diminished leisure time and social life.

"Equal treatment," said Judge Kaye, "does not mean everyone should be treated the same." While women's differences were once the basis for discriminatory treatment, today the "recognition of these differences is essential to true gender equality." Twenty years ago, questions regarding marital and family status were used to keep women out of large firms. Today candidates for employment question the firms about their policies for associates with families. A woman's concern about family is no longer regarded as a lack of competence. As Judge Kaye pointed out, women today have a stronger voice, not just a different one.

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BEEF UP YOUR JOB SEARCH-II

By Brian Kirby and David Leibell

Now that the On Campus Interview Program is all but over, many students who participated found themselves in employment, some in the same position as those who did not (i.e. without job offers). While participants have, in most instances, realized the benefit of interview experience, they can also be thankful to have faced the sting of rejection and the loss of confidence that accompanies it.

The natural tendency for students in this position is to deal with their job search in the easiest, most painless way possible: by not dealing with it. The search for any job in the law is generally a time-consuming and somewhat unpleasant process. However, it is a process which requires active participation to achieve results.

Fortunately there is help. The Law School's Career Planning Center assists students in developing individualized job search strategies to secure the type of job they desire. Carol Vecchio, director of the Center, has been a member of the Career Planning Center (C.P.C.) staff since 1983. She has an undergraduate degree in psychology and has trained with both Richard Nelson Bolles (author of the acclaimed job hunting manual "What Color Is Your Parachute?" and John C. Crystall, Bolles' acknowledged mentor.

She has written several articles on the job search process, as well as many of the materials used and distributed by the C.P.C. Thomas Schoenherr joined the Center this past February as Associate Director. He has completed the course work for his masters degree in psychology at New York University. Tom focuses his energies into counseling and student programming such as interview skills workshops. Tom is also a certified sign language interpreter.

Assistant Director Kathleen Brady heads up the recruitment program efforts for the C.P.C. Kathy received her undergraduate degree from Fordham in 1983 and returned to the University after a year at Columbia Law School's placement office. She is currently working on her masters degree in counseling at Fordham's School of Education.

According to Carol, Tom and Kathy, the first step for someone who is having difficulty in the job search should be to make an appointment with the Career Planning Center or ASAP. This meeting is generally a brainstorming session to determine the method of approach most likely to succeed in obtaining the type of position that the student is interested in. Carol stresses, however, that determining the method of approach to the job search is the third step in a three-step process. For the job search to be truly successful, a student must first determine what his/her favorite skills, experiences and achievements are, and where, in terms of area of law, work environment, and geographic location, the demonstrated attributes would best be applied. These determinations require considerable time and soul-searching, but can be facilitated by the use of the "Presenting Your Case...A Guide to Networking and Interviewing" booklets available at the C.P.C.

Once a student has met with Carol, Tom or Kathy and developed a job search strategy, he or she must then implement it. In addition to on-campus interviews, methods of implementation include the use of a mail campaign, the Job Books and personal contacts. The C.P.C. provides certain advisory services and programs which can improve a student's performance in the critical element of all job seeking: by increasing his or her chances of securing a job.

The Mock Interview Program is but one of the valuable services the C.P.C. provides Law School students. After learning the nature of the position the student is interested in, the C.P.C. schedules him or her for an interview. On the date of the appointment, the student arrives prepared as he or she would be for a real interview. The student is then interviewed by an outside legal consultant, and the interview is recorded on videotape. The consultant and the C.P.C. staff member make notes regarding the student's performance and discuss their observations with the student at the interview's conclusion. After watching the videotape, additional comments are made and answers to especially difficult questions are suggested. The entire program takes just over an hour and has proved to be exceedingly valuable for those who have difficulty in presenting and expressing themselves in an interview situation.

Mail Campaign

The Overnight Resume and Overnight Cover Letter Critiquing Services available at the C.P.C. can help students compose the informative resume and the well-written cover letter necessary for a successful mail campaign. A C.P.C. staff member provides written comments and suggestions on how to improve the wording and appearance of a student's resume and cover letter before they are sent out. The quick-turn-around allows students to get opinions on last minute changes to their resumes and cover letters before they are sent along.

The C.P.C. recommends starting a mail campaign sometime around the middle of October, as most firms have completed on-campus interviews by that time and have a better idea about the number of students they need to hire. Contrary to popular opinion, targeted mail campaigns of 20-25 letters have proven to be more successful than the 100-200 letter campaigns that many students have embraced. Instead of writing to the hiring partners of the targeted firms, Carol, Tom and Kathy recommend that students write to the lateral partners or associates at those firms. To that end, the C.P.C. has compiled lists of the Law School Alumni at firms and corporations in New York, and throughout the country for students' use. Carol also recommends that students follow up the mail campaign with phone calls approximately two weeks after the letters are sent.

Job Books

The C.P.C. receives descriptions of over 1,500 part-time, summer and full-time legal positions throughout the year. Many of these listings relate to positions at New York firms, which requires active participation of the student in presenting and job on how to improve the program by increasing the opportunities for the student to get hired. Although 97% of Fordham Law School students who are unable to get jobs are happy with their jobs generally exceed five percent of Fordham Law School's graduates are unable to get jobs, Carol, Tom and Kathy have met with many of the materials used and is recorded on videotape. This, the C.P.C. provides certain advisory services and programs which can improve a student's performance in the critical element of all job seeking: by increasing his or her chances of securing a job.

Attracting the alumni of the Keogh Plan, Federal and State Jurists and several faculty members of distinguished law schools.

The Evening Division celebrated its 75th anniversary with a black-tie dinner at the Waldorf-Astoria Hotel. Almost 1000 people attended this gala event held in the spring of 1987.

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Attention:

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The Evening Division was opened in the fall of 1912 when the school was located at 140 Nassau Street in the City Hall area. The classes were the held 5 nights a week and the program lasted 3 years. Tuition was $100 per annum.

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The alumni of the Evening Division now number over 3000. The Evening Division currently (and historically) has made up approximately one-third of the student body. It has been the tradition (with rare exception and for good reason) that all required courses be taught by full-time faculty members. Admission requirements are the same for day and evening divisions.

Among the graduates of the Division are numerous partners of major law firms, corporate general counsels, a Governor of New York State, several members of the U.S. House of Representatives (including Hon. Eugene Keogh '38-originator of the Keogh Plan, Federal and State Jurists and several faculty members of distinguished law schools.

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Chief Justice... (continued from page 3)

defence lawyers as a prosecutor in robes. He nearly always sits with the government and he often helps the prosecution make its case. Many defence lawyers do not regard him as a "judge"—in the sense of a neutral arbiter of constitutional rights—in criminal cases.

Indeed it was precisely because both Richard Nixon, who originally appointed him to the Supreme Court, and Ronald Reagan later nominated him to chief justice, believed that he would not be a neutral judge in criminal cases—that he would side with the prosecution—that he is where he is today. Nixon appointed because of his reputation as an extreme-right-wing ideologue, a lawyer who had recommended declaring "qualified martial law" during anti-war demonstrations in Washington. Reagan promoted him to chief justice because of his consistent record of voting against the rights of criminal defendants—a record of one-sidedness unequalled by any other judge.

In the profession of doing justice, there is no more noble title than that of judge. In some parts of the country, great lawyers who do not sit on the bench are called by the honorific title "judge." It is a title that has to be earned by respect, not mandated by political appointment. Justice Hugo Black—one of the greatest Supreme Court justices in our history—preferred to be called "judge," rather than "Mr. Justice," precisely because it was an earned accolade rather than a formal title.

Even religious literature refers to God as "Sovereign and Judge." The title may be good enough for God, but not quite sufficient for William Rehnquist's elevated ego. This will surely suggest the following variant on the old joke about the Angel Gabriel sending for the heavenly psychiatrist because God was having delusions of grandeur—he believed he was the chief justice of the United States.

William Rehnquist is the chief justice. He should be called by that formal title, though he needs intermittent nervous lawyers while they are arguing on behalf of their clients. Perhaps some day, if William Rehnquist continues the movement toward the court's center reflected in some decisions since his promotion to chief justice, he will actually deserve the noble title "judge."

Alan M. Dershowitz is a professor of law at Harvard University.

By David Wisehart
Senior Staff Writer
Village View in Los Angeles.

U2 Finds What They're Looking For

The first half of Rattle and Hum is shot almost entirely in 16mm black-and-white, intercutting concert footage with mildly self-deprecating interviews and a pseudo-documentary account of the group's offstage explorations of American musical culture: a visit to a Harlem's Calvary Baptist Church for a marvelous gospel-flavored "I Still Haven't Found What I'm Looking For," a session at Sun Studios in Memphis; and a trip through Graceland.

The film's highlight is a collaboration with B.B. King on the new song, "When Love Comes To Town," during which Joannou cuts between their eventual stage performance and the earlier rehearsals. What ultimately results is a fascinating, if somewhat contrived, look at the song's development, a glimpse of music-at-process.

While King's appearance is far too brief, he nonetheless manages to make his own statement about himself and his music, standing apart from the film's overriding theme of "U2 discovering their rock and roll roots," even as he epitomizes that theme.

Rattle and Hum begins to lose focus, however, with the switch to 35mm color. The point is clearly that U2 have now assimilated the essence of rock and roll, have found their roots, and are ready to claim their destiny as the world's greatest living rock band.

After the one-two combo of "Bullet the Blue Sky" and "Killing in a Stand Still" (arguably the best tracks of The Joshua Tree), the claim seems convincing. Unfortunately, the film loses much of its potency when the Top Ten hits start surfacing. While "Sunday Bloody Sunday" and "Pride (In the Name of Love)" are clearly requisite, the greatest-hits sequence could easily be reduced by half. Not that these aren't good songs—especially for residents of the pop-charts—but over-familiarity and a lack of re-interpretation diminishes the impact of the film as a whole.

U2 Rattle and Hum is still a pleasant surprise, however. Yes it's commercialism. Yes, it's propagandism. But it's also quite good. Though the sound quality is uneven, it certainly looks great, especially the grainy black and white. Joannou does a splendid job with the editing, and follows that cardinal rule of MTV camera style: when in doubt, move about.

Despite some minor lapses, U2 Rattle and Hum remains a joy to watch and a joy to hear.

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Presenting Marino Comprehensive.

Your palms sweat. Suddenly, your mouth becomes a mirror of the Sahara Desert. Your eyes feel like overactive ping pong balls, as you glance furtively around the room.

Welcome to the bar exam.

Marino Comprehensive: All You Need To Know. All You Need, To Pass.

Marino Comprehensive New York & Marino Comprehensive New Jersey are the first and only completely self-contained bar review programs, covering all aspects of preparation for the N.Y. & N.J. exams. These courses were created to satisfy the very different requirements of each state's test. And both are taught according to The Marino Method: Joe Marino's highly successful, interactive approach to problem solving. This includes personal attention to each student, every step of the way.

Presenting Marino Comprehensive, New York.

This 4-component program consists of our N.Y. BARPASS REVIEW (a full-service bar course complete with MBE and essay practice seminars), MARINO PLUS (the latest generation of our highly acclaimed Substantive Writing & Analysis Course), MARINO CPLR WORKSHOP, and MARINO MBE CLINICS. You'll receive over 170 class hours, including over 40 substantive lectures. You'll be taken through 75 essays (17 of which are graded) complete with model answers, 1,000 N.Y. and MBE hypotheticals, 2,000 independent MBE practice questions, practice exams and more. And the entire program is backed up by Marino books, which are rapidly becoming the gold standard of bar review publications. Simply stated, Marino Comprehensive is unequalled by any other course or combination of courses.

Presenting Marino Comprehensive, New Jersey.

Like its N.Y. counterpart, Marino Comprehensive N.J. is unequalled by any other course or combination of courses. Its components include our N.J. BARPASS REVIEW (a full-service bar course complete with MBE and essay practice seminars), MARINO PLUS (the latest evolution of our highly respected New Jersey Essay Writing Workshop), and Marino's unique MBE CLINIC. Over 110 hours of class time is supported by 28 lectures (covering all subjects found on the N.J. exam), plus 12 essays which are carefully graded by Joe Marino and staff. Additionally, hundreds of lecture hypotheticals will be presented, along with 2,000 MBE practice questions and a practice exam. And the entire program is backed up by Marino books, which are rapidly becoming the gold standard of bar review publications.

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