SCHOMER WINS MULLIGAN

A record 135 second-and third-year students participated in the 1985 William Hughes Mulligan Most Court Competition, held this past July. Janet Schomer, commended best speaker, and Mary Fitzgerald and John Hart authored the best brief. This year’s problem dealt with the “public safety” exception to the Miranda rule, recently established in New York v. Quarles, 464 U.S. 649 (1984), and the right to counsel at pre-indictment identifications.


ELECTION LAW CHANGES

By Michael B. Mangini

The New York State Court of Appeals recently clarified an ambiguity in Election Law section 6-134(2) which resulted in city-wide attacks on the integrity of our political system. As the court stated in Jonas v. Black (August 28, 1984), in Jonas the court affirmed the Appellate Division opinion that an understatement of five was inconsequential under the potential for abuse of the election process.

The variations were as few as two; the maximum was ten. Discrepancies may be ignored. The heightened scrutiny required in election cases is the product of potential for abuse of the election process and the damage such mischief would do to the integrity of our political systems. As the court observed, “...a too-liberal construction of the Election Law has the potential for insinuating...manipulations of the entire election process.”

Yet, to sustain challenges to otherwise valid candidacies because of inconsequential error in tabulation also carries the potential for injustice. Too rigid an application places an inordinate emphasis on the letter of the law and neglects its spirit. If the policy behind the law is ignored, the letter, as these cases point out, has the potential for becoming a partisan weapon in the political battle.

Michael B. Mangini is a second-year student at Fordham Law School. He earned a B.A. at St. John’s University.

HARRIS RESIGNS

By Nick Fengos

Professor Catherine E. Cronin-Harris, Director of the Clinical Program, resigned effective September 30, 1985. This ends a two year stay for Prof. Harris at Fordham Law School. Prof. Harris, a 1971 Fordham Law graduate, is also a 1967 alumnus of Marymount Manhattan.

Upon her graduation from Fordham Law School she became an attorney for Worcester Legal Services where by 1973 she rose to the position of Managing Attorney. From 1976 to 1978 Prof. Harris was a Teaching Fellow at Antioch Law School and in 1978 she became Director of the Administrative Advocacy Clinic at Georgetown University Law Center until 1981. In 1981, Catherine Harris was a Clinical Professor at Hofstra University Law School and in 1983 Catherine Harris joined the FLS faculty. Prof. Harris leaves Fordham Law in order to become an Administrative Law Judge in New York City. The Advocate wishes to thank Prof. Harris for her efforts at improving the clinical program at Fordham and wishes her only the best of luck in her career.

MITCHELL CHARTS NEW COURSE

By Stephen Fitzgerald

Claiming the existence of a “general dissatisfaction” with what he calls an “ Status quo” system, SBA president Stephen Mitchell has promised a “ huge” referendum on the Law Review selection process. Mitchell expects that such a referendum will generate some controversy but he nevertheless anticipates that it can result in a new selection process that rewards those students whose writing ability warrants their acceptance on the Review. He discussed these plans in a recent interview with The Advocate in which he outlined the course he hopes the SBA will take in the upcoming academic year. Showing a lively optimism he detailed his administrative goals on several topics including the Review referendum, locker space, elective exams, library hours and social activities.

While admitting that his is an idea without the “ blessing of my fellow SBA members,” Stephen Mitchell hopes the traditional writing (Continued on page 2)

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- LIFESTYLES OF THE POOR AND OBSCURE
THE PASSWORD: bar/bri

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MITCHELL

(Continued from page 1)

competition for admission to the Law Review will be replaced by the submission of each student's legal writing project. "It's unfair," he added. "That a student with above average grades and only average writing skills ought to be admitted on the Law Review over a student of average grade but superior writing skills." Believing that "people would take legal writing much more seriously" he adds, "it would be healthy to dispense with the Reviews writing competition and base selection solely on a students legal writing submission." If it is decided to retain the competition Mitchell will make an attempt to include the top fifty percent of his class. He told The Advocate that he expects the SBA will "go along with what I say" and he jokingly refers to his four vote victory margin as a "mandate" for his idea on a Review referendum.

While discussing his proposal to sell elective exams to upperclassmen Mitchell assesses "some professors are for it, some are against. Many will participate and some will not. If he gets his wish the SBA will acquire as many elective exams as professors will provide, copy and then sell those exams at little or no profit. Mitchell believes such a service will relieve the libraries of a regular burden and provide students with cleaner and more useful copies. The SBA will continue to provide first year students with free copies of their exams and Mitchell hopes to supplement those with model answers. Before his organization can begin to move forward on those proposals Mitchell must receive approval from other members and the professors.

Sometime in early September Mitchell began negotiating with Dean Young for the retention of twenty four hour library service. This year the School has decided to limit the number of hours the library is open and Mitchell has promised to fight that decision. Pointing to what he called an "excellent" night school and to the

(Continued on page 7)

TOKYO, JAPAN: June 18 - August 8:

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SINGAPORE-ASEAN: June 9 - July 30:
Focus of the program to be held at the National University of Singapore will be the legal systems and cultures as well as the legal aspects of international investment and development in the countries of the Association of Southeast Asian Nations (ASEAN) (Singapore, Indonesia, Thailand, Malaysia, The Philippines, Brunei). At our disposal are the resources of the National University of Singapore, The Asian-Pacific Tax and Investment Research Center, local and international faculty consisting of recognized experts in the subject areas, and law offices which deal in such matters on a daily basis. Internships required after the academic courses with Singapore and Bangkok (Thailand) law offices.

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1986 SUMMER LAW STUDY ABROAD
This year is different from last. The 1984/85 academic year began with visible physical changes as the expansion of the Law School building moved toward completion. We also began last year in anticipation of the dedication of the new wing on October 24. We rejoiced on that day as Justice Sandra Day O'Connor, Governor Cuomo, Senator D'Amato, Mayor Koch, Judge William Hughes Mulligan (Dean 1956-71), Judge Joseph M. McLaughlin (Dean 1971-81), and our President, Father Joseph A. O'Hare, S.J., celebrated our past and heralded our future.

We begin this academic year without such dramatic changes and without the promise of such a singular spectacular day. Yet this year holds a new challenge that I hope we can meet together: the challenge of maturing into an even greater Law School. Fortunately, we have a talented faculty and a gifted student body to help us meet the challenges of the future.

We welcome to our Law School as a visitor this year Professor Barry Nicholas who will occupy the Bacon-Kikenny Chair of Law during the fall semester. Professor Nicholas has had an outstanding academic career at Brasenose College, Oxford University, where he was a Professor, and is currently Principal (the equivalent of Dean). He also received the exceptional honor of being awarded a Chair in Comparative Law at Oxford. This distinguished scholar, teacher, and author of major works on contracts and comparative law is not a stranger to Fordham Law School. He taught here as a visitor in 1968. This fall he will be teaching courses in contracts and comparative law.

We also have a new Director of Legal Writing, Professor Rachel Vorspan. Professor Vorspan received her B.A. from Berkeley and her M.A. and Ph.D. from Columbia. She was a Fulbright Scholar at the London School of Economics, and received her law degree from Harvard Law School, where she was also an editor of its Law Review. Professor Vorspan clerked for United States District Judge Charles P. Schaefer II, and is now a member of the legal writing program. We also welcome the following new members of our adjunct faculty:

Legal Writing

Suzanne M. Berger
William R. Crowe
Jared Finkelstein
Edward H. Rosenblat

Constitutional Problems in Criminal Procedure

Bruce A. Green

Economics, Statistics and the Law

David S. Evans

Investment Banking

David F. Sexton

Trial Advocacy

Kalman V. Gallop
John M. Johnston
Barbara S. Jones

In November, Judge Hugh R. Jones, who recently retired from the New York Court of Appeals, will be joining us as a scholar-in-residence. During his visit, he will be meeting with students and faculty and participating in some classes and seminars. He also will deliver a major address, open to all students, on the subject of arbitration.

For each of you, my hope is that you will have a rewarding academic year. I encourage you to keep your prime attention focused on your studies. But, I also encourage you to express and develop your talents and interests through programs already in existence at the School. We welcome your suggestions for new programs which you would like to see at the School. I encourage you to support each other through friendships. Reach out to your fellow students. You will find, I believe, as so many of us have, that many of the friendships you from here will continue to sustain you throughout your professional lives.

I assure you of my own commitment and that of our faculty, administration, and staff to assist you in making this a rewarding year for you.

Very truly yours,

John D. Feerick
Dean

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SBA REPORTS...

This year the SBA had to replace two members of its Executive Board. The General Assembly of the SBA ratified my two appointments for the positions of Treasurer and Secretary. The new SBA Treasurer is Ms. Particia Lenard of 2A and the new Secretary is Ms. Elizabeth Edds of 3E. We expect the student directory to be available by October 20th.

RUDOLPH GUILIANI
UNITED STATES ATTORNEY
Southern District of New York

ON ORGANIZED CRIME

Tuesday, October 1, 1985
5:00 p.m.

Moot Court

(Continued from page 1)

1985. I. MAURICE WORMSER MOOT COURT COMPETITION BEGINS

The preliminary rounds of the 1985 I. MauricE Wormser Moot Court Competition begin on October 21. Quarterfinals will be held on Monday, November 4, semi-finals on Tuesday, November 5, and the Final Round will be held in the Fordham Moot Court Room on Wednesday, November 6. All rounds will be open to the public.

The problem concerns the application of a "comparable worth" theory to Article VII action and the attorney-client privilege in the corporate setting.

NATIONAL TEAM BARING TO REGIONAL ROUNDS SCHEDULED

Peggy O'Brien, Robin Shanow, and Lon Singer are currently putting the final touches on their brief and arguments for the National Moot Court Competition. They will face teams from Hofstra Law School and New York Law School in the Regional Rounds on November 20. Sponsored by the young Lawyers Committee of The Association of the Bar of the City of New York and the American College of Trial Lawyers, the National Moot Court Competition pits schools from across the United States against each other.

AN OPEN LETTER FROM DEAN JOHN FEERICK

October 1985 • THE ADVOCATE • Page 3
The Advocate
FORDHAM UNIVERSITY SCHOOL OF LAW

The Advocate is the official newspaper of Fordham Law School, published by the students of the school. The purpose of the Advocate is to report news concerning the Fordham Law School Community and developments in the legal profession, and to provide students with a medium for communication and expression of opinion.

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EDITORIAL

The School of Law has undergone a major metamorphosis over the past few years. We should thank our alumni, administration and, faculty for their dedications. The quality of student life has been drastically improved. Nevertheless, there are problems:

LIBRARY ACCESS

Now that the Library has been expanded and improved the Administration has proposed limiting access to the Kissam Library. The Administration has expressed a concern for the security of the collection and students during off-peak library use hours. In fact, it has been resolved that it is not possible to provide safe 24 hour library access to all seven library levels.

Initially, the Administration proposed closing the Kissam Library at 1 o'clock in the morning and opening at 8 o'clock in the morning on weekdays. This does not differ from what is present Administration policy where lights go out over weekdays at 1 o'clock in the mornings. As a result, the Kissam Library although unlocked becomes useless.

The Urban Law Journal and the Law Review both resisted any restriction of access to the library. The International Law Journal stated they could “live with” the new hours. After some negotiation, the Administration agreed to leave Library levels three and four open 24 hours even though lights will go out at 1 o'clock in the morning. In effect, the library becomes useless at one o'clock. All other library levels, that is, stacks 1, 2, 5, 6, 7 will be closed after one o'clock in the morning for security reasons. The SBA has proposed that the library should be closed at two o'clock in the morning and opened at seven o'clock in the morning.

The Library is an invaluable asset to a Fordham Law Student’s legal education. Since Fordham Law School has established what we believe to be the most difficult legal curriculum of any law school in the country the least the Administration could do is find the money to keep the lights on in the Library levels three and four all night while closing down the rest of the Kissam Library. The SBA missed the ball on this issue. The lights in the library which serve levels three and four should be kept on all night while the rest of the library is closed.

LOCKER REGISTRATION

The problem which many students discovered upon their return to classes was that there were no lockers available for some of us. It is true that some students have two and three lockers while four and five students share a single locker. The Student Bar Association should have assigned a locker to each student in August, not October. It is inexcusable that at this level of education we are playing games with lockers. The lockers should have been cleared and all their contents stored.

JEWSIH HOLIDAYS

The Student Bar Association should lead the way on this issue. A school wide referendum should be held so that we can get a proper picture on how the student body feels about putting the Jewish Holidays on the school calendar. This issue should not be ignored as if it is non-existent.

MOOT COURT

(Continued from page 1)

This year’s problem centers on the First Amendment ramifications of cable television franchises. The Regional Semi-finals and Final rounds will be held on Thursday, November 21. Check the boards for more information, and come out to watch the team compete at the Bar Association on 44th Street.

TRIAL ADVOCACY TEAM NEWS

All Fordham School of Law students who are presently registered for Trial Advocacy courses will be eligible to interview for Fordham’s National Trial Advocacy Team in early November. The competition is sponsored by the Association of Trial Lawyers of America and is held during the Spring Term. Fordham won last year’s competition, and we hope to field as strong a team this year. Team members participate in a mock-trial usually dealing with a negligence or other tort claim, and the prevailing team in each trial continues into the higher rounds. This is a great chance to represent Fordham while sharpening your own advocacy skills. Students in the day and evening divisions are encouraged to talk with their trial advocacy professors, or contact Michael R. Graham, Trial Advocacy Editor. Sign-up sheets and more information will be available in late October.

1985
SUBWAY SERIES
(WAIT TILL THE NEXT YEAR)

THE ADVOCATE
FORDHAM LAW SCHOOL'S NEWS PAPER

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MOVIE REVIEW:

Sarandon and Ivey are in "Compromising Positions"

By Owen Kalt

"One minute you're the biggest gum surgeon on Long Island, and the next minute it's goodbye Charlie," observes one philosophical mourner at the funeral of Dr. Bruce Fleckstein, the defunct dentist whose murder is the focal point of "Compromising Positions," a diverting new movie playing at area theaters. Most the women at Dr. Fleckstein's funeral are sobbing uncontrollably, but that isn't all they have in common; the good dentist took a lot more than dental x-rays of these women, he took polaroids of them posing in, well, compromising positions.

"Compromising Positions" is based on a novel by Susan Isaacs, who also wrote the screenplay. The story is a juicy blend of murder, orthodontia, sex, sleuthery, and satire of suburban life. The central character, Judy Singer, is a bored Long Island housewife who wants to solve the murder so she can re-establish herself as an investigative reporter. Susan Sarandon is certainly eager to please as Judy, but she is somewhat miscast. She isn't plucky enough, and her characterization is so wispy that Judy doesn't seem to have had any life at all before the murder. Raul Julia is well-cast as Lt. David Suarez, the homicide detective, but he is undone by the script. Julia's character is intriguing at first, but he is soon saddled with some awful lines of romantic dialogue, such as, "Does it make you nervous to have me in your bedroom?"

Despite its occasional lapses in plausibility, "Compromising Positions" is an engaging and exciting comedy/mystery. Films of even modest wit and intelligence are rare, and so filmgoers should catch this one while it lasts.
be one of rock's most gifted songwriters. Musically and lyrically, this album is miles ahead of most of the usual junk that passes for hit music. Where else can you find songs about World War I, the Cold War, nuclear power, and intelligent love songs all on one extremely well-played record? Also, there is a great self-parody of "Every Breath You Take." Buy this record.

TALKING HEADS, Little Creatures
I am a big Heads fan. To me, they are the most interesting band around. After seeing "Stop Making Sense," one of the great rock documentaries ever made, I waited for Little Creatures with much anticipation. I bought it and listened. I was disappointed. However, the more I listened, the more I liked this record. Unlike all previous Talking Heads albums, this record does not jump out and say, "I am different. I am strange and alienated." Apparently, the mainstream has caught up with these guys, because while this album sounds more conventional than any other Heads album, it is a little better, and a little more interesting than most anything else around. There are still the distinctive twists that set the Talking Heads apart. The songs on this album include everything from the African polyrhythms that were so prevalent in the recent Heads music to country, funk, Cajun, and good old American rock and roll influences that even Springsteen would recognize. This record will grow on you. It is a musical statement of the nature of Talking Heads and it is much subtler than what has preceded it.

R.E.M., Fables of the Reconstruction
While I am not sure which R.E.M. record is the best, I think this one is the worst. Which is not to say that it is bad—the three records that came before Fables were great, and three stars is nothing to sneer at. However, while this album has grown on me since I first bought it, my first criticism still holds: too many slow songs. What made me a big fan in the first place was the uptempo folk/pop that got me jumping around. This album has some of that, and those songs stand with the best of their older stuff. But the slow songs, a welcome change of pace on earlier albums, have taken over. This, to me, is not good. Overall, Fables continues in the same tradition of southern influenced rock, reminiscent of the 'sixties,' that their previous records have, but less successfully. I recommend this album because even when it isn't amazing, it is still better than just about anything you hear on the radio, and when it clicks, it is as good as anything. On the other hand, if you have no R.E.M. at home, buy the EP or their other two albums first.

Jordan Becker is currently a third year student at Fordham Law School. He was program director at WPFB-FM in Princeton, N.J.

DEAN'S DAY
(Continued from page 1)
war and has served on its National Committee. In 1964, he was the Republican candidate for the United States Senate in New Jersey. Mr. Shanley was a close friend of General Dwight D. Eisenhower and was very active in his Presidential campaign. He served, at various times, as Deputy Chief of the White House staff, Acting Counsel to the President and Secretary to the President. Mr. Shanley founded the distinguished firm of Shanley & Fisher in 1932. The firm now has 75 attorneys. This recipient of the Dean's Medal of Recognition is a descendant of Saint Elizabeth Ann Seton and holds an honorary degree from Seton Hall University. He was named Outstanding Citizen of New Jersey in 1954, and was made a Knight of St. Gregory the Great in 1979 by His Holiness Pope John Paul II. Mr. Shanley, a widower, has five children and lives in Bernardsville, New Jersey.

Judge Robert Callahan is a 1955 graduate of Fordham Law School. He holds a B.A. degree from Boston College, which he attended on a football scholarship. In 1955, at age 25, he was elected to the Norwalk Common Council. He left that position after an abbreviated term when he was inducted into the U.S. Army. Judge Callahan returned to the practice of law in Norwalk and was the Prosecuting Attorney for the City from 1959 to 1961. During the period he also served as Chairman of the Norwalk Parks and Recreation Department and founded, both, the Norwalk Association and the "Pop Warner" football program in the City.

After service as Assistant Prosecuting Attorney in the Connecticut Circuit Court, he was appointed to the Circuit Court by Governor John Dempsey in February, 1970. He was appointed to the Common Pleas Court in 1974 and the Superior Court in 1976. Both of these appointments were by the late Governor Ella Grasso.

In January, 1985 he has nominated by Governor William A. O'Neill to be a justice of the six member Connecticut Supreme Court. After approval by both houses of the legislature he was sworn in on June 20, 1985. Justice Callahan was named one of the ten outstanding judges in Connecticut in 1978 by Connecticut Magazine and was rated "outstanding" in a 1977 poll conducted by the Connecticut Bar Association. Justice Callahan is married to the former Dorothy Trudel, also of Norwalk. They have eight children.

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MITCHELL

(Continued from page 2)
general characterization of Fordham as a school for commuters he emphasized the necessity of a library that will remain accessible to those who use it in the their office hours. “Your library must remain as accessible as possible because of the nature of our library there is really no place for us to go,” he said. Although Mitchell would like to maintain the twenty-four hour schedule he acknowledges he will most likely have to accept a compromise in the area of 7:30 a.m. to 2:30 p.m. Students without lockers ought to have one by the beginning of October if Mitchell is able. Mitchell is planning a picnic for students who will have all students register their lockers through September 23rd. Any locker that is not available space. Others are successful. Believing that a number of students accupy more than one locker and that people seem interested in is the Yanks and themselves. For those who have never arguments have been raging on all summer: Just like the good old days when one can recall the excitement generated by a deal of excitement. Unquestionably, a Yankees-Mets World Series will set this city on fire. If one can recall the excitement generated by a New York Rangers vs. New York Islanders playoff series, you can begin to understand. While hockey enjoys a somewhat limited appeal, baseball is the national pastime. To have the opportunity to see all of our New York heroes take the field together on that crisp autumn night, will something not soon forgotten.

Dear Classmate,

Welcome back. Now that you are back in school, it is time that you extended your legal horizons beyond the narrow confines of the classroom. An excellent way to accent and complement your legal education is by joining the American Bar Association’s Law Student Division. The primary purpose of this letter is to supply you with information about our division. All students are strongly encouraged to join. Membership in the Law Student Division is accompanied by the respect and prestige of being part of the largest professional student organization in our country. As a division of the A.B.A., our primary objective is to represent law students in the legal profession. We provide to each of our members an easily accessible link directly to the Senior Bar and the local community.

A characteristic unique to our division is the centralization of many of the most brilliant young minds in our country. Last year, our divisions took stands on issues of national concerns such as professional utilization and career development, legal services and the public, and law school accreditation as well as the important issue of financial aid. Students interested in bringing matters to the attention of our division and the legal community should not hesitate to contact myself or their section representative. Your concerns are respected and welcomed. There are many other advantages to becoming a member of the ABA Law Student Division. Of specific interest to advanced law students, and in particular those who may have already on the horizon, is the chance to join the American Bar Association’s sections and forum committees at very reduced rates. With specialization looming on the horizon, this is an excellent opportunity to become acquainted with the areas of law which you hope to practice.

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BASEBALL

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