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Ward Wins SBA Presidency in Close Race

by Michael C.H. Barnas and Nick Karambelas

Laura Ward captured the SBA presidency last night in a photo-finish ending to the two-week campaign.

Ward, with 43.19% of the vote, narrowly defeated runner-up Andres Valdespino, who captured 33% of the ballots; and Peter Fallon, who finished third with 28.81%.

"I didn't expect it," Ward said last night after being informed of the results. She said that she had expected Valdespino to carry the election.

Nevertheless, when the campaign, which some observers had termed too close to call, ended, Ward had won by more than a 60 vote margin.

In addition, her ticket's candidate for Treasurer, Jim deWindt, was also elected by the widest margin in this year's contests.

DeWindt captured 303 votes, or 50.5% of the ballots voted for his office. DeWindt thus became the only new Executive Board office to take office with a clear majority at the polls.

DeWindt's closest competition was Alice O'Rourke, who drew 188 votes for 31.33% of the total. B.J. Douek placed third with 109 ballots, or 18.17%.

In the Vice-Presidential race, Jack Hicks re-

Continued on page 4



Laura Ward

EXTRA

Vol. VIII No. 7
February 3, 1977

THE ADVOCATE

The Student Newspaper of Fordham Law School

"Orals-Only" Moot Contest Held by ABA

The American Bar Association, Law Student Division, is sponsoring a national moot court competition known as the National Appellate Advocacy Competition.

This is an orals only competition. There is no brief required.

Regional competition will be held during the third week of march.

This competition is designed for those who want to have the experience of oral advocacy competition but who cannot afford the time and expense of a detailed brief.

There will be a sign-up sheet outside the Moot Court Board office. Those interested should sign up before Tuesday, February 8. Interviews will be held shortly thereafter.

Rose Hill Overrides Law Profs, Vetoes Tenure for Humbach

by Peter Shawhan

Professor John A. Humbach has withdrawn his application for tenure after being told that Rose Hill would probably veto the application. The Law School faculty had already voted to grant Humbach tenure.

According to Dean Joseph McLaughlin, the University administration decided that the Law School had too high a proportion of tenured faculty.

Humbach's appointment became terminal upon the withdrawal of his application. He will be leaving Fordham, at the latest, by the end of the next academic year. He has not yet accepted another position.

"I feel that Rose Hill's tenure policy, rather than my personal qualifications, was the main issue," Humbach said.

McLaughlin said that while the Law School exceeded the University's general guidelines for proportion of tenured faculty, the School had been implicitly exempted from these guidelines in the past.

"We have been arguing the tenure issue in the abstract for two or three years," the dean added.

Associate Vice President for Academic Affairs Rev. William C. Bier, S.J., said that the need to preserve flexibility in faculty appointments was the principle factor behind Rose Hill's action.

"We have to be able to keep some positions open so that we can meet the rapidly changing requirements of education," he said.

"The Law School is well above the percentage of tenure in the University as a whole. While only 60% of the University faculty has tenure, 74% of the Law School faculty has tenure. Most of the other schools in the University have several faculty ranks, including instructorships. The Law School is the only division of the University with only two faculty ranks."

"It's true that denying tenure to a qualified professor may deter some talented people from coming to Fordham," Bier continued. "This is one of the implications of a highly tenured faculty that can't be avoided. But, you have to hold the line somewhere."

In an interview, Humbach expressed regret at leaving Fordham. "There are a number of people who have made Fordham Law a very attractive place to be," he said.

Humbach has been popular with the student body, as is reflected by the unusually favorable ratings given him in the 1975-76 student evaluation of the Law School faculty.

"I'm very disappointed in the turn events have taken," said McLaughlin. "We're just starting to look for someone to replace him."

Humbach received his law degree from Ohio State University, and did graduate work in the law at the Parker School of Foreign and Comparative Law at Columbia University.

He has taught courses in

property law and landlord-tenant law at Fordham since 1971.

He has also assisted the Committee on Housing and Urban Development of the New York State Senate in drafting legislation.

Humbach is the author of numerous articles, including one recently published in the Fordham Law Review. He is also working on a case book on Landlord and Tenant Law.

Law Women Announce Spring Events

by Nick Karambelas

The Fordham Law Women has announced its schedule of events for the Spring Term.

The FLW is a service organization which focuses on problems confronting women and the law.

The Metropolitan Law Women is sponsoring a one-day seminar on women practitioners in government, labor law, criminal law and other major areas of law, at Fordham Law School on March 5 from 9:30 to 5:30. The keynote speaker will be Sheila Birnbaum, Professor of Law at Fordham. A wine and cheese reception will be at 4:00.

The Regional Conference on "Women and the Law" will be

Continued on page 4

Separate Graduation Planned Despite University Edict

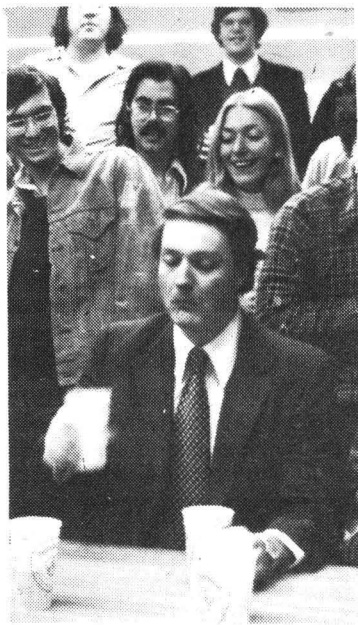
Despite a mandate from Rose Hill, the Class of 1977 will hold a separate Law School graduation at Damrosch Park on Monday, March 30. The bad weather site is St. Paul's Church.

The New York Hilton was the first choice but arrangements were not confirmed in time.

The decision to hold a separate Law School grad-

uation was made despite a memo sent to Dean Joseph McLaughlin from Dr. Paul Reiss, Executive Vice President, stating that the Law School graduation would be held at Rose Hill along with the rest of the University.

According to Brian Sullivan, SBA President, the Law School will definitely have its own graduation ceremony. A speaker has not yet been chosen.



Professor John Humbach at Tang last year.

Absentee Landlords

Through its financial crisis, New York City learned a bitter truth—that municipal home rule is largely a politician's fiction. Similarly, through the ostensible fiscal crunch at Fordham University, the Law School is learning that self-determination is a fiction here, too.

The faculty of this law school voted to give Professor John Humbach tenure. The absentee administration at Rose Hill decided that the Law School had enough tenured professors. Seeing his cause lost, Humbach withdrew his application.

It is not enough to say that law schools generally have a higher proportion of tenured faculty than other units of most universities, and that Fordham should not apply its tenure guidelines to the Law School. For this year has also been the first time that a tuition increase was unilaterally imposed by Rose Hill, without the traditional consultation with the dean.

Whether by design or by coincidence, the University administration is exercising an ever-increasing amount of control over the affairs of this Law School. This overextension has reached absurd proportions when the University tells its most profitable branch that it cannot afford another tenured professor.

Yet thus far, the faculty has shown remarkable indifference to this arrogation of its prerogatives.

We do not entirely support the mechanism by which the Law School decided that Humbach should have tenure. The vote was one of the assembled faculty. While the faculty should rightfully possess the

dominant voice in such decisions, the process should have included student input. Who but the students can accurately assess a candidate's performance in the classroom? And classroom performance is a vital factor in determining whether to guarantee someone a lifetime position in a teaching position.

Happily, though perhaps coincidentally, the faculty vote this time agreed with student reaction; Humbach's ratings in the last faculty and course evaluation were unusually high. Moreover, the decision was made in the right place—within the Law School itself.

So now, both the largest constituencies in this school should feel offended—the faculty and the students. For once, these two groups should make common cause to see that the University restore to the Law School the control of its future. The faculty should seek the restoration of its traditional powers, the students to stem the outward flow of bright young professors.

But will they?

Fordham University imposes far too high a tax on this school for the use of its name. And at this point, there must be some question as to who basks in whose reflected glory. Now they seek to extend their control even further.

We hope the faculty realizes the imposition that the Administration is making upon them. We know the students already have.

A New Year

With last night's announcement of the winners of the Executive Board elections, a new year has begun for the Student Bar Association.

This year, *The Advocate* made no endorsements. Instead, we devoted the space such an endorsement would take to extensive interviews with the presidential candidates.

We hope that in making their choice the students who voted considered the statements by the candidates in these pages. We are sure that those who did review the statements found, as we did, that all three presidential candidates presented roughly equivalent plans and qualifications.

Their platforms, unfortunately, spoke only in terms of measurable accomplishments, not in terms of principle.

None of the candidates—particularly those for the presidency—had chosen to define the role they intended to play in dealing with Rose Hill or the Law School administrations. Rather, they chose to ignore this political function, or to talk of it only in general terms, while stressing the practical service-organization aspects of the SBA.

The SBA must, of course, function on a practical level as well as a political one. The nuts-and-bolts work of providing student services, however, can and often must be delegated to class officers and SBA committees. But Executive Board officers—particularly the President—have a mandate other officials do not. They are elected representatives of the entire student body, and as such must go before the deans, the vice presidents, the keepers of money and power and exert what influence they can to affect the policies of the School and of the University.

The very name "Executive Board" implies a policymaking function. But the policies with which they must be concerned are not only those of the SBA, but of the School.

The day is past when students—especially professional and graduate students—can allow their future to be placed solely in the hands of teachers and administrators. We are intelligent, rational men and women, no more and no less so than those who teach us or run our school.

We come here to learn from them, to draw on their knowledge and experience. But we come by our choice, to seek what we need from them; in fact, we literally hire them to teach it to us.

The proper relationship between a school's faculty and its students or their representatives is not one that can be based on hostility and arrogance by students. But neither is it one that can be based on arrogance and aloofness by its staff—or by the administration of a parent university. It must be one based on communication and mutual respect, between consumers and providers. In establishing such a relationship, perceptive and politically astute student representatives are absolutely essential.

We wish the victors in this election well, and hope that their administration will be a successful one. But we remind them that they have a mandate from the students, from those whom they are elected to represent. They must carry the message that this or any school exists for one thing—to serve the students.

While they must administer continuation of the services that the SBA provides directly, they must not forget that they and only they can serve a function which no committee can.

Presidential Box

A

The elections are over and the new administration will assume office next week. I am now a duck. Before I head for the golf course, I would like to use this final column to say a few words once more and indicate what I think should be the priorities during the next year.

1. *The SBA should be in contact with the University on a regular basis.*

During the past year, we had the opportunity to object to what we felt was the treatment of the law students by the Administration. Included last year's tuition increase, the Placement budget, air-conditioning policies, the Lombardi fee schedule, graduation rules and charges. Numerous phone calls have been directed to the Administrators. With regard to the tuition increase, we have had some success but more progress on these topics are still being discussed with the University. The most important thing that has been made aware that the Administration has been made aware that the challenge them when they feel mistreated.

A continuous and concerted effort should be made in which the students join with the Administration and alumni to convince the University to expend greater revenues for upgrading the quality of Fordham Law School rather than squeezing from it as great a return as possible. This is a statement I have made many times and am convinced of its validity. It is essential that the Executive Committee Officers continue to be in contact with Rose Hill at every turn. Only if the pressure is kept long enough, will we see any real change. The University must be made to see their responsibility being contrary to their own self-interest. It is a very slow process but one which could be very beneficial to the law school.

2. *The base of student participation should be substantially broadened.*

There are a number of serious issues that will be faced in the next few months at the University. These include tenure questions and the

ADVOCATE

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Le atque Vale

by Brian Sullivan

SBA Officers will officially a lame rse, however, I examine the SBA should be the contact with the e taken every arded as unfair University. This the inadequate and Bursar's dule and the ous letters and to Rose Hill ecific issues, we lures. Some of ssed with the s that Rose Hill v students will ey have been ust be mounted a the faculty, e the University e purpose of w School rather ofit as possible. times. I remain al that the new ue to challenge est is carried on difference. The esent policies as ts. This will be a d ultimately be ation must be es that will be w school. These future of the

Placement Office. Additionally, there is great student interest at this moment concerning security, the curriculum and course and exam scheduling. Students can have a voice in all these questions. This will require a professional approach and a great deal of participation on the part of the student body. I believe that the faculty and administration at this law school will respond affirmatively to intelligent and well-presented input by the student body. This has been so in the past. But students must be willing to put some time and thought into the areas that concern them.

Several SBA programs lay dormant at the moment for want of people to administer them. The SBA's primary failure in the past year has been its failure to inspire people to actively engage in the affairs of the law school. The best thing the new administration could do would be to foster such involvement.

3. The class elections.

Such involvement begins with the SBA Board of Governors. During the next five days, each section will hold its class elections. I urge those who are planning to run to do so only if they have a bit of time and energy to contribute. The SBA needs officers who will do more than attend the Board meetings. There is a need for officers who will participate in effectuating the resolutions passed by the Board, who will work on committees and who will report back to their respective classes and keep them informed of what the SBA is doing.

There are many people whom I wish to thank for their help during the past year. I will thank each of them personally in the next few days. I would like to especially express my gratitude to Karen Luppy, who has served as SBA Vice-President this year. Karen has given many, many hours to the concerns of the student body and has been particularly effective.

I congratulate the new members of the Executive Committee and wish them success in their efforts. I regard it as an honor to have served as SBA President. I have enjoyed the job very much and I thank the entire student body for giving me the opportunity to hold it.

Disco Lounge: One of America's Top Discotheques

If you've never seen this television commercial before, I'll try to describe it to you. People who appear to be American Bandstand alumni are dancing effortlessly across a parquet dance floor. A semi-psychedelic light show punctuates an anonymous disco beat playing in the background. Everyone is having a terrific time.

Suddenly, a husky male voice intones over the music, "You've just entered one of America's top discotheques. Go ahead! Do the hustle!" The camera pans to two people, one of each gender, neither of whom are dancing. They both look positively miserable. The husky voice rises incredulously, "What? You mean you can't do the hustle?"

Well, okay, you get the picture. The gimmick (the real hustle) is to push a learn-by-record disco dancing course, the idea being that if you can't boogie properly, you might as well become a Trappist monk. Before you take your celibacy vows though, you might consider a less drastic alternative.

Dozens of law students have already found the way. Every lunch hour, they are gravitating over to the cafeteria in the Lowenstein Building, affec-

tionately known by its denizens as Disco Lounge.

In addition to their long standing no cover, no minimum policy, Disco Lounge offers a broad lunchtime menu. There are games of chance in the rear scenic views of Manhattan's glorious West Side from every table. But for our purposes. Disco Lounge's primary assets are twofold: one, non-stop disco tunes from the jukebox, and two, yes, the dancers.

choreographed to every song on that box. While I admit to having a terminal case of unco-ordination, which probably clouds my objectivity, there is still only one rationalization I can conjure for them to be able to dance so well. It seems obvious to me after a few numbers that these boogie bandits actually must have sent away for that record.

Being a Fourth Grade dancing school flunk-out myself, by suggestion that these dancers develop a new dance will probably go unheeded. But I would still like to see them attempt, not the Bump or the Hustle, but the Anjou Two-Step (cf. 94 N.E. 386). All this would entail would be to buy a banana, eat it (optional), mash the peel up a little bit, and throw it down on the dance floor. Then they'd step on it, slip, fall down (all in time with the music of course), get up and repeat the process over and over again.

Then when the music stops, and they've all slipped their discos, all of us law types come out of the woodwork, see, and encourage them to bring suit against Disco Lounge for maintaining a sub-standard disco.

And you thought I couldn't tie this article into the law.

NUANCES

by Bob DiGiacomo

Now be forewarned, several days may go by before the dancers decide to get up and get down. But when the boogie fever hits, it is the ultimate vicarious kick to sit there and observe, maybe even pick up a few disco pointers along the way.

A word about the dancers. These folks are pros, no improvising, no unnecessary contortions, no wasted energy. Every move is perfectly

The Supreme Court Speaks—But We Knew It All Along

In a recent unreported Supreme Court case: Job Opportunities Limited v. Fordham Freddie, the trial judge delivered the following opinion:

It is the law of our state that while the burden of proof is always upon the plaintiff, the plaintiff may be proving a prima facie case shift the burden of going forward to the defendant.

It is the court's considered opinion that the res judicata effect of our earlier ruling in *Fordham Freddie v. Requirements for Law Review* entitles the plaintiff in the instant case to prima facie relief. We must now consider the defendant's affirmative defenses in light of the recent Court of Appeals decision in *Unemployed Fordham Graduates et al v. Minimum Job Opportunities*. In that case it was held that "The petitioner's affirmative defenses, taken in their entirety

must, by their clear and natural tendency prove employability." The so-called CANT test.

A. The Moot Court Defense: The defendant has brought forth evidence, which, if capable of belief, indicates participation and moderate success in several moot competitions.

B. The Urban Law Journal Defense: The defendant has

C. The Employment Experience Defense: Testimony, although conflicting in nature, tended to prove employment experience, the qualitative value remains in dispute.

Taking all things into consideration it is the opinion of the court that defendant has not met his stringent burden. Excusable neglect notwithstanding, the employers of our state simply cannot be expected to employ every Tom, Dick and Freddie that may show extreme ability and great promise. It were to hold otherwise it would open the floodgates of the legal profession to seething masses of unconnected would-be social climbers and this cannot be permitted.

It is basic to our concept of justice that while this is the land of opportunity, too much of a good thing can make you sick."

—Gary Matano

ON OTHER GROUNDS

shown by credible evidence participation in a literary enterprise and the existence of a published work.

Errata

Over the page one story on the SBA elections, the headline read "Nine Vie for SBA Offices." Of course, twelve persons were running for office.

In addition, the story titled "The New SBA: Bold or Parochial?" stated that the \$20,000 increase in the placement budget had not yet been implemented. This is partially incorrect, since part of that \$20,000 was slated for the construction of new quarters for the Placement

Letter: On Change And Competition

January 26, 1977

Dear Editor:

I commend the Blackacre authorities who, to promote free market competition, have installed an out-of-order Pepsi machine adjacent to the out-of-order Coke machine.

I suggest they also install an out-of-order dollar bill changer. This machine would give students the opportunity of losing a dollar at a time.

Your truly,
Michael Utevsy 2A

THE ADVOCATE

Michael C.H. Barnas
Jayde Markowitz
Michael Brofman
Linda Aylesworth
Nick Karambelas
Peter Shawhan
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Bob DiGiacomo
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Ward Wins SBA Presidency in Close Race

Continued from page 1
gistered a victory slightly closer than Ward's Presidential win. The 203 ballots cast for Hicks represented 42.11 percent of the votes cast for that office.

The Vice-Presidential runner-up, Bob Finkelstein, chalked up 34.06% of the vote, making the Vice-Presidential race slightly closer than the contest for the top office. Marjorie Martin pulled 23.81% of the vote in the VP contest.

Squeaking by narrowly in the closest race of this year's campaign, Beth Barrett scored a win by less than one percentage point over Barbara Murray in the balloting for Secretary.

In that race, Barrett drew 203 votes for 34.52 percentage points, while Murray came in

five votes behind with 33.67%. Jean O'Hare ran third—only 16 votes less than the winner—with 31.80% of the votes cast.

A total of 619 students voted in the election, out of a total student body of 1,068. Not every ballot contained a vote for every office, however. As a result the total number of votes cast for president was 609, for Vice-President 596, for Secretary 588—the lowest total count—and 600 for Treasurer.

Unlike last year's contest, in which three of four running mates were elected to the three top offices, the slates apparently had little effect on voting patterns this year.

Only one other position was filled from Ward's slate by DeWindt's strong showing in the race for Treasurer. DeWindt, with more than half the votes in his race, also captured a substantially higher margin of

victory than the slate's top candidates.

One representative each was elected from the Fallon and Valdespino tickets. Jack Hicks, the new Vice-President, was Fallon's running mate, and incoming Treasurer Beth Barrett campaigned on runner-up Andres Valdespino's ticket.

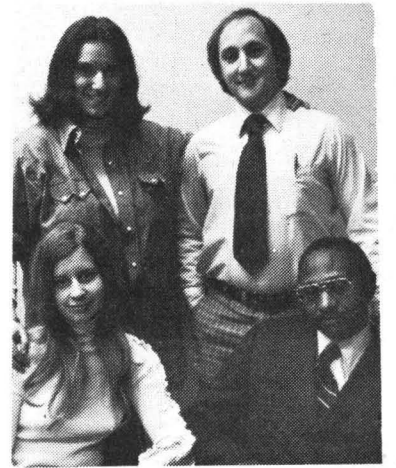
Ward, a 22-year-old Vassar alumna, is the outgoing president of section 2A, and had been president of her first-year class as well. She is a member of the Urban Law Journal and the International Law Society, and sat on last year's Student-Faculty Committee.

In an interview with The Advocate last week, Ward cited a number of problems with the quality of student life at Fordham which her administration would confront. Among them were difficulties with placement services, the library, and build-

ing security. She also suggested free coffee in Blackacre, perhaps paid for with the funds slated for one Tang.

New Vice-President Hicks serves as an officer of Biblio-Juris, Inc., the student-owned corporation which operates the

Incoming secretary Barrett is currently a class officer and a member of the SBA Board of Governors. Treasurer deWindt is president of the SBA's Minority Activities Council (Little MAC), and was a vocal element in the debates that led to MAC's creation.



The Ward Ticket
2 for 4

Phonothon Kicks Off Tonight

by Michael Brofman

The annual student phonothon will be held on three separate evenings beginning tonight. On February 3, 7, and 8, between 6:00 and 9:00 P.M., volunteers will be calling Law School alumni to raise money for the Law School.

Former SBA Secretary Peter Fallon is coordinating this year's effort, which will be held in the Development Office at Lowenstein. Students are still needed to man the phones for all three nights. Any student wishing to volunteer should contact his class officers or Peter Fallon.

As in the past, sandwiches and liquor will be served to the volunteers, so both money and spirits will hopefully be raised.

Last year's efforts raised over \$16,000, which was applied directly to Law School rather than University needs. Proceeds are used to fund the Law Review and the Urban Law Journal, among other activities. Members of the staffs of those reviews will man the phones themselves on several additional nights.

Fordham Law Women Announce Spring Events

Continued from page 1

held at the University of Connecticut School of Law, West Hartford Campus on February 5 and 6.

Linda Fairstein, Head of the Sex Crimes Unit in the Manhattan's D.A. office, will speak on "Prosecuting Rape Cases" in the Student Lounge at 5:30 on either February 7 or 14.

The National Conference on "Women and the Law" will be held on March 25 through 27 at Madison, Wisconsin. The FLW is hoping to send one or two delegates to the conference.

A Women's Rights Clinical has been instituted this semester at the New York State Human

Rights Commission. Students will be working on the Pregnancy Task Force which was created as a result of recent New York court rulings.

The FLW has sponsored a pamphlet entitled "Self-Defense for Women."

For further information, contact Pamela Kelley (2B) at 857-4389.

Vote Analysis

For President:

| | |
|--------------------|------|
| Ward | 263* |
| Valdespino | 201 |
| Fallon | 145 |
| (*-denotes winner) | |

In other races:

The letters beside each candidate's name indicate the ticket on which he or she ran: (W)-Ward; (V)-Valdespino; (F)-Fallon.

Vice President:

| | | | | |
|-----------------------|------|------------|-------------------|------|
| Hicks (F) | 251* | Secretary: | Barrett (V) | 203* |
| Finkelstein (W) | 203 | | Murray (F) | 298 |
| Martin (V) | 142 | | O'Hare (W) | 287 |

Treasurer:

| | |
|--------------------|------|
| deWindt (W) | 303* |
| O'Rourke (F) | 188 |
| Douek (V) | 109 |

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